

## TITLE VII

### Chapter 31

#### AMUSEMENT DEVICES

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#### 31.01 DEFINITIONS.

- (1) “Amusement Device” means any table, platform, mechanical device or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition or sport, the use or operation of which is conditioned upon payment of a consideration, either by insertion of coin or token into the device. Such amusement device shall include but not be limited to devices commonly known as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, bumper games, ski-ball and electronic video games. The definition does not include billiard tables and pool tables, nor does it include a bowling alley, jukebox or other coin operated music machine, nor does it include mechanical children’s amusement riding devices.
- (2) “Amusement Arcade” means any premises operated by any person or organization which is the owner, lessee or occupant of a building whose primary purpose or object of its existence or operation is that of providing use of amusement devices to the public. In a like fashion, any premises operated by any person or organization which derives the majority of its gross receipts from providing the use of amusement devices to the public.

#### 31.02 AMUSEMENT DEVICE LICENSE.

- (1) No person shall operate, place, keep or have in his possession any amusement device without first having obtained a license to operate such device.
- (2) Application for such license shall be made to the City Clerk upon such forms as the Clerk shall provide.
- (3) The Clerk is responsible for the content of the form, of the license and all record keeping functions connected with the filing, payment of fee and issuance of such license. The Clerk, with the assistance of the Chief of Police, shall be responsible for the enforcement of the license / fee provisions.
- (4) Once issued, the license must be posted in a conspicuous place within the premises.

- (5) The fee for such license, which must be tendered with the application, shall be the sum of ten dollars (\$10.00) per amusement device and shall be an annual fee from July 1<sup>st</sup> to June 30<sup>th</sup> of each fiscal year, or any portion thereof.

Any person not engaged in operating an amusement arcade who licenses multiple devices shall pay a maximum fee of fifty dollars (\$50.00), notwithstanding the existence and utilization of more than five (5) such amusement devices.

31.03

AMUSEMENT ARCADE LICENSE.

- (1) No person shall operate an amusement arcade, as defined by this Chapter, without first having obtained a license to operate such arcade.
- (2) Application for such license shall be made to the City Clerk upon such forms as the Clerk shall provide. The application will require as a minimum, the following information:
  - (A) The name and address of the applicant.
  - (B) If the applicant is a partnership or corporation, the names and addresses of the partners, if a partnership, and the names and addresses of the principal officers and registered agent, if a corporation.
  - (C) The name and address of the owners of the amusement devices to be located in the arcade.
  - (D) A specified address and description of the premises to be licensed as the amusement arcade, including a floor plan.
  - (E) If the applicant is not going to operate the premises or be upon the premises during hours of operation, the name and address of the operator of the arcade shall be posted.
  - (F) Such additional information as the Clerk may deem necessary to determine qualifications of the applicant for the license.
- (3) The Clerk is responsible for the content of the form of the license and all record keeping functions connected with the filing, payment of fee and issuance of said license.
- (4) Once issued, the license must be posted in a conspicuous place within the premises.
- (5) The fee for such license, which must be tendered with the application, shall be the sum of one hundred fifty dollars (\$150.00) and shall be an annual fee from July 1<sup>st</sup> to June 30<sup>th</sup> of each fiscal year, or any portion thereof.
- (6) Before the license is issued, a public hearing shall be held. The Clerk is required to schedule the hearing as promptly as possible upon receipt of the license application and fee.

- (7) The notice of hearing, conduct of the hearing and other related administrative procedures, shall be subject to Chapter 59 of these Ordinances.

31.04 HOURS OF OPEARATION

- (1) No premises for which an amusement arcade license has been issued shall be permitted to remain open to the public between the hours of 10:00 PM and 9:00 AM except on Friday and Saturday when the closing hours shall be between 12:00 Midnight and 9:00 AM.
- (2) No premises for which an amusement arcade license has been issued and which is less than one thousand feet (1,000') from the main entrance of any school building or premises shall be permitted to remain open during those hours of the day in which the school is in regular session.

31.05 GENERAL REQUIREMENTS

- (1) All amusement arcades shall have an adult supervisor on the premises at all times when the arcade is open to the public.
- (2) Every operator or adult supervisor shall be responsible for the conduct of persons upon the premises and shall not permit disorderly conduct, as defined by these Ordinances and Wisconsin law.
- (3) No alcoholic beverages shall be permitted upon the arcade premises.
- (4) Arcades licensed under the terms of this Ordinance shall comply with all other building, zoning and related applicable City Ordinances and regulations.

31.06 SUSPENSION AND REVOCATION.

- (1) It shall be the policy of the City to provide reasonable latitude in the conduct of business of operating an amusement arcade. Such latitude shall include the issuance of warnings, orally or in writing that the given conduct is contrary to the spirit and intent of this Ordinance and cannot continue.
- (2) Failure to abide by the terms of this ordinance after the issuance of a license and the warnings herein shall subject the licensee to suspension and / or revocation proceedings.
- (3) After receipt of a warning, whether orally or in writing, the next violation of a similar nature shall result in an automatic suspension of license for a period not to exceed thirty (30) days.
- (4) After a suspension has been issued, any violation of this Ordinance will be grounds for revocation proceedings.
- (5) The licensee is entitled to a hearing on the question of license revocation. The hearing shall be consistent with the administrative procedures contained in Chapter 59 of these Ordinances.