

1122. Arcades

§1122.010 ARCADES; DEFINITIONS. For the purpose of this section the term "arcade" shall mean any building, structure, or tract of land or separate part thereof, which has as its principal use or activity the providing of six or more of the following or any combination of any of the following amusements:

1. Billiard, pool, foosball, air hockey, or pigeon hole tables;
2. Pinball machines;
3. Shooting gallery machines;
4. Electronic video machines;
5. Any amusement devices designed for and used exclusively as rides by children such as, but not limited to, kiddie cars, miniature airplane rides, mechanical horses, and other miniature mechanical devices;
6. Any other mechanical, electrical or electronic device operated by means of the insertion of a coin, token or similar object; for the purpose of amusement or skill whether or not registering a score; or which is designed to be played by a contestant or contestants and upon which the contestants receive a score or rating based upon their performance. (Ref. Ord. No. 664, 12/14/82)

§1122.020 ARCADES; LICENSE REQUIRED. No person shall operate an arcade without first paying a license fee and obtaining and having a current license as herein provided. The license required under this section shall be in addition to any license or licenses required to be obtained for any of the amusements described in Section 1122.010. (Ref. Ord. No. 664, 12/14/82)

§1122.030 ARCADES; APPLICATION. Any person desiring to operate an arcade or to renew his license to conduct such activity shall file in duplicate with the Issuing Authority an application on forms provided by the Issuing Authority for that purpose. The application form shall contain the following, together with any other information which the Issuing Authority may require:

1. The full name and address of applicant, and the applicant's date and place of birth;
2. Address of the arcade or the proposed arcade, and the zoning classification;
3. A description of the machines to be covered by the license including mechanical features, name or manufacturer, and serial number;
4. The name and address of all persons owning or having an interest in the licensed premises. In the case of a corporation this shall include the names and addresses of the officers and directors of the corporation and all shareholders who own alone or in conjunction with their spouse or children more than five (5%) percent of the issued shares of corporate stock;

5. If the licensed business is owned by a corporation, a copy of the certificate of incorporation, articles of incorporation and by-laws of the corporation;

6. The name and address of the manager or managers who will supervise the licensed activity;

7. Whether any of the persons listed in 1, 3, or 5 of this section have been convicted of a crime or have had an application for an arcade license denied, revoked or suspended within the last five (5) years;

8. All applications shall also include a statement that the applicant, if requested by the City Clerk, will permit a record of his fingerprints to be made by the Police Department for the purpose of additional investigation to determine whether or not the application should be granted. (Ref. Ord. No. 664, 12/14/82)

§1122.040 ARCADES; LICENSE FEES AND LICENSE PERIOD. The license shall be for the calendar year or remaining portion thereof. The license fee shall be one hundred (\$100.00) dollars per year or portion thereof. The entire fee shall accompany the application and such fee shall be refunded only if the application is withdrawn before Council consideration of the application. (Ref. Ord. No. 664, 12/14/82)

§1122.050 ARCADES; GRANTING OF LICENSES.

1. One copy of the application shall be referred to the Police Chief or his designated inspector who shall investigate the premises where the arcade is operated or where the proposed arcade will be operated, ascertain whether the applicant and manager or managers are persons of good moral character, and either approve or disapprove the application. No license shall be issued to any applicant unless it has been approved by the Chief of Police or his designated inspector. The initial application must be accompanied by a two hundred (\$200.00) dollar background investigation fee in addition to the license fee.

2. The City Council may seek the recommendation of any other employee of the Issuing Authority as the City Council deems necessary. If so, the Council shall refer a copy of the application to the employee, and the employee shall make a written report to the City Council on their findings in regard to the application.

3. The application, together with the Police Chief's recommendation and other recommendations requested of employees of the Issuing Authority, shall be submitted to the City Council. The Council may grant or deny the license. In granting the license, the Council may impose special conditions if it deems such conditions to be necessary because of particular circumstances related to the application. If granted, the City Clerk shall issue the license to the applicant. (Ref. Ord. No. 664, 12/14/82)

§1122.060 ARCADES; INELIGIBILITY FOR LICENSE. Existence of any of the following conditions shall render the applicant ineligible for a license:

1. If the applicant is:

- a. under eighteen (18) years of age;
- b. an alien;
- c. a foreign corporation;

2. If the applicant, employee or employees who supervise the licensed activity or persons owning the licensed activity:

- a. is not a person of good moral character and repute;
- b. has been convicted of "any" offense which may elate to the conduct of the licensed business;
- c. has operated a similar business elsewhere which operation did not substantially comply with the provisions of his Code relating to the manner in which the business is conducted;
- d. has been denied a license to conduct a like or similar activity or has had such license suspended, revoked or cancelled.
(Ref. Ord. No. 662, 12/14/82)

§1122.070 ARCADES; CONDITIONS OF LICENSURE. The following conditions shall govern the issuance and holding of all licenses granted pursuant to this Code:

1. Arcades must first receive a Special Use Permit from the City Council as stipulated in the Zoning Code before a license is issued;

2. The consumption of alcoholic beverages, whether classified as intoxicating or non-intoxicating, or the use of any controlled substance on any part of the licensed premises is prohibited provided, however, that a business with a non-intoxicating malt liquor license may allow the consumption of non-intoxicating malt liquor on the premises;

3. No person under the age of sixteen (16) years of age shall be permitted to remain on any part of the licensed premises after 10:00 p.m. unless accompanied by his parent or legal guardian;

4. No person attending or required by state law to attend elementary, middle or secondary school shall be permitted to enter into or remain on any part of the licensed premises before 3:00 p.m. on any day when public school is in session;

5. The licensed premises shall fully comply with all applicable state and local regulations dealing with health, zoning and building requirements;

6. The licensee shall be responsible for maintaining order on all parts of the

licensed premises;

7. Only amusements with a current valid White Bear Lake license tag attached may be offered for use or kept on the licensed premises;

8. Wagering or betting for a consideration or any other gambling on the licensed premises is prohibited;

9. The licensed activity shall be conducted in such a manner and located in such a place so as not to be likely to result in injury or damage to persons or property in the neighborhood or injurious, annoying or disruptive to patrons of other businesses located in the area;

10. The applicant or employee or employees who will supervise the licensed activity designated in the license application shall be present on the premises during all times the premises are open. All supervisory employees must be at least twenty-one (21) years of age;

11. No arcade nor any coin-operated musical or other musical device therein shall be operated so as to constitute a public nuisance;

12. It shall be the responsibility of the licensee to see that the licensed premises do not become overcrowded so as to constitute a hazard to the health or safety of persons therein. The City Fire Chief may inspect the premises and designate the maximum number of persons to be permitted on the licensed premises;

13. It is unlawful for any person, firm, partnership, or corporation engaged in the business of operating an arcade to sell, offer for sale, or knowingly permit to be sold, or offered for sale, or to be dispensed or consumed or knowingly bought on the licensed premises any alcoholic beverages or narcotic drugs, or to knowingly allow any illegal activity upon the licensed premises provided, however, that a business with a non-intoxicating malt liquor license may offer for sale and sell non-intoxicating liquor on the licensed premises;

14. Every arcade licensed under this Code shall have its license affixed on its premises in plain view evidencing the issuance of its license;

15. The license required and described in this Code is a personal privilege and does not constitute property. No transfer of a license shall become effective until the proposed transferee has submitted to a background investigation as required by section 1122.050 of this Code, and until the City Council has approved the transfer;

16. Arcades shall be closed at 1:00 p.m. each night and shall not open until 10:00 a.m. on weekdays and Saturdays or until 12:00 noon on Sundays, provided, however, that businesses with a non-intoxicating malt liquor license may be open at 8:00 a.m. on weekdays and Saturdays;

17. Smoking shall not be allowed in the licensed premises except in designated smoking areas;

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18. The sale of cigarettes, cigars, pipes or tobacco in any form in the licensed premises is prohibited;

19. There shall be no entrances or exits to adjoining buildings, uses or premises; provided, however, that if the licensed premises is located in a shopping mall, any and all entrances

to the licensed premises must be directly through the shopping mall, and no licensed premises may be directly accessible to patrons without passing through such shopping mall. Notwithstanding the foregoing, the licensed premises may have a fire door that will permit patrons to exit only in times of emergency;

20. Only premises which are within Retail Business, General Business or Industrial districts of the City may be licensed;

21. Licensed premises may not be located within three hundred (300') feet of any school or church;

22. The licensee shall provide bicycle racks for at least twenty (20) bicycles; ,

23. The aforesaid restrictions may be amended and additional conditions or restrictions may be imposed or added as a part of any Special Use Permit issued pursuant to the City's Zoning Code.

(Ref. Ord. No. 662, 12/14/82)

§1122.080 ARCADES; BONDS.

1. At the time of filing an application for license under this section, the applicant shall file a bond with corporate surety with the Issuing Authority. Such bond shall be in the amount of one thousand (\$1,000.00) dollars.

2. The surety on the bond shall be a surety company duly licensed to do business in the State of Minnesota. All surety bonds shall be approved by the City Attorney as to form and execution and deposited with the Issuing Authority.

3. All such bonds shall be conditioned as follows:

a. The licensee shall obey the laws relating to the licensed business;

b. The licensee shall pay to the City when due all taxes, license fees, penalties and other charges provided by law;

c. In the event of violation of any law relating to the business for which the license has been granted, the bond shall be forfeited to the City;

4. All such bonds shall be kept in full force and effect throughout the License period. (Ref. Ord. No. 662, 12/14/82)

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§1122.090 ARCADES; INSURANCE. The applicant shall submit with his application a policy of liability insurance applicable to death or injury caused by the operation of the amusements in the minimum of one hundred thousand (\$100,000.00) dollars for injury to or death of any one person, or three hundred thousand (\$300,000.00) dollars for an accident. (Ref. Ord. No. 662, 12/14/82)

§1122.100 ARCADES; SUSPENSION OR REVOCATION. The City Council may suspend for a period not exceeding sixty (60) days or revoke any license whenever the licensee, its owner, manager, or employees or agents of the licensee have engaged in any of the following conduct:

1. Fraud, deception or misrepresentation in connection with the securing of a license;
2. Conduct inimical to the interests of public health, safety, welfare or morals;
3. Conduct involving moral turpitude;
4. Conviction of an offense involving moral turpitude by any court of competent jurisdiction;
5. Failure to comply with any of the provisions of this Code, the laws of the State of Minnesota, or engaging in conduct which would be grounds for denial of an initial application for licensure.

The holder of a license or permit shall be granted a hearing upon at least ten (10) days notice before revocation or suspension is ordered. The notice shall state the nature of the charges against the licensee. (Ref. Ord. No. 662, 12/14/82)

§1122.110 ARCADES; UNLAWFUL ACTS. It is unlawful to falsify an application for an arcade license, to operate an arcade while the licensee is ineligible for a license, or operate an arcade in violation of any of the conditions of licensure. (Ref. Ord. No. 662, 12/14/82)

§1122.120 ARCADES; PENALTY. Any person violating any provisions of this Code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred (\$500.00) dollars or imprisonment not to exceed ninety (90) days or both. (Ref. Ord. No. 662, 12/14/82)

§1122.130 ARCADES; SEIZURE AND DESTRUCTION OF MACHINE. If the Police Chief or his designated inspector shall have reason to believe any amusement listed in Section 1122.010 and located within an arcade is used as a gambling device, such machine may be seized by the police and impounded. (Ref. Ord. No. 662, 12/14/82)

