

AN ORDINANCE REGULATING THE USE OF AND LICENSING OF MECHANICAL AMUSEMENT DEVICES AND PROVIDING A PENALTY FOR VIOLATION.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

1407.01 Definitions.

- A. "Amusement Device", as used herein, means the following devices:
1. A machine or contrivance, including "pinball" machines which, upon the insertion of a coin, slug, or other token operates, or may be operated as a game, contest, or other amusement only and which contains no automatic payoff device for the return of money, coins, merchandise, checks, tokens, or any other thing, or item of value; provided however, that such machine may be equipped to permit a free play or game.
 2. Mechanical miniature pool tables, bowling machines, shuffle boards, electric rifle or gun ranges, miniature mechanical devices and games or amusements patterned after baseball, basketball, hockey, and similar games and like devices, machines, or games which may be played solely for amusement and not as gambling devices and which devices or games are played by the insertion of a coin or coins, or at a fee fixed and charged by the establishment, in which such devices or machines are located; or
 3. Amusement devices designed for and used exclusively by children, such as, but not limited to, kiddie cars, miniature airplane rides, mechanical horses, and other miniature mechanical devices, which devices or games are coin-operated and are not operated as part of, or in connection with, any carnival, circus, show, or other entertainment or exhibition.
- B. "Operator" is a person who keeps or allows amusement devices as hereinabove defined to be kept on premises owned by him or under his control, where the same may be played by members of the public legally upon such premises upon payment of the charge therefor.
- C. "Owner" shall be any person who owns and places amusement devices, as hereinabove defined, by whatever arrangements, on the operator's premises.

- 1407.02 License Required.
No person shall operate or maintain, or permit to be operated or maintained upon premises owned or leased by him, any amusement device as defined in Section 1407.01 without first having obtained a license from the City Clerk as provided herein.
- 1407.03 Information in Applications.
A. The application for license or renewal of license shall be made upon forms furnished by the City Clerk and shall include the date and place of conviction of any person named therein, for any crime committed during the period of ten (10) years prior to the date of application, including a statement of the crime of which such person was convicted.

B. After payment of required fees, and investigation, the City shall issue a license to the appropriate person and/or firm and that license shall be conspicuously displayed on the amusement device being licensed.
- 1407.04 Fee.
The fee for the license required by this Ordinance shall be established by Council resolution from time to time, for each amusement device described in Section 1407.01 of this Ordinance.
- 1407.05 Bond.
If the amusement device is of the type described in paragraph A-3 of Section 1407.01, the applicant shall also submit with his application a policy, or duplicate policy, of liability insurance applicable to death or injury caused by the operation of the licensed amusement device, in the minimum amounts of \$100,000.00 for injury to, or death of, any person, or \$300,000.00 for one accident.
- 1407.06 Investigation by Police.
The Police Department of the City shall investigate any application for license required by this ordinance and shall submit a recommendation to the City Council on granting or denying a license or renewal of license.
- 1407.07 Transfers.
No transfers of licenses will be permitted.
- 1407.08 Location of Amusement Device.
No amusement device shall be located, placed, maintained, or operated on any public street, avenue, boulevard, lane, alley, or other public ground within the City.
- 1407.09 Multiple Amusement Devices.

No such amusement device shall be so constructed, maintained, or operated as to be capable of taking more than one coin, token, or slug per player for any one game and multiples of the design, kind, or character of the game are prohibited.

- 1407.10 Use for Gambling.
It shall be unlawful for the owner of any such amusement device or for the owner or operator of any establishment where it is located, to permit the same to be used for gambling or for the making of bets or wages.
- 1407.11 Pay-offs.
It shall be unlawful for the licensee, or for the owner or operator of the establishment where such amusement device is located, to give any money, token, merchandise, or any other thing of value or any reward or prize in lieu of free games registered on such amusement device, and all free games so registered shall be played on the amusement device registering such free game, and there shall be no device on the amusement device whereby the operator can cancel registered free games.
- 1407.12 Automatic Pay-offs.
No person shall keep, maintain, sell, or permit to be operated in his, its, or their place of business any amusement device which has been converted into an automatic pay-off device, which shall discharge coins, checks, or other tokens to the operator or player of such amusement device. No person shall convert any amusement device into an automatic pay-off device.
- 1407.13 Destruction of Illegally Operated Amusement Devices.
Any amusement device which shall have been made use of in violation of Sections 1407.10 through 1407.12 of this Ordinance may be seized and destroyed in compliance with the provisions of the Statutes of the State of Minnesota relating to gambling devices.
- 1407.14 Certain Amusement Devices not Regulated.
Nothing in this Ordinance shall be held to apply to any amusement device held or kept for sale or storage and which is not actually in use or displayed for use.
- 1407.15 Constitutionality.
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.
- 1407.16 Penalty.

Any person who violates or fails to comply with any provisions of this Ordinance shall be guilty of a misdemeanor and subject to a fine of not to exceed Seven Hundred Dollars (\$700.00) or imprisonment for a period not to exceed ninety (90) days, with costs of prosecution in either case to be added. Such penalty may be imposed in addition to revocation or suspension of license.