

1st Reading: June 27, 2024
2nd Reading: June 27, 2024

SPONSOR: HUELS

ORDINANCE NO. 4459

BILL NO. 24-61

**AN ORDINANCE AMENDING CHAPTER 640
AMUSEMENT MACHINES OR DEVICES OR JUKE BOXES.**

WHEREAS, Chapter 640 of the City of Fenton Municipal Code provides regulations related to Amusement Machines or Devices or Juke Boxes; and

WHEREAS, staff recommends amendments to Chapter 640 related to applications, limitations, and licenses related to Amusement Machines or Devices or Juke Boxes; and

WHEREAS, during the June 13th Committee Meeting, the Board concurred with staff's recommended amendments to certain Sections of Chapter 640 related to applications, limitations, and licenses related to Amusement Machines or Devices or Juke Boxes and now desires to enact same.

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

Section 1. Chapter 640, Amusement Machines or Devices or Juke Boxes, of the Fenton Municipal Code is hereby amended by deleting Chapter 640 in its entirety and enacting a new Chapter 640 to read as follows:

Chapter 640

Amusement Machines or Devices or Juke Boxes

Section 640.010 Unlawful Practices.

It shall be unlawful for any person, firm, or corporation to have in its possession or operation within any business establishment or private club within the City any amusement machine or device or juke box without first having applied to and obtained from the City a license permit for each amusement machines or devices or juke boxes in its possession or operation, whether said amusement machines or devices or juke boxes be owned, leased, or rented.

Section 640.020 Applications.

- A. All applications for licenses under the provisions of this Chapter shall be made, in writing, to the City Clerk, on forms provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City. Such forms, at a minimum, shall provide for and shall contain spaces for:

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1. The Business name, Business physical address, Business telephone number, and Business email address at which the amusement machines or devices or juke boxes are to be maintained;
2. The License Holder Name, License Holder mailing address, License Holder telephone number, and License Holder email address;
3. The total square feet of building area owned, leased, or under the control of the applicant for license; and
4. The total number and type of amusement machines or devices or juke boxes.

Section 640.030 Definitions.

For purposes of this Chapter, the following definitions apply:

AMUSEMENT MACHINE OR DEVICE

Any apparatus which, upon the insertion of a coin, token, slug, or other insertion device, or which by remote control, or by the payment of a fee, operates or may be operated as a game, contest of skill or chance of any kind or description for the amusement of the operator, whether or not registering a score, and whether or not activated or manipulated by the operator. The term "amusement device" shall not include coin-operated vending machines dispensing food, drink, or merchandise of any kind nor any machine or device prohibited by the laws of Missouri or of the United States.

AMUSEMENT PARK

A parcel of ground with a minimum area of three (3) acres dedicated and used for recreational buildings and structures including, but not limited to, batting cages, miniature golf courses, water slides, swimming pools, go kart tracks, and/or amusement rides.

JUKE BOX

A machine, contrivance, or device which, upon the insertion of a coin, slug or token, plate, disk, or key into any slot, crevice, or other opening, or by the payment of any price, operates or may be operated for the admission of songs, music, or similar amusement.

Section 640.040 Limitations.

- A. Only one (1) amusement machine or device or juke box may be licensed for each five hundred (500) square feet of building area owned, leased, or under the control of the applicant for license.
- B. All amusement machines or devices or juke boxes shall be located in an area of the premises opened to the general public; except that in a private club the machines shall be located in an area approved by the Board of Aldermen.
- C. Except as provided below, no more than ten (10) amusement machines or devices, or juke boxes may be licensed at any one (1) location.
- D. The Board of Aldermen may on special application, after considering all relevant factors, authorize one (1) additional amusement machine or device or juke box for each additional one

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thousand (1,000) square feet of building area owned, leased, or under the control of the applicant for license.

- E. The Board of Aldermen may on special application, after considering all relevant factors, authorize one (1) amusement machine or device or juke box for each one thousand seven hundred (1,700) square feet of land dedicated to the use of an "Amusement Park" as defined in this Chapter. The application shall include a plan of development for the amusement park. The authorization provided for herein shall be reviewed annually by the Board of Aldermen. The Board of Aldermen may, with good cause shown, revoke such authorization.
- F. The limitations of this Section shall not apply to Recreation Facilities as defined by Section 400.030 and shall not be required to be reviewed annually by the Board of Aldermen.

Section 640.050 City Clerk To Issue License.

- A. Such license shall be issued by the City Clerk unless he/she finds one or more of the following:
 - 1. Intentional misstatements or misleading statements of facts in the application.
 - 2. Failure to comply with the limitations set out in Section 640.040 hereof.
 - 3. Failure to pay the required license fee.
- B. Each applicant shall be notified by mail or by hand delivery of the issuance or non-issuance of a license by the City Clerk.
- C. If the City Clerk does not issue a license the reasons for his/her not doing so shall be in writing and shall accompany the notice of non-issuance.
- D. The City Clerk's determination of non-issuance may be appealed under the provisions of Chapter 160 of the Municipal Code.

Section 640.060 License Fee.

- A. Fee. The license fee for each such amusement machine or device or juke box for which a license shall be issued shall be fifteen dollars (\$15.00) per year or any fraction thereof.
- B. No Refund. If any license issued under the provisions of this Chapter is revoked, surrendered, or forfeited by the licensee, or not used or used only for a part of the license period, no refund of any license fee or part thereof shall be made.

Section 640.070 Annual License Required.

- A. All such amusement machines or devices or juke boxes shall be licensed as above and said license shall be for one (1) year and shall require renewal annually. Amusement machines or devices or juke boxes may be substituted for one another during the period of the license so long as the total number of amusement machines or devices or juke boxes does not

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increase. Licensee shall submit in writing to the City a list of machines and jukeboxes being substituted.

- B. Before licensee shall increase the number of amusement machines or devices or juke boxes at a location, a license and license fee shall be required for each such additional amusement machine or device or juke box as allowed in Section 640.040.

Section 640.080 Penalty.

Any person who violates any provision of this Chapter shall upon conviction be punished as set out in Section 100.120 of this Code.

Section 2. The portions of this ordinance shall be severable. If any clause, word, paragraph, section, or other part or portion of this ordinance is held to be invalid, illegal, or unconstitutional for any reason, the Board of Aldermen hereby declares it would nevertheless have enacted the remaining portions thereof and such remaining portions shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect after the date of its passage and approval.

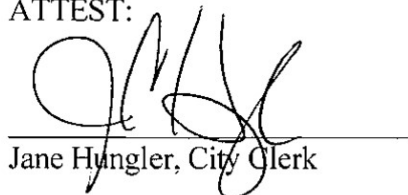
PASSED this 27th day of June, 2024.


JOE MAURATH, MAYOR

APPROVED this 27th day of June, 2024.


JOE MAURATH, MAYOR

ATTEST:


Jane Hingler, City Clerk

Motion to approve. Roll Call vote:

Ayes: Bereitschaft, Cruts, Wisbrock, Clauss, Huels, Jokerst

Abstain: 0

Nays: 0

Absent: Harrell, Maserang

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