

**FRENCHTOWN CHARTER TOWNSHIP
ARCADE ORDINANCE
Ord. No. 132; Date of Adoption: September 1982**

An Ordinance to regulate the establishment, maintenance and conduct of mechanical and electronic amusement game arcades in Frenchtown Charter Township.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Definitions.

A. An **arcade** shall be defined as an establishment which contains 5 or more mechanical and/or electronic amusement devices. A kiddie game establishment is not an arcade.

B. A **kiddie game** shall be defined as any machine, device, or contrivance, whether operated mechanically or electronically, excepting a video game, which is activated by a coin, token, plate, switch or lever, for amusement only, which tests skill by the throwing of objects, or mechanical manipulation, and which game is primarily designed to amuse children from the ages of two years to twelve years.

C. A **kiddie game establishment** is an establishment which contains kiddie games, contains no more than four (4) mechanical and/or electronic amusement devices and prohibits persons under the age of 18 from entering the premises unless accompanied by an adult.

D. **Mechanical and/or electronic amusement device**, hereinafter referred to as amusement device or devices, shall mean any machine, device, or contrivance, whether operated mechanically or electronically, which is activated by coin, token, plate, switch or lever, and is operated for amusement only, excepting kiddie games. Said amusement devices shall include, but not be limited to, pinball machines, tactical games, shuffleboard, electronic games, and video games.

E. **Operator** shall mean any person who owns or has control of said amusement device or who contracts or permits any such amusement device to be installed or operated.

F. **Owner** shall mean any person who actually owns or has title to any amusement device.

G. **Person** or **persons** shall include individuals, clubs, societies, partners, partnerships, associations, firms, corporations, and agents or employees of an owner or operator, singular and plural.

Amended by Ordinance No. 132-1 September 1994.

Section 2. License Required.

No arcade shall be established, maintained, or conducted in Frenchtown Charter Township by any person without the owner or operator first obtaining a license to operate such place from the Township Board. Any such license shall be valid only one year from the date of issuance.

Section 3. Application.

Every owner or operator as defined herein desiring to obtain a license as required by this Ordinance shall file a written application to the Township of Frenchtown, together with an application fee of \$200.00 or as provided by resolution of the Township Board. The application shall be filed with the Building Official who shall be responsible for processing the application and recommending approval or disapproval to the Township Board. The application shall include the following information:

- A. Name of owner and operator; if a partnership, names of all partners; if a firm, corporation, society, club or association, names of all officers and directors.
- B. Addresses of all listed as above.
- C. The location and description of the premises or place where the game room or amusement devices will be located.
- D. The number of amusement devices for which the applicant seeks a license and description of types of devices to be covered by such license.
- E. The total square footage of floor space in the room or building which will contain the games or amusement devices.
- F. Whether the owner or operator has at any time been convicted of a felony or offense involving moral turpitude or has been convicted of any alcohol or narcotics violation or violation of any gambling laws or ordinances.
- G. Whether or not any permit or license heretofore granted to applicant to engage in any business has been revoked or denied, and, if so, the circumstances surrounding the revocation or denial.
- H. A schedule of the days of the week and the hours of such days during which the applicant seeks permission for the operation of the arcade.
- I. The application shall be signed by both the owner and operator. In the case of a club, society, corporation, firm, or association, the owner's signature requirement shall be met by the signature of the President and Secretary or equivalent officers with proper authority. Where the ownership is a partnership, the signature of all general partners are required. Any false or incorrect statements made on any such application shall be immediate and substantial grounds for revocation of a license granted pursuant to such application.

Section 4. Inspection of Premises.

Before an arcade license shall be issued, investigation of the application and inspection of the premises shall be made by the Township Building Official, fire chief, or their agent, and such other departments or agencies as may be deemed necessary by the Township Board to determine whether the premises fully comply with all pertinent ordinances and regulations. Before any arcade license may be recommended for approval, it must be determined that the applicant is providing sufficient offstreet parking and sufficient aids and regulations whereby vehicular traffic shall not constitute a nuisance or danger. For a standard of such determination, minimum offstreet parking facilities shall be as required by the Zoning Ordinance of the Charter Township of Frenchtown. Before the fire chief or his agents approve the same, it must be determined that adequate space is provided between or around said amusement devices to permit safe ingress and egress in said premises. The Building Official shall determine whether the building involved meets all requirements of the Township's building code and other applicable Township ordinances, including the zoning ordinance. The Building Official shall also determine that all wiring and connections to amusement devices comply with the Electrical Code.

Section 5. Denial of License.

No license shall be issued or remain valid:

- A. Where the operator, owner, partner, officer, director or licensee directly or indirectly or any agent has been convicted or pled guilty to a felony or any crime involving a controlled substance, alcohol, minors, gambling, or a crime involving moral turpitude;
- B. For any premises unless the building code, electrical code, and all pertinent provisions of all other Township ordinances are being complied with;
- C. For any premises that are located within 1,000 feet of the following:
 - 1. A church or any house of worship of any religious faith;
 - 2. A school;
 - 3. A nursing home or rest home;
 - 4. A public library;
 - 5. Residentially used or zoned areas;
 - 6. A hospital.
- D. For any premises that are not zoned C-2 or C-3 as defined in the Frenchtown Charter Township Zoning Ordinance.
- E. Whenever the existing or proposed business would be illegal under any law or ordinance of the United States of America, the State of Michigan, the County of Monroe, or the Charter Township of Frenchtown;

- F. For any premises that do not provide offstreet parking as required in the Township Zoning Ordinance;
- G. For any premises that do not provide space for safe ingress and egress;
- H. For any premises that have living quarters with direct entry into the premises;
- I. For any premises within 3,000 feet of an arcade. Measurement shall be made from front door to front door of the premises.

Section 6. License Fees.

The annual fee to be paid upon granting of licenses issued hereunder shall be Two Hundred (\$200.00) Dollars plus Fifty (\$50.00) Dollars for each amusement device on said premises, or as set by resolution of the Township Board. Said license fee is in addition to the aforementioned application fee. If the number of amusement devices increases during the period for which the license is issued, the sum of \$50.00, or as set by resolution of the Township Board, shall be paid to the Township for each such additional amusement device.

Section 7. Display of License.

All licenses shall be posted in a conspicuous place in the establishment of the licensee. Such license shall be nontransferable and shall apply only to the premises for which the license is issued.

Section 8. Conduct on Premises.

No person or arcade owner or operator or licensee by himself, directly or indirectly, or by any agent or employee, shall:

- A. Permit any indecent, immoral, or profane language, or indecent, immoral, or disorderly conduct;
- B. Permit the licensed premises to become a resort for disorderly persons of any type;
- C. Permit gambling or the use, possession, or presence of gambling paraphernalia on the premises. The winning of anything of value as a result of an operation of an arcade machine shall constitute gambling.
- D. Permit intoxicated persons to loiter on the premises;
- E. Permit the possession, use, selling distributing, or giving away of any illegal drug or narcotic or controlled substance on the premises;
- F. Permit noise or music to emerge from licensed premises;

- G. Permit the possession, use, selling, distributing, or giving away of any alcoholic liquor or beer, except in establishments with a valid license as issued by the Michigan State Liquor Commission;
- H. Permit a minor under the age of 12 years to be in or on the premises or place where an arcade is located between the hours of 10:00 PM and 6:00 AM, unless the minor is accompanied by a parent or guardian or some adult delegated by the parent or guardian to accompany the minor;
- I. Permit a minor under the age of 16 years to be in or on the premises or place where an arcade is located between the hours of 12:00 midnight and 6:00 AM, immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor.

No minor under the age of 12 years shall be in or on the premises or place where an arcade is located between the hours of 10:00 PM and 6:00 AM unless the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor. A minor under the age of 16 years shall not be in or on the premises or place where an arcade is located between the hours of 12:00 midnight and 6:00 AM, immediately following, except where the minor is accompanied by a parent or guardian, or an adult delegated by the parent or guardian to accompany the minor.

Section 9. Parking Requirements.

The arcade shall meet all applicable offstreet parking requirements of the Frenchtown Charter Township Zoning Ordinance. The arcade shall provide a bicycle rack with two spaces for each amusement machine in the arcade.

Section 10. Right of Issuance.

The Building Official, after consultation with the fire chief and such other agencies as shall have been deemed necessary by the Township Board, shall either recommend approval or disapproval of the application for license within 60 days of receipt and forward such recommendation to the Township Board. Should an application be disapproved, the reason therefor shall be endorsed upon the application and the applicant shall be notified thereof. The applicant shall be entitled to request a hearing before the Township Board in the event of disapproval of the application.

Section 11. Renewal and Transferability.

Any license issued in accordance with this Ordinance may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original license, including all license fees as set forth in Section 6 of this Ordinance. However, the application fee provided for in Section 3 shall not be required for a renewal of any license. Whenever the holder of such license desires to effect a change of doing business, he shall notify the Township Board and make application for a license for such new place in the same manner

as in the first instance, excepting that proof of good character may be dispensed with by such Township Board. No license issued pursuant to this Ordinance shall be assignable or transferable, nor shall any person excepting the person to which it was issued be permitted to do business thereunder, either directly or indirectly.

Section 12. Revocation.

The Township Board shall have the right to revoke any license once granted or deny annual renewal thereof when it appears to their satisfaction that any person, owner, operator, or licensee, directly or indirectly, or by any agent or employee, has violated this Ordinance or any other law or ordinance of the Charter Township of Frenchtown, the County of Monroe, the State of Michigan, or the United States of America. The revocation of any license or the denial of renewal thereof shall not be made without a hearing before the Frenchtown Charter Township Board. Notice must be given first to the applicant or licensee setting forth the time and place of hearing.

Section 13. Penalty.

Any person violating any of the provisions hereof, or any person assisting, aiding, abetting, allowing, permitting or encouraging any other person to violate any of the provisions hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding \$500.00, plus costs, and/or confinement to the county jail for a term not to exceed 90 days. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, the Charter Township of Frenchtown specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

Section 14. Repeal.

All ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Section 15. Severability.

If any section, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, or invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any such section, sentence, clause, or phrase.

Section 16. Effective Date.

This Ordinance shall become effective 30 days after final passage and publication in the Monroe Evening News, a newspaper having general circulation in Charter Township of Frenchtown, Monroe County, Michigan.

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