

Chapter 3. Licensing

Part 1. Mechanical Amusement Devices

301.01. **Definitions.** Subdivision 1. **General.** Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this section.

Subd. 2. **Machine.** "Machine" as used herein means a mechanical amusement device which is played by insertion of a coin or coins including but not limited to the following types:

- a. Pinball machines, pool tables, bowling machines, shuffle boards, or other miniature devices and games patterned after baseball, basketball, hockey, soccer and similar games;
- b. Any electric or electronic device or game patterned after table tennis, hockey, and similar games, including electric rifle or gun ranges;
- c. Amusement devices designed for use and used exclusively as rides by children and which are not operated as a part of or in connection with any carnival, circus, show, or other entertainment or exhibition, including but not limited to mechanical horses, kiddy cars, miniature airplane rides and other miniature mechanical devices;
- d. Jukeboxes are specifically exempted from this ordinance and the ownership, maintenance, and operation of a jukebox shall in no way be affected by this ordinance.

Subd. 3. **Gambling Device.** "Gambling Device" means any device or contrivance for which a consideration affords the player any opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance.

Subd. 4. **Person.** "Person" means an individual, firm, partnership, association, or corporation.

Subd. 5. **Amusement Center.** "Amusement Center" means any premises within one enclosure which was used by any person for a principal purpose of operating six or more machines for public use.

301.02. **License Required.** Subdivision 1. No person shall keep, operate, or maintain or permit to be operated or maintained upon premises within his direct or indirect control within the city any machine or device defined above, unless such person shall have first procured a license as hereinafter provided.

Subd. 2. No person shall own, operate or permit operation of an Amusement Center on premises owned, leased, or operated by him, or engage in business of operating an Amusement Center, in the city unless such person shall have first procured an Amusement Center License as hereinafter provided.

301.03. **Application for License.** The following information shall be required on all license applications:

- a. Name, address, age, and date and place of birth of the applicant;
- b. Prior criminal convictions, if any;
- c. Place where the machine is to be displayed or operated and the business conducted at that place;
- d. If the interest of the applicant is that of a corporation, firm, association, partnership, or other business entity, any persons having a five percent or more interest in said business entity shall provide the information specified in paragraphs a and b of this section.

301.04. Denial of Applications and Suspension or Revocation of Licenses. Subdivision 1. Any license application may be denied or any license may be suspended or revoked on any of the following grounds:

- a. Failure of applicant or licensee to comply with the prerequisites and conditions established by this ordinance.
- b. Existence of a material misrepresentation in the license application.
- c. Conviction of a crime which directly relates to the operation of a machine or Amusement Center including conviction for violation of the restrictions set forth in Section 301.08 of this ordinance.
- d. Failure of applicant or licensee to be of good moral character, as determined by investigation of the city council or the police department.
- e. Operation of a machine or Amusement Center in a manner which is harmful to the public safety, health, morals or general welfare.

Subd. 2. Upon the decision of the city council to delay an application or suspend or revoke a license, the council shall notify the applicant or licensee of its decision and specify the reasons for denial of the application or suspension or revocation of the license. Following notice to the applicant or licensee, a hearing shall be held before the council to give full consideration to any charges against the applicant or licensee. At such hearing the applicant or licensee shall have the right to be represented by counsel, to produce and cross-examine witnesses, and to obtain a record or transcript of the hearing.

301.05. Terms of Licenses and Fees. Subdivision 1. **Term.** Any license issued under this Ordinance shall be for the period from January 1 through December 31, for each year.

Subd. 2. **Fees.** Each applicant who is issued a license for a machine shall pay an annual license fee to be determined as follows:

- a. For a machine of the type described in Section 301.01, the fee shall be \$25.00 per machine;
- b. Any license fee will be pro-rated as of the date of application.

301.06. Other License Requirements.

- a. Each machine licensed under this ordinance shall be inspected by the police or sheriff department, which shall affix a plate or tag to each machine evidencing its being licensed under this ordinance;

- b. The licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is operated or maintained to be operated;
- c. If the machine is of the type described in Section 301.01, subd. 2a., the applicant shall submit with his/her application a policy of liability insurance applicable to death or injury caused by the operation of the licensed machine, in the minimum amounts of \$100,000.00 for injury to or death of any person or \$300,000.00 for one accident.

301.07. Transferability.

- a. The license may be transferred from one machine or device to another similar machine;
- b. Not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him or her;
- c. Licenses are issued for one location only and such licenses are nontransferable between locations.

301.08. Restrictions and Responsibilities. Subdivision 1. **Restrictions.** It shall be unlawful for the licensee or owner or operator of any machine or Amusement Center to do any of the following:

- a. Locate, place, maintain, or operate any machine on any public street, avenue, boulevard, land, alley or other public ground within the city;
- b. Operate or maintain for operation more than twenty-five machines at any one location or any one business establishment;
- c. Operate any machine or Amusement Center so as to cause a public nuisance as defined in MN Statutes;
- d. Operate or maintain for operation on the premises a gambling device or permit the use of a machine for the making of bets or wagers;
- e. It shall be unlawful for the licensee or owner or operator of any Amusement Center to sell, offer for sale, or knowingly permit to be sold or offered for sale or to be dispensed or consumed knowingly bought on the licensed premises any alcoholic beverages or controlled substances or to knowingly allow any illegal activity upon the licensed premises.

Subd. 2. **Responsibilities.** The licensee is responsible for the following:

- a. Maintenance of order on the licensed premises at all times;
- b. Provision of a full-time attendant upon the licensed premises during business hours;
- c. Prevention of overcrowding on the premises so as to constitute a hazard to the health and safety of persons therein. The County Sheriff's department may designate the maximum number of persons to be permitted on the licensed premises.

301.09. Certain Machines not Regulated. Nothing in this ordinance shall be held to apply to any machine held or kept for sale or storage which is not actually in use or displayed for sale.

301.10. License as a Privilege. The license required by this ordinance shall be a purely personal

privilege and shall not constitute property. The license is not transferable except to the extent permitted by Section 301.07.

301.11. **Severability.** If any part of this ordinance shall be adjudged to be invalid by a court of competent jurisdiction, such judgment or decree shall not affect or impair the remainder of this ordinance.

301.12. **Penalty.** Any person who violates or fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and subject to a fine of not to exceed \$700.00, or imprisonment for a period not to exceed ninety (90) days or both, with costs of prosecution in either case to be added. Such penalty may be imposed in addition to revocation or suspension of license. The licensee under this ordinance, whether or not he/she is in direct control of a machine described in Section 301.01, or the premises upon which said machine is located, may be charged under this ordinance for any violation, by virtue of his/her indirect control of said machine and premises, resulting from his/her being the licensee.