

ORDINANCE NO. 887

AN ORDINANCE ESTABLISHING REGULATIONS,
LICENSING REQUIREMENTS, AND SUSPENSION
AND REVOCATION PROCEDURES FOR "AMUSEMENT
ARCADES" AND "AMUSEMENT CENTERS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN,
COLORADO:

Section 1. The Golden Revised Ordinances of 1965, as amended,
are hereby amended by the enactment of Chapter 4.18 "Amusement
Arcades", as follows:

"Chapter 4.18

AMUSEMENT ARCADES

Sections:

- 4.18.010 Definitions
- 4.18.020 License required - Fee
- 4.18.030 License application - Contents
- 4.18.040 Approval of License
- 4.18.050 Public notice
- 4.18.060 Term of license
- 4.18.070 License renewal
- 4.18.080 Fees
- 4.18.090 Suspension or revocation of license
- 4.18.100 Display and transfer of license
- 4.18.110 Management
- 4.18.120 Hours of operation
- 4.18.130 Location
- 4.18.140 Lighting
- 4.18.150 Gambling prohibited
- 4.18.160 Violation - Penalty

4.18.010 DEFINITIONS. "Amusement Arcade" as used in this chapter means a place of business where an individual, association, partnership, or corporation maintains 8 or more coin-operated amusement devices as defined in Chapter 4.16 of this code.

4.18.020 LICENSE REQUIRED - FEE. No amusement arcade shall conduct business without first having obtained an amusement arcade license. Applicants for an amusement arcade license shall pay a license fee of \$500.00. This licensing requirement shall operate in addition to the coin-operated amusement licensing requirement contained in Chapter 4.16 of this code, and in lieu of the general business license requirement of Chapter 4.04 of this code.

4.18.030 LICENSE APPLICATION - CONTENTS. The application for an amusement arcade license shall be made to the City Clerk, shall be accompanied by the fees required in this chapter along with the following completed documentation: (1) Background investigation form (where the applicant is a corporation, association, partnership or private club, the information required shall be furnished as to each member of the association, or each officer of the corporation and members of the Board of Directors of the corporation, and holders of ten percent or more of the stock of a

application and background investigation form shall be completed in detail and shall be submitted upon forms approved by the City Clerk.

4.18.040 APPROVAL OF LICENSE. (a) The City Council shall approve or deny a license application. The City Clerk shall have an investigation conducted sufficient to verify all the information required by Section 4.18.030. Upon completion of this investigation, the City Clerk shall set a date for public hearing before City Council on the application, which date shall not be more than thirty days from the date of completion of the investigation;

(b) The absence of any one or combination of the following may form the basis of a denial of a license by City Council:

(1) An applicant and all holder(s) of ten percent or more of the stock of any class, directors, officers or principals of the applicant possess good moral character;

(2) A need in the community for such a facility;

(3) A desire on the part of citizens for such a facility, including petitions, letters or remonstrances evidencing such desires; and

(4) A determination that the license would not be detrimental to public safety, health and welfare due to the location of the arcade, the noise emanating therefrom, or the proximity of said location to schools, churches or other places where the public may congregate.

(c) The City Council may summarily refuse to issue any license for an amusement arcade if it finds any one of the following to be true:

(1) The applicant is under the age of twenty-one years;

or

(2) The applicant, manager or any of them have made false statements upon the application; or

(3) The applicant, manager, or any holder(s) of ten percent or more of the stock of any class, director, officer or principal of the applicant has had a license for such business revoked or suspended within three years prior to the application or has been determined to be a nuisance within three years prior the application, or has been a holder(s) of ten percent or more of the stock of any class, director, officer or principal of an entity having had a license for such business revoked or suspended within three years prior to the application, or which has been determined to be a nuisance within three years prior to the application.

(d) In the event that the City Council disapproves a license application, the Council shall make written findings of fact stating the reasons for the disapproval and notify the applicant within ten days of its determination.

4.18.070 LICENSE RENEWAL. Renewal of any of the licenses granted pursuant to this chapter may be had by payment of the licensing fee along with a statement that the information listed on the original license application is still true and correct to the applicant's knowledge, or a statement listing those items of information required for a license application which have changed in the year since the license was granted or last renewed.

4.18.080 FEES. (a) Applicants or holders of an amusement arcade license shall pay a yearly fee of \$500.00.

(b) Operators of amusement arcades shall pay a yearly fee per amusement device as required by Chapter 4.16 herein.

(c) Applicants for an amusement arcade license shall pay an investigation fee of \$75.00 to cover the cost of investigation required by this chapter.

4.18.090 SUSPENSION OR REVOCATION OF LICENSE. (a) The City Council may suspend or revoke any license granted pursuant to this chapter upon a finding of any of the following factors:

(1) That any of the amusement devices maintained upon the premises are being used for gambling purposes;

(2) That repeated disturbances of public peace have been occurring within the licensed establishment or upon any parking areas, sidewalks, access ways or grounds within five hundred feet of the licensed establishment involving patrons, employees or the holder of the license of the establishment;

(3) That the holder of the license or any employees thereof are illegally offering for sale or illegally allowing to be consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or ground immediately adjacent to the licensed premises, narcotics or dangerous drugs or malt, vinous or spirituous beverages;

(4) That the holder of the license or an approved manager is not upon the licensed premises at all times;

(5) That the hours of business of the licensed establishment are outside of those set forth in Section 4.18.120.

(6) That malt, vinous or spirituous beverages are being consumed by patrons of the licensed establishment upon any parking areas, sidewalks, walkways, access ways, grounds or adjacent neighborhoods of the licensed premises. "Adjacent neighborhood" means any area within a radius of five hundred feet from the licensed premises.

(7) That malt, vinous, or spirituous beverages are being consumed by patrons of the licensed establishment upon the licensed premises unless:

(i) The establishment legally possesses a valid

4.18.100 DISPLAY AND TRANSFER OF LICENSE. (a) The holder of any license or receipt issued pursuant to the terms of this chapter shall prominently display the same upon the premises for which the license is issued.

(b) Any change in ownership or management of an amusement arcade or center must be reported to the City Clerk within seven business days following said change;

(c) Any license or receipt issued pursuant to the terms of this chapter shall not be transferable to any other location in the City. In the event of transfer of ownership of the business at the same location for which a license or tax receipt is issued pursuant to the terms of this chapter, a license may be transferred to the new owner of the business; provided, however, that application therefor stating the same information as required by Section 4.18.030 is first presented to the City Clerk for approval or disapproval by the Council, accompanied by the license fee and \$75.00 investigation fee as required by Section 4.18.080. Approval or disapproval of such transfer shall be upon the same terms as approval or disapproval of a license under the terms of this chapter.

4.18.110 MANAGEMENT. (a) Where any licensee changes or causes to be changed the manager or managers of his establishment, and such person has not previously been approved as a manager by the City Clerk, he shall be presented by the holder of the license or shall present himself to the office of the City Clerk for a background investigation.

(b) If a manager abruptly terminates his management of any amusement arcade or center without notice to the owner thereof, the owner shall have a fifteen day grace period to continue business without an approved manager. The grace period may be extended in the sole discretion of the City Clerk in fifteen day increments until clearance and approval are obtained for a new manager.

(c) No person under the age of twenty-one years shall serve in the capacity of manager of any establishment licensed pursuant to the provisions of this chapter.

(d) A manager shall be on the premises at all times during operating hours.

4.18.120 HOURS OF OPERATION. Any amusement arcade pursuant to the provisions of this chapter shall not be open for business Sunday through Saturday between the hours of 10:00 p.m. and 10:00 a.m.

4.18.130 LOCATION. (a) No amusement arcade license for a proposed arcade shall be issued where said proposed arcade is located within three hundred feet of an existing arcade.

(b) No amusement arcade license shall be issued where the proposed arcade is located within fifteen hundred feet of any school within the City.

(c) The distances referred to in subsections (a) and (b) of this section are to be computed by direct measurement from the nearest property line of any land used for school purposes or upon

4.18.150 GAMBLING PROHIBITED. Nothing in this chapter shall be construed to permit any unlawful gambling or wagering within the City.

4.18.160 VIOLATION - PENALTY. Any individual, association, partnership or corporation who is convicted of a violation of any provision of this chapter shall be fined in a sum of not more than three hundred dollars, or shall be imprisoned not to exceed ninety days, or shall be both so fined and imprisoned, as provided by Section 1.01.110 of this code.

Section 2. Amendments to Chapter 4.16, Coin-Operated Amusement Device.

a. Sub-sections C., D., and E., of Section 4.16.010 of the Golden Revised Ordinances of 1965, as amended, relating to the definitions of "Operator", "Operator-Dealer", and "Dealer" are hereby repealed. Sub-sections C., and D., of said Section 4.16.010 are hereby re-enacted as follows:

4.16.010. . .

C. Amusement Center. The term "Amusement Center" as used in this chapter means a place of business where an individual, association, partnership or corporation maintains 4 to 7 coin-operated amusement devices.

D. Amusement Arcade. The term "Amusement Arcade" as used in this chapter means a place of business where an individual, association, partnership or corporation maintains 8 or more coin-operated amusement devices.

b. Sections 4.16.040, operator's license, 4.16,050, operator-dealer's license, and 4.16.060, dealer's license, and 4.16.090, term of licenses, of the Golden Revised Ordinances of 1965, as amended are hereby repealed. These sections are hereby re-enacted as follows:

4.16.040 License fees - Coin-operated amusement devices and coin-operated musical devices. (a) An annual license fee of \$125.00 for each coin-operated amusement game or device shall be required for the owner or operator of any coin-operated amusement game or device within the City. Initial applications shall be made to the city council and the city clerk shall have the authority to grant renewal applications for up to 3 machines.

(b) An annual license fee of \$25.00 shall be required for each coin-operated musical device owned or operated by any person, firm or corporation within the City. The city clerk shall have authority to grant the license upon the payment of the annual license fee.

4.16.050 Amusement Center License. Upon application to the city council and payment of the annual license fee of \$125.00 for each coin-operated amusement device, plus an additional \$250.00 fee, an amusement center license may be issued by city council provided such applicant shall not have violated any terms of this chapter

4.16.060 AMUSEMENT ARCADE LICENSE. Upon application to the city council and payment of the annual license fee of \$125.00 for each coin-operated amusement device and compliance with the licensing requirements and all other fees as prescribed in Chapter 4.18 of this Code and strict compliance with the procedures and regulations prescribed in said Chapter 4.18, an amusement arcade license may be granted to an applicant by city council.

. . .

4.16.090 TERM OF LICENSES. All licenses granted pursuant to this chapter shall be for a term of one year commencing from date of issuance."

Section 3. Emergency. Due to the licensing activity which is currently in process and the necessity of the provisions herein contained to immediately apply to this activity it is in the best interest of public health, safety and welfare that this ordinance be and the same shall be effective upon adoption.

Section 4. Any ordinances or portions of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 11th day of March, 1982.

Amended and ordered republished this 25th day of March, 1982.

Adopted, approved and ordered published this 8th day of April, 1982.

Dr. Ruth A. Maurer
Mayor

ATTEST:

Sharon L. Bennetts
City Clerk

Approved as to form:

Russell J, Sindt
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced and read at a regular meeting of the City Council of said City, held on the 11th day of March, 1982, and was published as a proposed ordinance in the Colorado T...