

BILL NO. 24-10

ORDINANCE NO. 5460

AN ORDINANCE AMENDING DIVISION 4 OF ARTICLE II OF CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, REGARDING COIN-OPERATED MACHINES; AND AMENDING ARTICLE II OF CHAPTER 26 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, RELATING TO DEFINITIONS, DISTRICTS, AND USES WITHIN THE CITY OF CRESTWOOD, MISSOURI, as amended.

WHEREAS, pursuant to Article VI, § 19(a) of the Missouri Constitution, the Charter of the City of Crestwood (the “City”) gives the City all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution and are not limited or denied either by the Charter or by statute, and provides that the City shall, in addition to its home rule powers, have all powers conferred by law; and

WHEREAS, Section 12.1 of the Charter of the City of Crestwood, Missouri (the “Charter”) provides that the City shall have the power to license, tax and regulate all businesses, occupations, professions, vocations, activities or things subject to licensure by cities under Missouri statutes, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate; and

WHEREAS, City staff has undertaken a comprehensive review of Division 4 of Chapter 13 of the Municipal Code of the City of Crestwood, Missouri (the “Code”), relating to machines and mechanical amusement devices within the City; and

WHEREAS, City staff recommend amendment of Division 4 of Article II of Chapter 13 of the Code and to Article XII of Chapter 26 of the Code relating to special uses; and

WHEREAS, City staff submitted the proposed amendment to Chapter 26 of the Code to the Planning, Zoning, and Architectural Review Commission (the “Commission”), and the

Commission held a hearing on May 1, 2024, with notice to the public as required by Sections 26-8(E) and 26-9(E) of the Code; and

WHEREAS, a majority of the Commission recommended that the Board of Aldermen approve the proposed amendment; and

WHEREAS, the Board of Aldermen held a public hearing on May 28, 2024, with notice to the public as required by Section 26-9(G) of the Code; and

WHEREAS, pursuant to the authority granted to the City by its Charter, the Constitution of the State of Missouri, and Missouri statutes, the Board of Aldermen finds that the proposed amendments to Chapters 13 and 26 would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Division 4 of Article II of Chapter 13 of the Municipal Code of the City of Crestwood, Missouri, pertaining to coin-operated machines, is hereby amended, to read as follows (with new language in red and repealed language struck through):

Division 4 ~~Mechanical Amusement Devices and Coin-Operated Machines.~~

Sec. 13-106 Definitions.

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

AMUSEMENT CENTER OR ARCADE

Any establishment wherein there are more than five mechanical amusement devices permitted to operate.

BUSINESS ESTABLISHMENT

Any place, inside or outside of a building, where any business or occupation licensed by the City is conducted, as well as all parts of the building.

MACHINE

Any ~~coin-operated~~ machine, table or device, **which, upon the insertion of a coin, debit or credit card, swipe card, slug, token, plate, disc, or the use of any other form**

of currency or contactless payment, is used for vending merchandise, rendering a service or providing food, drinks, or other tangible goods amusement, excluding telephones.

MECHANICAL AMUSEMENT DEVICE

Any machine, table device, electronic device, or game which, upon the insertion of a coin, debit or credit card, swipe card, slug, token, plate, disc, or the use of any other form of currency or contactless payment, permits a person or operator to use the device as a game, or contest of skill, chance, luck or amusement, whether or not registering a score, which may cause a person or operator of the same to secure some amusement, enjoyment or entertainment, and which is not a gambling device licensed by either the Missouri Gaming Commission or the Missouri State Lottery Commission. It shall include, but not be limited to, such devices as electronic or mechanical game machines, video game machines, pinball machines, skill ball, bowling machines or any other mechanical or electronic games or operations similar thereto under whatever name they may be indicated.

Sec. 13-107 Licensed required; fee.

Mechanical amusement devices shall be subject, in addition to any other fees or licenses paid by the owner thereof, to an annual license or sticker fee of \$25 for mechanical amusement devices.

Sec. 13-108 Refusal to issue or renew license generally.

- (a) The City Clerk/Collector shall refuse to approve issuance or renewal of a license for one or more of the following reasons:
- (1) A false statement as to a material matter made in an application for a license permit; or
 - (2) Revocation of a license, pursuant to this division, of the applicant or corporate officer of the applicant within two years preceding the filing of the application.

Sec. 13-109 Indebtedness to City.

The City Clerk/Collector shall not issue or renew a license under this division and shall suspend or cancel a license permit if it is determined that the applicant or licensee permittee is indebted to the City for any fee, costs, penalties or delinquent taxes.

Sec. 13-110 Nature of license permit.

- (a) A license permit issued under this division:
- (1) Is effective for a single place of business only;
 - (2) Vests no property right in the licensee except to maintain, display for public patronage and permit the use, for skill or pleasure, of coin-operated gaming machines mechanical amusement devices in accordance with the terms and

- conditions of this division; and
- (3) Shall not be assignable or transferable, except where the **device machine** is replaced and the remainder of the **license sticker** previously issued is delivered to the City Clerk/Collector at the time application for the replacement **license sticker** is made.

Sec. 13-111 Display.

The license or sticker issued by the City Clerk/Collector in the case of coin-operated **mechanical** amusement devices shall be affixed to each device or machine.

Sec. 13-112 Replacement of license permit.

A replacement **license permit** may be issued for a **mechanical amusement device machine** which has been replaced by another **device machine** or for a sticker lost, destroyed or mutilated, upon application on a form provided by the City Clerk/Collector.

Sec. 13-113 Suspension; revocation.

- (a) The Board, after notice to the licensee and a public hearing, may suspend or revoke a license theretofore issued by the City Clerk/Collector, if it finds one or more of the following:
 - (1) Intentional misstatements, or misleading statements, of fact in the application, not discovered until after the issuance of such license;
 - (2) Revocation of a license, pursuant to this division, of the applicant or corporate officer of the applicant within two years preceding the filing of the application;
 - (3) Permitting conduct on the licensed premises which would constitute a violation of any state statutes or provisions of this Code or other City ordinances; or
 - (4) Violations of this division.

Sec. 13-114 Renewal.

- (a) Within 30 days of the expiration of the license, a licensee shall apply to the City Clerk/Collector for renewal thereof, on such application form as shall be provided by the City.
- (b) Renewal applications shall contain the name, address and license number of the licensee's operation, and the licensee shall indicate any changes from the information furnished to the City at the time of the original application.
- (c) An application for renewal shall be accompanied by an annual license fee of \$25 for each mechanical amusement device.

Sec. 13-115 Term; proration.

All licenses issued pursuant to this division shall be for a term of one year, ending on July 31 of each year, unless suspended or cancelled earlier. Licenses issued during such one-year term shall not be prorated.

Sec. 13-116 Inspections; notice of violations.

- (a) All mechanical amusement devices and machines, and all premises on which such devices and machines are maintained or exhibited, shall be open to inspection by the Police Department.
- (b) If the Chief of Police, or his designee, shall have reason to believe that any licensee of a mechanical amusement device is guilty of a violation of, or the failure to comply with, any of the provisions of this division or other ordinances of the City relating to the licensing and exhibiting of such machines and devices, the Chief of Police shall give notice to the licensee of such violations. If the licensee has not, within five days of such notice, ceased such violation, the Chief of Police shall immediately cause a summons to be issued for the violation of this division, or any other ordinance, relating to the licensing, or exhibiting, of such machines and devices, said summons to be issued to the licensee or licensees.

Sec. 13-117 Amusement center or arcade permitted; where when.

Amusement centers or arcades shall be permitted in the City only as provided in Chapter 26 of this Code.

- ~~(a) Amusement centers or arcades may be permitted in the City by conditional use permit of the Board of Aldermen after appropriate review and recommendation by the planning and zoning commission, but only upon the following conditions being present, or met, by the applicant:
 - ~~(1) The premises to be utilized as an amusement center or arcade must be part of a retail commercial establishment where not more than 25% of the available retail commercial space is allocated to said amusement center or arcade, and where the gross receipts of said amusement center or arcade do not exceed 25% of the total gross receipts of such retail commercial establishment; or such premises must be located within an enclosed mall shopping center where access to the amusement center or arcade is only from an interior or enclosed part of said enclosed mall shopping center.~~
 - ~~(2) The hours of operation of any such amusement center or arcade shall conform to the hours of operation of the retail commercial establishment of which it is a part, unless otherwise provided for in the ordinance granting zoning approval for such amusement center or arcade.~~
 - ~~(3) The parking facilities for said amusement center or arcade shall be specifically reviewed by the planning and zoning commission and the Board of Aldermen as they relate to the present parking available for the retail~~~~

~~commercial establishment, and the impact of possible additional parking needs which are generated by the addition of the amusement center or arcade. Parking for the entire retail establishment with the amusement center or arcade shall be specifically found to be adequate, or made adequate, by the planning and zoning commission and the Board of Aldermen.~~

Sec. 13-118 Monetary Prizes.

- (a) No person shall maintain or offer for use by any person any mechanical amusement device that offers a monetary prize to any person regardless of the frequency with which a monetary prize is conferred or the odds of any individual user realizing a monetary prize.
- (b) For purposes of this section, the term “monetary prize” means any prize in the form of cash, check, bank transfer, negotiable instrument, store credit, gift card or any ticket or other item that is redeemable for cash, check, bank transfer, negotiable instrument, store credit or gift card.

Sec. 13-119 (Reserved).

Sec. 13-120 Report; registration of machines.

- (a) Every business establishment, individual proprietor or other person having any machine **or mechanical amusement device** on his premises shall make a report to the City Clerk showing:
 - (1) The type of machine **or device**;
 - (2) The coin, **token, or payment mechanism** used to operate such machine and, if it is a pinball machine or other mechanical amusement device, whether it is capable of taking more than one coin per game; and
 - (3) The name and address, so far as known, of the person owning such machine.

Sec. 13-121 through 13-135 Reserved.

SECTION 2: Article II of Chapter 26 of the Municipal Code of the City of Crestwood, Missouri, is hereby amended by adding a new definition for “Amusement Center or Arcade” in Section 26-5 and amending the use descriptions for “Recreation- Indoor” uses in Section 26-7, to read as follows (with new language in red and repealed language struck through):

Sec. 26-5 Defined Terms.

...

Amusement centers or arcades

Any establishment wherein there are more than five mechanical amusement devices permitted to operate.

...

Sec. 26-7 Description of Uses.

...

D. Office/ Service. The Office/Service category is the use of land and buildings for businesses engaged in the exchange of professional and individual services. It includes the following types:

...

Recreation- Indoor:

A service use providing daily or regularly scheduled activities for entertainment, instruction, or exercise inside a building and open to the general public or through membership. This use type is broken into the following subclasses based on scale and intensity:

Recreation - indoor, limited (less than 10,000):

Indoor recreation that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, **small amusement center or arcade**, martial arts centers, yoga studio, or dance studio.

Recreation - indoor, general (10,000 or more):

Indoor recreation that involves a building 10,000 square feet or more. Examples include a large bowling alley, sports and recreation center, theater complex, large health club, **large amusement center or arcade**, or shooting range.

SECTION 3: The chapter, article, division, and/or section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code upon supplementation of the Code, if, in the discretion of the editor, an alternative designation would be more reasonable. The entity with which the City contracts for compilation, revision and/or codification of the City's ordinances is authorized and directed to renumber and/or revise any reference in the City's Code to the former City Code Chapters 13 and 26 to reflect the appropriate chapter, article, division, section, or subsection under the revised Chapters 13 and 26,

and to update and revise any such reference in published versions of the City's Code, or any supplement thereto, including any versions of the Code maintained by such codification company available on the internet.

SECTION 4: It is hereby declared to be the intent of the Board of Aldermen that each and every part, section, and subsection, shall be separate and severable from each and every other part, section, and subsection hereof, and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect.

SECTION 5: The provisions of the City's Code which are reenacted, amended or revised by this Ordinance, so far as they are the same as those of a prior ordinance of the City, shall be construed as a continuation of such ordinance and not as a new enactment.

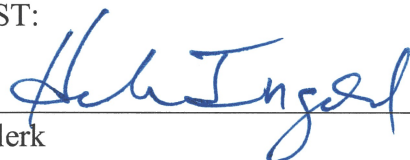
SECTION 6: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 28th day of May, 2024.



Mayor

ATTEST:



City Clerk

APPROVED this 28th day of May, 2024.



Mayor