



APPLICATION FOR AMUSEMENT MACHINE LICENSE

WESTMINSTER
COLORADO

CITY CLERK'S OFFICE
CITY OF WESTMINSTER
4800 WEST 92ND AVENUE
WESTMINSTER, CO 80031-6387
303-658-2161
www.westminsterco.gov

Legal/True Name of Business _____

DBA Business Name _____ PHONE _____

FEIN # _____ CO Sales Tax Acct # _____

Mailing Address _____

Machine(s) Location (Business name & address if other than above) _____

OWNER'S NAME _____ PHONE _____

OWNER'S ADDRESS _____

MANAGER'S NAME _____ PHONE _____

Business Fax # _____ Business Email address _____

NUMBER OF AMUSEMENT MACHINES _____ (pool or billiard table or coin operated
amusement game or device)

FEES: \$40 Per Machine (Jan-Dec) \$20 Per Machine (June-Dec)

**IF MORE THAN TWELVE MACHINES ARE LOCATED AT ANY ONE LOCATION,
A SECURITY GUARD IS REQUIRED IN ADDITION TO A MANAGER**

In determining whether to grant or deny an **AMUSEMENT CENTER LICENSE** (more than 12 machines), the City Manager shall take into consideration the following: (1) character of the applicant; (2) applicant's prior experience and qualifications to operate such a business; (3) traffic volume and adequacy of parking and access; (4) compliance of the facility with all applicable zoning and building regulations; and (5) Police activity in comparable businesses. *Review City Code Title V Chapter 9 for additional rules and regulations.*

I swear that the above and attached information is a true and correct statement of facts.

Applicant Signature _____ **Date** _____

**CHAPTER 9
AMUSEMENT CENTERS**

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- 5-9-2: EXEMPTIONS**
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5-9-1: LICENSE REQUIRED: (1959 3016 3563) It shall be unlawful for any person to operate or conduct any place of amusement or recreation offering to the public for a fee the use of any pool or billiard table or any other amusement game or device, without first obtaining a license therefor pursuant to this Chapter. Licenses shall not be transferable, and upon a change of owner or change of location, a new license must be obtained.

5-9-2: EXEMPTIONS: (3563) When operating a total of twelve (12) or fewer amusement tables, games or devices referred to in this Chapter, any premise used principally for the conduct of another business, including, but not limited to a grocery store, convenience store, drugstore, bowling alley or tavern, shall not be required to obtain an amusement center license in addition to a business license, but shall continue to be subject to the remaining provisions of this Chapter, unless other noted here.

5-9-3: LICENSE APPLICATION AND REVIEW: (1959 2229 2707 3016 3563) Conditions for applications for an original license or a renewal are:

(A) The applicant shall submit a verified application to the City Clerk, on forms provided by the City Clerk, and accompanied by the tax required by this Chapter.

(B) The application shall be reviewed by the City Manager who shall have the power to grant or deny such license, to request an investigation by the Police Department, and to impose reasonable limitations and restrictions on any license so granted. The City Manager shall evaluate the application under the criteria set forth below and based upon the results of an investigation by the Police Department, if any.

- (1) The character of the applicant;
- (2) The applicant's prior experience and qualifications to operate such a business;
- (3) Traffic volume and adequacy of parking and access;
- (4) Compliance of the facility with all applicable zoning and building regulations;
- (5) Police activity in comparable businesses.

5-9-4: FEES AND TAXES: (1959 2707 3016 3563)

(A) There shall be no application fee for a new or renewal license.

(B) The licensee shall annually remit an excise tax of forty dollars (\$40) per pool or billiard table or coin-operated amusement game or device, payable at the time of filing an application for an original or renewal license or when a new table or game or device is added to the premises. If a license is obtained or a pool or billiard table or coin-operated amusement game or device is added by the licensee after June 30 of a particular year, the tax shall be twenty dollars (\$20) each.

5-9-5: RENEWAL: (1959 2707 3016 3563)

(A) All licenses issued pursuant to this Chapter shall expire December thirty first of the year for which issued, unless cancelled, suspended or revoked, and shall be renewed annually upon application for renewal and payment of the required taxes.

(B) The renewal application shall be reviewed by the City Manager who shall have the power to grant or deny such license renewal and to impose reasonable limitations and restrictions on any license renewed. The City Manager shall evaluate the application under the criteria set forth for original applications.

(C) Failure to pay required taxes shall be grounds to deny renewal, and no renewal license shall be issued until such taxes are paid.

5-9-6: LICENSE DENIAL, CANCELLATION, NON-RENEWAL, SUSPENSION OR REVOCATION: (1959 2229 2574 3016 3563)

(A) Upon his own motion, or upon complaint by the Police Chief, the City Manager may cancel, suspend or revoke any license at any time for any violation of the provisions of this Chapter, or for any reason set forth in Chapter 1 of this Title.

(B) A license may be cancelled, denied renewal, suspended or revoked after the licensee has been given notice. The notice shall set forth the reasons for the proposed action, in writing, and shall be given by personal delivery to the applicant or mailed to the address contained in the license, postage prepaid, or as provided in Chapter 1 of this Title and shall inform the licensee that he may request, in writing to the City Clerk, a hearing before the Special Permit and license Board pursuant to subsection (E) below. Said notice shall be given no less than ten (10) days prior to a hearing to be scheduled before the Special Permit and License Board.

(C) An application for a new license may be denied by the City Manager, upon the grounds listed in Section 5-9-3(B) above or Section 5-1-6, W.M.C. The applicant may appeal a denial to the Special Permit and License Board, unless the reason for the denial is an incomplete application, nonconformance with the zoning or building code, or failure to pay any required fees or taxes. The reason for the denial of the application shall be provided to the applicant in writing.

(D) A license may be summarily suspended for no more than thirty (30) days by the City Manager when required for the immediate protection of the public health, safety and welfare. A hearing shall be scheduled as soon as may be reasonably possible.

(E) The Special Permit and License Board shall conduct a hearing on an appeal of the denial of a new license, the cancellation, denial of renewal, suspension or revocation of a license pursuant to the procedures established for hearings in Chapter 1 of this Title. The Special Permit and License Board shall deliver its decision in writing within thirty (30) days.

(F) Decisions of the Special Permit and License Board are final, subject only to appeal to a court of competent jurisdiction.

(G) Any premises licensed pursuant to this Chapter, including the parking lots and streets and sidewalks adjacent to the premises which become the location of frequent or repeated violations of the City's ordinances including but not limited to disturbances, assaults, thefts, malicious mischief and disorderly conduct is hereby declared to be a nuisance which shall be abated pursuant to the provisions specified in Chapter 4 of Title VIII.

5-9-7: HOURS OF OPERATION; AGE LIMITATION: (1959 3016 3563)

(A) The licensee shall observe the following hours of operation:

(1) Except for premises licensed for the sale of fermented malt beverages, malt, vinous or spirituous liquor for consumption on the premises, premises licensed pursuant to this Chapter shall be open to the public not earlier than ten o'clock (10:00) A.M. and not later than eleven o'clock (11:00) P.M. on Sundays through Thursdays and on Fridays and Saturdays shall be open to the public no earlier than ten o'clock (10:00) A.M. and not later than midnight (12:00 A.M.). An adult twenty one (21) years of age or older shall be present on and responsible for management of the premises during all hours of operation.

(2) Private events. Licensed amusement centers may conduct private events outside the hours of operation stated herein subject to the following requirements:

(a) The center may not be licensed for the sale of ferment malt beverages, malt, vinous or spirituous liquor, nor may any of the same be sold, served, or consumed on the premises.

(b) If minors are in attendance, there must be one (1) adult supervisor for every eight (8) minors.

(c) Minors must remain in the building and must not be allowed to leave and re-enter during the event.

(d) Participants must not be allowed to congregate or loiter in the parking lot or nearby areas and must comply with the regulation of nighttime juvenile loitering contained in Section 6-3-11 of this Code.

(e) The center must not allow any form of entertainment other than those amusement devices for which it is licensed.

(f) The center must report the event to the city clerk in writing, with a copy to the police department, at least seventy-two (72) hours in advance.

“Private Event” means an event for which the center has closed the premises to the general public.

(B) Unless the licensee of the premises maintains a full-time security guard, or has twelve or fewer amusement tables, games or devices, it shall be unlawful for a licensee or any other person in charge of the licensed premises to permit any pool or billiard table or coin-operated amusement games or devices to be used by any person under the age of sixteen (16) years or to allow any such persons to congregate or remain upon the licensed premises unless accompanied by a parent or legal guardian. Such security guard shall be in addition to the adult manager of the premises. This subsection shall not apply to premises licensed for the sale of fermented malt beverages, malt, vinous or spirituous liquor for consumption on the premises.

(C) When operating a total of twelve (12) or fewer amusement tables, games or devices referred to in this Chapter, premises used principally for the conduct of another business, including, but not limited to grocery store, convenience store, drugstore, bowling alley or tavern shall not be subject to the provisions of this Section.

5-9-8: SECURITY GUARDS: (1959 3016 3563)

(A) The owner of any premises licensed pursuant to this Chapter shall maintain security guards. The number of security guards required shall be calculated as follows:

(1) Premises licensed for the sale of fermented malt beverages, or malt, vinous or spirituous liquor for consumption on the premises: For thirteen (13) to fifty (50) tables or machines, one (1) guard on duty during all hours of operation; for more than fifty (50) tables or machines, one (1) or more additional guards may be required for such hours as the City Manager may decide based on, but not limited to, the number of machines, the location and design of the premises, the number of occupants, peak hours of operation, and staffing levels.

(2) All other premises: For thirteen (13) to fifty (50) tables or machines, one (1) guard on duty during all hours of operation; for more than fifty (50) tables or machines, one (1) or more additional guards may be required for such hours as the City Manager may decide based on, but not limited to, the number of machines, the location and design of the premises, the number of occupants, peak hours of operation, and staffing levels.

(B) or premises licensed for more than fifty (50) machines or tables, any requirements for security guards in excess of one (1) security guard, imposed pursuant to subsection (A) of this Section, shall be stated on the license. These conditions shall be reviewed annually by the City Manager upon application for renewal of the license or at any time at the request of the City Council or the Chief of Police based on a finding that security measures are insufficient to protect the public health, safety and welfare. The City Manager may adjust these conditions based on, but not limited to, the following factors: The number of machines, the location and design of the premises, the number of occupants, peak hours of operation, and staffing levels. The City Manager's decision regarding additional security shall be mailed to the licensee. Unless the licensee requests a hearing on the matter before the Special Permit and License Board within ten (10) days after the letter is mailed to the licensee. Failure to timely request a hearing shall be deemed a waiver of a hearing.

5-9-9: PROHIBITED ACTS: (1959 2001 3016 3563)

(A) It shall be unlawful for any licensee or his agent knowingly to do, to encourage, to participate or to permit any of the following acts on the premises of any place licensed pursuant to this Chapter or on any parking lot, street or sidewalk adjacent to the premises:

(1) Gamble or to permit gambling upon any pool or billiard table or coin-operated amusement game or device. The licensee is hereby specifically charged with knowledge of and made liable for the use of all tables, games and devices on the premises in any manner constituting a violation of this Section.

(2) Use, sell, or distribute any illegal or dangerous drug, chemical substance, or narcotic. Any premise licensed under the Colorado Beer Code or Colorado Liquor Code shall conform to said code and shall not allow the use, sale or distribution of beer or alcohol to any minor.

(3) Create any disturbance, unlawful or disorderly act, or activity offensive to the senses of the average citizen, or to the residents of the neighborhood to be committed by any person or group of persons upon the premises.

(B) It shall be unlawful for any licensee to fail to comply with the following requirements:

(1) Any licensee and its employees shall immediately report to the Police Department any unlawful or disorderly act, conduct or disturbance committed on the premises. Failure to comply with the requirements of this Section may be considered by the City Manager in any action relating to revocation, suspension or nonrenewal of a license. Repeated failure to comply with the requirements of this Section shall constitute prima facie grounds for the suspension, revocation or non-renewal of a license.

(2) Each licensee shall post and keep at all times visible to the public in a conspicuous place on the premises a sign to be provided by the City Clerk's Office which shall be in the following form:

"WARNING: CITY OF WESTMINSTER POLICE MUST BE NOTIFIED OF ALL DISTURBANCES IN THIS ESTABLISHMENT AND ON THE GROUNDS AND PARKING LOT WHICH ARE A PART OF THIS ESTABLISHMENT."

(C) It shall not be a defense to a prosecution under this Section that the licensee was not personally present on the premises at the time such unlawful or disorderly act, conduct or disturbance was permitted, encouraged or participated in; provided, however, that an agent, servant or employee of the licensee shall not be personally responsible hereunder when absent from the premises and not on duty.