

## **Sec. 22-71. Amusement arcades and arcade amusement centers.**

Amusement arcades and arcade amusement centers shall comply with the following regulations:

- (a) *General operating standards.*
  - (1) No amusement arcade or arcade amusement centers shall operate after the hour of 12:00 a.m. and before the hour of 8:00 a.m. on weekdays, and between 2:00 a.m. and 8:00 a.m. on weekends.
  - (2) No game shall be played by persons who are under eighteen (18) years of age.
  - (3) No arcade amusement center shall be located within one thousand two hundred fifty (1,250) feet of another arcade amusement center. Such distance shall be measured from closest property line to closest property line.
  - (4) No amusement arcade or arcade amusement centers shall be permitted within the Downtown Business and Entertainment Overlay District.
  - (5) No amusement arcade or arcade amusement centers shall be located within two hundred fifty (250) feet of the Downtown Business and Entertainment Overlay District boundaries.
  - (6) Alcohol sales or consumption shall be prohibited in amusement arcades and arcade amusement centers.
  - (7) Amusement arcades or arcade amusement centers shall not exceed nine thousand (9,000) square feet.
  - (8) Amusement arcades or arcade amusement centers shall operate in full compliance with all state and federal law.
- (b) *Design standards.*
  - (1) No sign, display, or merchandise, shall be placed on or adjacent to any window if such placement would interfere with the clear and unobstructed view of the entire interior of the establishment from ground level through exterior windows.
  - (2) Placement of game machines along front windows are prohibited.
  - (3) Window tinting, mirrored windows, or other obscuring elements are prohibited.
  - (4) All entrances shall be adequately lighted.
  - (5) All amusement arcades or arcade amusement centers must post at least two conspicuous signs within the premises, and one conspicuous sign at the entrance, stating the following:
    - a. Minimum age requirements as described above.
    - b. School hours use restrictions as described above.
    - c. No smoking.
    - d. No drugs.
    - e. No alcohol.
  - (6) Amusement arcades or arcade amusement centers shall provide bicycle racks within enough stalls to accommodate one bicycle for each five (5) game machines located within the premises. Bicycle racks shall be located as close as practical to the entrance of the facility and shall not be located in a manner that obstructs any entrances, exits, sidewalks, driveways, or parking areas.
  - (7) All amusement arcades or arcade amusement centers must provide public restrooms in accordance with applicable country health department requirements.
  - (8) Lighting for parking lots must satisfy lighting requirements of Section 22-60(g)(1) of the City Code prior to the issuance of a business tax receipt.
  - (9) Landscaping must comply with requirements of the city's landscaping ordinance prior to the issuance of a business tax receipt.

- (10) Sidewalks shall be installed along all public rights-of-way for properties that have arcade uses and shall be installed prior to the issuance of a business tax receipt. No location shall be exempt from sidewalk provisions contained in Section 22-62.
  - (11) Any proposed exterior change to a building used for arcade uses will be subject to city design review guidelines pursuant to Section 22-59. This shall not apply to buildings located in historic districts or buildings that are individually designated.
  - (12) Parking shall be provided at a rate of three-fourths (0.75) parking spaces per machine (or three (3) spaces for every four (4) machines).
- (c) *Permitting requirements.*
- (1) All amusement arcades or arcade amusement centers shall pay a fee per machine annually in conjunction with the business tax receipt. The fee shall be established by resolution by the city commission. The fee shall apply to all operating and nonoperating machines located on premises.
  - (2) All amusement arcades or arcade amusement centers shall pay a fee per machine annually in connection with the business tax receipt. The fee shall be established by resolution by the city commission. The fee shall apply to all operating and nonoperating machines located on premises.
  - (3) An applicant for a permit to operate an amusement arcade or arcade amusement center shall submit the following information to the police department:
    - a. All applications shall include a list of all current owners and employees of the arcade.
    - b. If the city determines that any applicant lacks good moral character, it shall deny the license application. For purposes of this section, an applicant will be deemed to have good moral character if the applicant, its owners, and its employees meet the level two standards of screening set forth in F.S. § 435.04.
    - c. The applicant shall pay a fee established by resolution by the city commission to cover the cost of police department background checks.
    - d. Whenever an amusement arcade or arcade amusement center hires a new employee or changes its ownership composition, the police department shall inspect the new employee's or owner's background to ensure that the employee or owner has not been convicted of any of the crimes described in Section (b)(2). Any failure by an amusement arcade to provide the police department with the information necessary for the officer to conduct such an inspection shall constitute a willful violation of this chapter.
    - e. The city may deny an application for a permit to operate an amusement arcade or arcade amusement center or may revoke a permit issued pursuant to this chapter if the applicant fails to meet any of the requirements of this section. If the city denies an application, the city shall provide reasons for the denial in writing within five (5) days of receipt of the completed application. If the city revokes a permit issued pursuant to this chapter, the city shall provide reasons for the revocation in writing.
  - (4) Provide an operating plan consisting of an interior layout plan drawn to scale showing the location of all machines, devices, equipment and access ways, and such other information as may be reasonably requested.
  - (5) Amusement arcades or arcade amusement centers that serve food or provide catering services on premises must be licensed by the Department of Health, Department of Business Professional Regulation, or Department of Agriculture and Consumer Services.
- (d) *Machine registration requirements.*
- (1) The permittee is required to maintain its premises a complete inventory, along with serial numbers or equivalent identification, as set forth in Sections (d) and (e) below, the amusement devices in operation on the premises of the amusement arcade at all times. The initial application for permit shall include a certificate of inspection by the planning department of the inventory, along with serial numbers or equivalent of identification, as set

forth in Sections (d) and (e) below, of the machines that the permittee intends to put into operation when the amusement arcade begins its business activities.

- (2) Each renewal permit application shall contain a certificate of inspection of updated inventory, along with serial numbers or equivalent identification, as set forth in Sections (d) and (e) below, of the amusement device that the permittee intends to put into operation when the amusement arcade begins its business activities under the renewal license.
  - (3) Before a new amusement device is put into operation at the amusement arcade or arcade amusement center, the permittee shall notify the planning department of the addition of the device to the inventory and update its inventory accordingly.
  - (4) Upon review of the inventory of devices under Sections (1), (2) and (3) above, the planning department shall enter each amusement device into a registry that the license administrator shall create. For each amusement device registered, the permit administrator shall cause to be issued and delivered to permittee for each amusement device within seven days of the notification required under Section (c) a numbered metal or plastic decal. The registration decal of each amusement device shall be affixed to the upper left front of the game in a prominent position where easily viewed by zoning inspectors, code enforcement inspectors and police. Registration decals are not transferable. The failure of any amusement device to display a current registration decal shall be a violation of this section and subject to enforcement action by the city.
  - (5) The inventory of devices under Sections (1), (2) and (3) above shall provide the following information: the manufacturer(s) serial number(s); common name, type or description of the game played on the machine. The registration decal shall contain the inventory number of the amusement device.
  - (6) Each inventory of amusement devices submitted under Sections (a), (b), and (c) above shall be accompanied by a certificate issued by an independent testing laboratory licensed by the state pursuant to F.S. Ch. 551, certifying that the game played by the skill-based amusement devices identified in the inventory meet the application of skill requirement contained in F.S. §§ 551.104(d), 551.105 and 551.107.
- (e) *Waiver of distance.*
- (1) The city commission shall determine if the health, safety, or general welfare have been provided for with any waiver request and may impose any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.
  - (2) The city commission may not waive distance restrictions imposed by Sections (a)(4) and (a)(5).
  - (3) The city commission shall consider the following for any waiver request:
    - a. The actual location and distance of the proposed establishment with respect to other places of business licensed to sell intoxicating beverages, whether on or off the premises;
    - b. The type and size of the establishment, including the number of machines, seating capacity, and whether, in view of such type or size, the proposed establishment is likely to create a public nuisance or traffic impediment by drawing crowds or persons milling about outside the building;
    - c. Whether adequate parking and landscaping for the facility is provided so as to meet the requirements set forth in sections 22-187 and 22-61;
    - d. Whether the facility is physically separated or well-buffered from all adjacent residentially zoned areas;
    - e. Whether traffic generated by patrons or pickup/delivery vehicles will pass through low or moderate density residentially zoned neighborhood;
    - f. The number of police calls to the proposed location and/or adjacent properties within the past year.

(f)

*Preexisting amusement arcades or arcade amusement centers.*

- (1) Preexisting amusement arcades or arcade amusement centers will be required to immediately comply with all procedural requirements such as permitting, licensing, general operating standards, fees, and nonhardscape design standards. Hardscape design standards such as parking lots, exterior lighting, landscaping, sidewalks, etc. will be subject to a twenty-four-month time for compliance.
- (g) *Florida law compliance.* It is not the intent of this section to allow amusement arcades or arcade amusement centers that:
  - (1) Mimic the look and feel of gambling venues which are prohibited by law.
  - (2) Include any game, machine or device that violates any provision of state and federal law, including, but not limited to F.S. Ch. 849.
  - (3) All amusement arcades or arcade amusement centers shall operate in full compliance with all Florida Statute requirements and other applicable laws.

(Ord. No. L-217, § 4, 12-5-11)