Sec. 4-22. Exclusion for dance schools and private groups.

Private classes for instruction in dancing and private dances conducted by regularly constituted groups engaged in dancing shall not be within the terms of this article. (Code 1961, § 8.7)

Sec. 4-23. Private police may be required.

At the discretion of the city council, any permittee may be required to furnish a private police officer to keep order in and about the premises where such dance or dancing is permitted. (Code 1961, § 8.9)

Sec. 4-24. Revocation of permit.

Any permit issued pursuant to this article is subject to revocation for cause upon a hearing before the city council after ten (10) days' written notice by mail or personal service to or upon the permittee or any person in charge of the premises where such dance or dancing is permitted or conducted. (Code 1961, § 8.10)

Secs. 4-25—4-35. Reserved.

ARTICLE III. MECHANICAL AMUSEMENT DEVICES*

Sec. 4-36. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Distributor: Any person who shall, as owner, agent, employee or otherwise, distribute, place, install or deliver a mechanical amusement device or devices to any premises in the city, or who shall keep or store within the city any such mechanical amusement device or devices for the purpose of distributing, placing, installing or delivering the same.

Mechanical amusement device: Any machine, device, contrivance or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, receptacle, crevice or other opening, or by the payment of any fee or fees, for its use as a game or contest of any description, or which may be used for any such game or contest, and the use or possession of which is not prohibited by any laws of the state.

Operator: Any person who shall, as owner, lessee, employee, agent or otherwise, operate, install, keep, maintain, permit or allow to be operated, installed or maintained, any mechanical amusement device in or upon any premises owned, leased, managed, operated or controlled by such person within the city.

Pinball machine: Any mechanical amusement device commonly known as a pinball machine or marble machine, which is usually, though not exclusively described as consisting of a table on legs, the table being in the shape of a box with the upper side covered by glass. Inside the box is a surface studded with pins, plugs, buffers, springs and holes and when a ball is released by a plugger on this surface, the ball wends its way from top to bottom and during its journey may fall into one of the numerous holes, or in its course along the surface of such table, may hit many of the springs, pins, plugs, thereby and by means of electrical or other recordings, giving to the player a score or other result from the operation of such machine such as the right to play additional games. Except as otherwise specifically provided herein, the term "mechanical amusement device" shall apply to pinball machines. (Code 1961, § 16A.1)

Sec. 4-37. License required.

It shall be unlawful for any person, for himself or any other person, firm or corporation, to distribute, operate, install or to maintain or allow to be distributed, maintained, operated or installed any mechanical amusement device in any place in the city without having first obtained a license to distribute, install, operate or maintain such devices as hereinafter provided. (Code 1961, § 16A.2)

Cross reference—License fee for coin machines, § 12-43, Category I.

***Cross reference**—License tax on amusement machines, § 12-43, Category I.

Sec. 4-38. Application required; contents.

Every person desiring a license as required herein shall make written application therefor to the city finance director, who shall refer such application to the chief of police for investigation and report. The application shall be verified and shall contain the following information:

(a) Name, address and telephone number of applicant and all persons financially interested in the operation or distribution of the mechanical amusement devices. Applicant shall also list business name and address, if any;

(b) Date and place of birth of applicant;

(c) Whether the applicant desires a distributor's license or an operator's license for the establishment in which the machines are to be maintained and operated;

(d) If an operator's license is desired, the place where the machine or machines are to be installed and operated, together with the number of machines to be installed and operated in the establishment; also a brief description of the principal product or type of product sold or service rendered at the premises upon which such machines are to be operated or maintained;

(e) Whether the applicant is a citizen of the United States, and if naturalized, the date and place of naturalization and certificate number;

(f) Whether applicant has ever been convicted of a crime; if so, date and charge;

(g) A statement that the devices for which licenses are sought are not intended to be and will not be permitted to be used for any gambling purpose whatsoever;

(h) The nature of applicant's interest in or title to the device or devices for which the license is sought;

(i) Each applicant for an operator's license shall set forth a general description of each mechanical amusement device to be maintained on his premises and the number thereof. Where the mechanical amusement device to be maintained is a pinball machine, the application shall set forth the serial number thereof, the manufacturer's name and such other information as may be required to identify the pinball machine. (Code 1961, § 16A.3; Ord. No. 677, § 1, 6-10-80)

Sec. 4-39. Issuance, contents of license.

The city finance director shall issue a license in favor of the applicant which shall be serially numbered. The operator's license shall set forth the serial number or other information sufficient to identify the pinball machine, if any, to be maintained on his premises. The license shall also give the number of any mechanical amusement devices other than pinball machines to be maintained on the premises. (Code 1961, § 16A.3; Ord. No. 677, § 1, 6-10-80)

Sec. 4-40. Marking of machines.

Upon the issuance of the license, the operator shall affix to each pinball machine described in the license a decal or other suitable tag to be prepared and delivered to the operator by the city finance director. Such decal shall be serially numbered and indicate that the pinball machine has been licensed under the provisions of this Code. (Code 1961, § 16A.3; Ord. No. 677, § 1, 6-10-81)

Sec. 4-41. Substituting of machines.

If, during the term of the license, the operator shall substitute one machine for another already listed in the license, the operator shall pay a fee of twenty dollars ($20.00) for each pinball machine substituted. No pinball machine shall be substituted for another pinball machine listed in the license until the operator has first:

(a) Applied to the city finance director for an amended license describing the substituting device;

(b) Paid the fee for the substitution hereinabove provided; and

(c) Received from the city finance director an amended license describing the substituting device and a new decal for the substituting device.

No amended license for a pinball machine shall be issued unless the chief of police has investigated such device to determine if it conforms with the provisions of this article, and the chief of police has signified in writing his approval thereof to the city finance director. No other investigation shall be required. No amended license shall be issued unless the city finance director receives evidence of the destruction of the decal on the substituted device. The amended license shall expire on the same date the original license would have expired. The operator may substitute mechanical amusement devices other than pinball machines without obtaining an amended license. (Code 1961, § 16A.4; Ord. No. 677, § 1, 6-10-80)

Sec. 4-42. Operator's license to be posted; transferability.

Operators' licenses issued hereunder shall be posted in a conspicuous place in the establishment for which the same is issued and shall remain until a new or different license is issued therefor, and shall show the number of machines authorized to be maintained therein. No license shall be transferable from one person to another or from one establishment to another. (Code 1961, § 16A.5)

Sec. 4-43. License denial or revocation.

The chief of police shall revoke any license issued hereunder when in his opinion the licensee is violating or attempting to violate any of the provisions of this chapter, any law of the state, or any other ordinance of the city. (Code 1961, § 16A.6)

Sec. 4-44. Appeal from revocation.

(a) In the event that any person has his license revoked by the chief of police, an appeal may be taken to the city council within thirty (30) days after the date of such denial or revocation. If such an appeal is taken it shall be by written notice of appeal, filed with the city clerk and served upon the chief of police by the applicant or licensee. Such notice shall state the facts required to be stated in the applicant's original application. The city council shall set a day for hearing the appeal and shall designate the time and place where such hearing is to be held. A notice of such hearing shall be given the applicant or licensee by the city clerk by mailing the same to the last known address of such applicant or licensee not less than five (5) days prior to the date set for such hearing.

(b) At any such hearing the licensee shall be given the opportunity to be heard or defend himself, and he may call witnesses and present evidence in his behalf. The chief of police or his representative shall attend the hearing. Upon conclusion of such hearing the city council shall sustain or overrule, by majority vote, the decision of the chief of police. (Code 1961, § 16A.6)

Cross reference—Appeal from denial of licenses, § 12-10.

Sec. 4-45. Devices prohibited.

No license shall be issued to any applicant relating to any mechanical amusement device which:

(a) For each coin, slug or token inserted, makes available to the player for actual play, only one ball or marble, or which permits or is adapted to the insertion of additional coins, slugs or tokens during the playing of or before the completion of the game for which the original coin, slug or token was inserted in the device; or

(b) For each coin, slug or token inserted, or other consideration paid for playing such device, permits more than one game to be played, or permits the numbers, odds or other combinations thereof, to be changed from the odds, numbers or combinations thereof appearing on such machine after the deposit of the coin, or payment of consideration; or

(c) Contains or is connected to any meter or other contrivance registering the number of games played on such device or registering the number of free games or additional chances to play such device won by the person or persons playing such device other than free games actually available to persons playing the device. (Code 1961, § 16A.7)

Sec. 4-46. Payoffs prohibited.

No award, payoff or delivery of anything of value, representing, or exchangeable or redeemable for, anything of value, shall be

made in any contest, tournament, league or individual play on any pinball machine; and it shall be unlawful for any licensee hereunder or any owner or operator of a pinball machine to cause, permit or allow the same. (Code 1961, § 16A.8)

Sec. 4-47. Proximity to playgrounds, schools.

It shall be unlawful for any person or owner or operator of a pinball machine to cause, permit or allow same to be located, operated or maintained within three hundred (300) feet of the nearest entrance to or exit from any public playground or public or private school of elementary or high school grades. (Code 1961, § 16A.8)

Sec. 4-48. Unlicensed, unmarked machines.

It shall be unlawful for any person, owner or operator of a mechanical amusement device to place, maintain or keep on his premises any device which is required to be licensed under the provisions of this article and which device: (1) is not described in the license, (2) does not have affixed thereto, the decal or tag required pursuant to this article, or (3) is in violation of any of the provisions of this article, including section 4-45. (Code 1961, § 16A.8)

Sec. 4-49. Illegal devices and operation.

Nothing in this article shall be construed to permit the licensing, maintenance, distribution or operation of any mechanical device or apparatus which is contrary to any of the laws of the state or the ordinances of the city, nor to permit the operation of any mechanical amusement device licensed hereunder in such a manner as to be contrary to any of such laws or ordinances. (Code 1961, § 16A.10)

Sec. 4-50. Reserved.

Editor's note—Section 4-50, prohibiting operation of pinball machines by minors, derived from Code 1961, § 16A.9, was repealed by § 2 of Ord. No. 677, adopted June 10, 1980.

Sec. 4-51. Seizure, destruction of machines.

In addition to any other remedy provided by law, any pinball machine or other mechanical device kept, possessed, maintained or operated by a licensee, his employees or agent, in violation of the provisions of this Code may be seized by any peace officer, and a notice of intention summarily to destroy such machine or device must be posted in a conspicuous place upon the premises in or upon which such machine or device was seized. Such machine or device shall be held by such officer for a period of thirty (30) days after such posting, and if no action is commenced to recover possession of such machine or device within such time, the same shall be summarily destroyed by such officer, or if such machine or device shall be held by a court as evidence in an action for violation of this Code, the same shall be summarily destroyed by such officer immediately after the decision of the court has become final.

Any and all money seized in or in connection with such machine or device shall, immediately after such machine or device has been destroyed, be paid into the treasury of this city and deposited in the general fund. (Code 1961, § 16A.11)

Secs. 4-52—4-61. Reserved.