



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1263**

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 10 "AMUSEMENTS AND ENTERTAINMENTS" TO REMOVE THOSE PROVISIONS RELATING TO LICENSING.

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan. That Chapter 10 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Amusements and Entertainments," is hereby amended as follows:

ARTICLE II. - AMUSEMENT DEVICES

~~DIVISION 1. - GENERALLY~~

Sec. 10-31. - Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement arcade means any place of business or establishment containing four or more coin-operated amusement devices.

Coin-operated amusement device means any mechanical or electrical device which provides amusement or entertainment which may be operated or set in motion upon the insertion of a coin or token, or payment of a fee. This definition shall not include juke boxes, music machines, telephone devices, machines which dispense merchandise or machines or devices that provide film or video tape presentations to a customer/user who is merely a passive spectator of the such presentation. This exclusion shall not be deemed to exclude any machines or devices in which the customer/user is engaged in a form of competition against the machine or another customer/user.

~~Licensee means the holder of an amusement arcade license or coin-operated amusement device license issued pursuant to this article.~~

Operator means proprietor, lessee, manager, or employee of any amusement arcade or business establishment having one or more coin-operated amusement devices on the premises.

Premises means a building or a part of a building where an amusement arcade is coin-operated amusement devices are located, under the ownership or control of the operator, but expressly excludes private residences.

~~Sec. 10-32.— Existing businesses.~~

- ~~(a) — Businesses which have been operating lawfully under Ordinance No. 528, and amendments thereto shall be required to fully comply with this article excepting only those provisions describing the qualifications of applicants for licenses and those provisions describing distance requirements, restrictions or parking requirements. The exceptions to this article shall apply to the owners and operators of licensed arcades or other businesses containing licensed coin-operated amusement devices as of June 12, 1982, and all succeeding owners and operators who are approved by city council.~~
- ~~(b) — Upon sale or transfer of the business the succeeding owner and/or operator shall be required to comply with this article regarding qualifications of applicants for licenses.~~
- ~~(c) — An owner or operator seeking to make use of the exceptions outlined in this section shall supply sufficient proof of prior legal operation to the city clerk.~~

~~Sec. 10-33.— Proration of license fees.~~

~~The city clerk shall prorate license fees and machine license fees collected under this article in the following manner:~~

Date of License	Percent of Fee
January 1—March 31	100
April 1—June 30	75
July 1—September 30	50
October 1—December 31	25

~~Secs. 10-34—10-45.— Reserved.~~

~~DIVISION 2.— AMUSEMENT ARCADE LICENSE~~

~~Sec. 10-46.— Required.~~

- ~~(a) — No amusement arcades shall be established, maintained or conducted in the city by any person, firm or corporation without first obtaining an amusement arcade license to operate such an arcade from the city manager of the city, and no operator, shall allow or permit the use of four or more coin-operated amusement~~

~~devices unless an amusement arcade license for such use shall have been obtained from the city manager.~~

- ~~(b) — A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 10-47. — License application.~~

~~Every person, firm or corporation desiring to obtain a license for an amusement arcade as required by this article shall file a written application with the city clerk on forms approved by the city clerk, together with an annual, nonrefundable application fee as set by resolution of council. The application shall include the following information:~~

- ~~(1) — The applicant's correct name, and aliases, date of birth, post office address and residence, the length of time the applicant has resided within the state, the applicant's places of residence for the five years immediately preceding the time of such application; the applicant's driver's license number, social security number, a record of fingerprints to be taken at the police department; whether or not the applicant has ever been convicted of any crime involving a controlled substance, alcohol, minors, receiving and concealing stolen property, or any other offense involving moral turpitude; and at least five references of reputable citizens of such community wherein the applicant currently resides, of which at least two citizens of such community shall recommend the applicant's moral character. The applicant shall specify in such application the type of business and the exact location of the premises for which an amusement arcade license is requested.~~
- ~~(2) — In case the applicant for an amusement arcade license is a corporation authorized to do business in this state, the application shall be made by the agent of such corporation who will have principal charge of the premises established. Such application shall contain all of the statements and furnish all the facts and recommendations in respect to such agent as are required in the case of an individual. Such amusement arcade license to a corporation shall be void 30 days after a change in the agents while managing such premises unless a new agent is licensed. A transfer fee shall be set as provided by resolution of the city council and shall be paid to the city clerk for any such transfer. Multiple agents may be licensed for an additional fee as set by resolution of the city council.~~
- ~~(3) — In case of a partnership, each active partner in such business shall join in the application for an amusement arcade license, and shall furnish all of the information and recommendations required of an individual applicant.~~
- ~~(4) — Such application shall also contain a diagram with dimensions of the premises on which the business will be conducted, showing the location of each coin-operated amusement device on the premises, and each exit from the premises.~~

- ~~(5) — Each applicant for an amusement arcade license shall specify on the application the number of coin-operated amusement devices to be licensed.~~
- ~~(6) — Every such application shall be accompanied by the fee as set by resolution of the city council, payable to the city.~~
- ~~(7) — Each applicant for an amusement arcade license must include a certificate from the city assessor/treasurer certifying there are no unpaid city taxes in the name of the applicant.~~

~~Sec. 10-48. — Inspection of premises.~~

- ~~(a) — Before any amusement arcade license shall be issued, investigation of the applicant and inspection of the premises shall be made by the city building department, fire marshal, police department, and such other city departments or agencies as may be deemed necessary by the city manager to determine whether the applicant and the premises fully comply with all pertinent ordinances and regulations.~~
- ~~(b) — Before any amusement arcade license may be recommended for approval by such city departments or agencies, the police department and such other agencies or departments as are deemed necessary by the city manager shall determine whether the applicant is providing sufficient off-street parking and sufficient aids and regulations whereby vehicular traffic shall not constitute a nuisance or danger. For a standard for such determination, minimum off-street parking facilities shall be the same as required by the zoning ordinance and off-street parking ordinance of the city, with additional facilities for general peak load parking requirements of the business being operated.~~
- ~~(c) — Before the fire marshal approves the license, he must determine whether the premises, and the location of the coin-operated amusement devices therein, permit safe ingress and egress.~~

~~Sec. 10-49. — Denial of license.~~

~~No license for an amusement arcade license shall be issued:~~

- ~~(1) — Where the individual owner, managing agent of a corporation, or an active partner has been convicted of a crime involving a controlled substance, alcohol, minors, receiving or concealing stolen property, or other crimes involving moral turpitude, within a period of five years from date of such application.~~
- ~~(2) — For any premises, unless the building code, fire code and other pertinent provisions of all city ordinances, as far as can be determined, are being complied with.~~
- ~~(3) — For any premises that is located within 1,000 feet of any school building attended by students below the age of 16 years of age. Measurement shall be made from front door to front door by following the shortest route of ordinary pedestrian travel along a public thoroughfare.~~

- ~~(4) — For any premises that does not provide off street parking as provided in section 10-48.~~
- ~~(5) — For any premises that does not provide space for safe ingress and egress in such premises.~~
- ~~(6) — For any premises that has living quarters with direct entry to the premises.~~
- ~~(7) — For any premises within 1,000 feet of an amusement arcade. Measurement shall be made from front door to front door by following the shortest route of ordinary pedestrian travel along a public thoroughfare.~~
- ~~(8) — For any premises within 1,000 feet of any bar or tavern. Measurement shall be made from front door to front door by following the shortest route of ordinary pedestrian travel along a public thoroughfare. This requirement does not apply to a bar or tavern which has coin operated amusement devices located on its premises.~~
- ~~(9) — Whenever real or personal property taxes are due and delinquent for more than 30 days in the name of the owner or agent applicant.~~

~~Sec. 10-50. — Waiver of requirements.~~

~~Council may waive any of the requirements of this section on a proper showing that such waiver would be in the public interest.~~

~~Sec. 10-51. — Grant of license; term; form; fee per machine.~~

- ~~(a) — The city manager upon receiving such application, if presented in due form, shall pass upon the application within 30 days of application, and if satisfied that such possesses the qualifications herein prescribed and such premises conform to the requirements hereof, shall grant an amusement arcade license to the applicant for a term expiring on December 31 of each year. All such licenses shall be in such form as the city manager may prescribe and shall contain the name, address, place of business, the number of coin operated amusement devices on the premises, and the date of expiration of such license, and shall be authenticated by the signature of the city clerk.~~
- ~~(b) — Upon approval of the amusement arcade license, the applicant shall pay to the city clerk the sum as set by resolution of the city council for each machine indicated, and a like sum annually upon renewal of the amusement arcade license.~~

~~Sec. 10-52. — License issued to specific person and location.~~

~~The amusement arcade license shall be issued to a specific person for a specific location.~~

~~Sec. 10-53. — Appeal.~~

~~Any denial of an amusement arcade license by the city manager may be appealed to the city council.~~

~~Sec. 10-54. — License fees.~~

The annual fee to be paid upon granting of licenses issued hereunder shall be set by resolution of the city council.

~~Sec. 10 55. Renewal; transfer.~~

~~Any license issued in accordance with this article may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original license. Whenever the holder of an arcade license desires to effect a change of place of doing business, such holder shall notify the city manager 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 the city council.~~

~~Sec. 10 56. Revocation of license.~~

~~(a) The city manager shall have the right to revoke any license once granted or deny any renewal thereof whenever the operator or licensee has been convicted by a competent jurisdiction of violating this article, or convicted of any crime involving controlled substances, alcohol, minors, receiving or concealing stolen property, or any other offense involving moral turpitude.~~

~~(b) Notice of the revocation shall be given the licensee or operator by certified mail, return receipt requested. The licensee shall be entitled to a hearing before the city manager or his designee by giving written notice. Notice of request for hearing before the city manager must be given within 15 days after the date of service or receipt of the notice of revocation. The city manager or his designee shall thereafter conduct such hearing within ten days of the date of receipt of notice of request for hearing. The decision of the city manager or his designee on the appeal shall be made within ten days thereafter. If no such decision is made within such ten-day period, the decision shall be deemed to be a denial of the appeal. Thereafter the aggrieved licensee or owner may appeal the decision of the city manager or his designee directly to the city council by giving notice of appeal within ten days. The city council, upon receiving the appeal shall act on and decide the appeal not later than the third regularly scheduled council meeting from the date that the appeal is filed with the city manager. Hearings may be adjourned by mutual consent from time to time.~~

~~Secs. 10 57 10 70. Reserved.~~

~~DIVISION 3. COIN OPERATED AMUSEMENT DEVICE LICENSE~~

~~Sec. 10 71. Requirement for three or fewer coin-operated amusement devices.~~

~~(a) No place of business or establishment in the city shall place, maintain, or locate three or less coin-operated amusement devices on its premises without first having obtained a coin-operated amusement device license from the city. No operator, as defined herein, shall allow or permit the use of a coin-operated amusement device unless a license for such use shall have been obtained from the city clerk of the city.~~

~~(b) — A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 10-72. — Application fee.~~

~~Every person, firm or corporation desiring to obtain a coin-operated amusement device license as required by section 10-71, shall file a written application with the city clerk on forms approved by the city clerk, together with an annual nonrefundable application fee as set by resolution of the city council.~~

~~Sec. 10-73. — Application form.~~

~~The application for a coin-operated amusement device license shall provide the following information:~~

- ~~(1) — The applicant's name and aliases, date of birth, post office address, location of residence, driver's license number, social security number, record of fingerprints to be given at the police department, and the name and post office address of the business where the coin-operated amusement devices are to be located.~~
- ~~(2) — In case the applicant is a corporation, the application shall be made by the agent of the corporation who will have principal charge of the premises established.~~
- ~~(3) — In case of a partnership, each active partner in such business shall join in the application for such coin-operated amusement device license.~~
- ~~(4) — Each application shall also contain a diagram, with dimensions of the premises in which the business will be located, showing the general location of the coin-operated amusement devices and each exit from the premises.~~
- ~~(5) — Each applicant shall specify on the application for license the number of coin-operated amusement devices to be licensed.~~

~~Sec. 10-74. — Inspection.~~

~~Before any coin-operated amusement device license shall be issued, inspection of the premises shall be made by the city building department. Before any coin-operated amusement device license shall be issued, the city building department shall determine whether the applicant is placing the coin-operated amusement devices in such a location so as to not constitute a nuisance or danger and as to permit safe ingress to and egress from such premises.~~

~~Sec. 10-75. — Grant of license.~~

~~(a) — The city clerk, upon receiving such application for a coin-operated amusement device license, if presented in due form, and upon being advised by the city building department that such premises conform to the requirements hereof, shall grant such coin-operated amusement device license to the applicant for a term expiring on December 31 of each year. All such licenses shall be in such form as the city manager may prescribe and shall contain the name, address, place of business,~~

~~number of machines and the date of expiration of such license, and shall be authenticated by the signature of the city clerk.~~

- ~~(b) Upon approval of the coin-operated amusement device license, the applicant shall pay to the city clerk the sum, as set by resolution of the city council, for each machine indicated, and a like sum annually upon renewal of the license.~~

~~Sec. 10-76. License issued to specific person and location.~~

~~The coin-operated amusement device license shall be issued to a specific person, firm, or corporation for a specific location.~~

~~Sec. 10-77. Renewal; transfer.~~

~~Any coin-operated amusement device license issued in accordance with this article may be renewed for an additional year upon the same terms and subject to the same requirements as provided herein for an original license.~~

~~Sec. 10-78. Revocation of license.~~

- ~~(a) The city manager shall have the right to revoke any coin-operated amusement device license once granted or deny any renewal thereof whenever the operator or licensee has been convicted by a court of competent jurisdiction of violating this article, or convicted of any crime involving controlled substances, alcohol, minors, receiving or concealing stolen property, or any other offense involving moral turpitude.~~

- ~~(b) Notice of the revocation shall be given the licensee or operator by certified mail, return receipt requested. The licensee shall be entitled to a hearing before the city manager or his designee by giving written notice. Notice of request for hearing before the city manager must be given within 15 days after the date of service or receipt of the notice of revocation. The city manager or his designee shall thereafter conduct such hearing within ten days of the date of receipt of notice of request for hearing. The decision of the city manager or his designee on the appeal shall be made within ten days thereafter. If no such decision is made within such ten day period, the decision shall be deemed to be a denial of the appeal. Thereafter the aggrieved licensee or owner may appeal the decision of the city manager or his designee directly to city council by giving notice of appeal within ten days. The city council, upon receiving the appeal shall act on and decide the appeal not later than the third regularly scheduled council meeting from the date that the appeal is filed with the city manager. Hearings may be adjourned by mutual consent from time to time.~~

~~Secs. 10-79—10-90. Reserved.~~

~~DIVISION 24. OPERATING REQUIREMENTS~~

~~Sec. 10-3291. - Regulations.~~

- ~~(a) Each operator or licensee shall, at all times, open each and every portion of the licensed premises for inspection by the police department and other city~~

departments designated by the city manager for the purpose of enforcing any provisions of this article.

- ~~(b) Each operator or licensee shall, at all times, display the license granted hereunder in a conspicuous place in the licensed establishment.~~
- ~~(be) Each operator or licensee of an amusement arcade shall have present on the premises, or on such portion of the premises where the amusement arcade is located, as the case may be, at least one adult operator over 18 years of age at all times that the premises are open to the public, who has not been convicted of receiving or concealing stolen property or other crime involving moral turpitude and who has been approved by the city police department. Such approval or denial must be given ten days after request or the application will be deemed approved.~~
- ~~(cd) The operator or licensee of an amusement arcade shall not open the licensed premises for business between the hours of 2:00 a.m. and 7:30 a.m. (local time). Provided, however, the premises may open for business during the aforesaid hours on the granting of a special permit by the chief of police upon the showing of the operator licensee that:~~
- ~~(1) The premises are being used for the holding of a tournament; or~~
 - ~~(2) The operator licensee desires the premises to remain open during such hours on a legal holiday; or~~
 - ~~(3) The operator of the premises has been issued a Class C license by the state liquor control commission for the sale of alcohol to be consumed on the premises.~~

~~Sec. 10-92. - Number of machines licensed.~~

~~It shall be illegal for any person to have more coin-operated amusement devices on the premises, accessible to the general public, than is specified in the license granted.~~

~~Sec. 10-3393. - Employment age.~~

~~No person, under 17 years of age shall be permitted or allowed to work in any premises licensed as an amusement arcade, unless the employee is related by blood, marriage or adoption to the owner or operator of the arcade and the express written permission of the parent or guardian of the employee is first had and obtained.~~

~~Sec. 10-3494. - Food service.~~

~~No amusement arcade establishment licensed under the provisions of this article shall serve prepared food unless first having given the city clerk adequate proof that a license has been obtained for the operation of a restaurant and that approved food handlers' permits have been obtained for all personnel engaged in the preparation of food for human consumption within the establishment for which a license is required.~~

Sec. 10-~~35~~95. - Screens, drapes, etc.

No screens, drapes, curtains, shades, partitions or other obstructions shall be permitted in amusement arcades ~~premises licensed under the provisions of this article~~ which obstruct the view from the street of any or all portions of such premises. All such screens, drapes, curtains, shades, partitions or other obstructions shall be deemed a public nuisance. Liquor control commission licensed establishments are exempt from this section.

Sec. 10-~~36~~96. - Conduct on premises.

No operator ~~or licensee~~, directly or indirectly, or by any servant, agent or employee shall:

- (1) Permit any indecent, immoral, or profane language or indecent, immoral, or disorderly conduct.
- (2) Permit the ~~licensed~~ premises to become a resort for disorderly persons of any type.
- (3) Permit gambling or the use, possession, or presence of gambling paraphernalia in the premises. The winning of anything of value as a result of the operation of a coin-operated amusement device, except a free game, shall constitute gambling. However, the winning of a prize that does not exceed \$100.00 in value ~~in a scheduled tournament~~ shall not constitute gambling.
- (4) Permit intoxicated persons or persons under the influence of controlled substances to remain on the premises.
- (5) Permit the possession or use of any alcoholic liquor on the premises, nor shall the ~~licensed~~ premises be accessible in any way to any place where alcoholic liquor is kept, sold, distributed, or given away. This provision shall not apply while a state liquor control commission license is in effect at the ~~licensed~~ premises.
- (6) Permit the possession or use of any unlawful drug or narcotic, including marijuana, on the premises.
- (7) Permit noise or music to emerge from ~~licensed~~ premises.
- (8) Permit or allow any persons under the age of 17 years of age to remain on the premises after 11:00 p.m. unless accompanied by their parent or legal guardian.
- (9) Permit or allow any child of less than 16 years of age to remain on the premises during the times and hours that public school, grades K-12, is regularly in session within the city, except by the consent of the child's parent or legal guardian.

Section 10-37. – Violations.

A person who violates this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

Secs. 10-~~3897~~—10-120. - Reserved.

ARTICLE III. - ~~BILLIARD PARLORS AND POOL HALLS ROOMS~~

DIVISION 1. - GENERALLY

Secs. 10-121—10-135. - Reserved.

~~DIVISION 2. LICENSE~~

Sec. 10-136. ~~Definitions. Required.~~

- (a) ~~No person shall establish, maintain or operate as a commercial enterprise, within the corporate limits of the city, any billiard parlor or poolroom until and unless a license therefor shall have been issued by the city clerk.~~
- (b) ~~A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Billiard table means a table for use in playing any of several games played with hard balls that are driven with a straight tapering stick. This definition includes tables used to play the game of pool.

Operator means proprietor, lessee, manager, or employee of any pool hall.

Pool hall means any place of business or establishment containing four or more billiard tables.

Premises means a building or a part of a building where billiard tables are located, under the ownership or control of the operator, but expressly excludes private residences.

Sec. 10-137. ~~Application—Contents.~~

~~Applications for licenses to operate as required in section 10-136 shall be made on forms provided for that purpose and shall be filed with the city clerk. Such application shall set forth the full name of the applicant and every person interested in the issue of the license applied for, together with the business and residence address of such persons; provided, that if the applicant is a corporation, only the names of the officers and directors thereof need be given. Each applicant shall also state the place or places where it proposes to establish,~~

~~maintain or operate the billiard parlor or pool tables for which a license is asked and state the number and kind of each device.~~

~~Sec. 10-138. Same Presentation to city council; issuance.~~

- ~~(a) The city clerk shall keep a record of all applicants and shall present all applications to the city council at the next regular meeting after complete investigation of the application has been carried out by the city manager.~~
- ~~(b) The city council may direct the city clerk to issue the license upon payment of the fee or fees provided in this division.~~

~~Sec. 10-139. Fees.~~

- ~~(a) Before any license shall be issued under the terms of this article, the applicant shall pay to the city clerk as a license fee the sum as set by resolution of the city council for the first table and a sum as set by resolution of the city council for each additional table, per annum commencing on July 1 of each year.~~
- ~~(b) All new applications for licenses made after July 1 of each year shall be charged one-half the annual license fee for the year in which such application is made.~~

~~Secs. 10-140-10-150. Reserved.~~

~~DIVISION 3. OPERATING REQUIREMENTS~~

~~Sec. 10-151. Posting of license.~~

~~The license issued pursuant to division 2 of this article shall be kept conspicuously posted in the place of public amusement for which issued.~~

~~Sec. 10-137152. - Minors—Loitering.~~

~~No minor under 17 years of age, unless accompanied by his parents, legal guardian or legal guardians, shall be permitted to play billiards or pool in establishments licensed under the provisions of this article, nor shall any such minor be permitted to loiter about or remain in any pool hall or billiard parlor licensed under the provisions of this article.~~

~~Sec. 10-138153. - False information regarding age.~~

~~Any person giving false information regarding his age to a police officer or operator person in charge of such establishment who shall permit any minor child to loiter or remain therein, except where accompanied by his parent or legal guardian and any person who shall encourage or induce such minor child to enter in, loiter about or remain in such an establishment except when accompanied by his parent or legal guardian, shall be deemed guilty of a violation of this article.~~

~~Sec. 10-139154. - Employment age.~~

~~No child under 17 years of age shall be employed, permitted or suffered to work in any establishment licensed under this article.~~

~~Sec. 10-140155. - Hours of operation.~~

~~Pool halls~~ ~~Places of amusement licensed under the provisions of this article shall be closed to the public from 21:00 a.m. until 7:309:00 a.m. (local time); provided, however, the premises may open for business during the aforesaid hours on the granting of a special permit by the chief of police upon the showing of the operator that:~~

- ~~(1) _____ The premises are being used for the holding of a tournament; or~~
- ~~(2) _____ The operator desires the premises to remain open during such hours on a legal holiday; or~~
- ~~(3) _____ The operator of the premises has been issued a Class C license by the state liquor control commission for the sale of alcohol to be consumed on the premises.~~

~~that no pool hall or billiard parlor place licensed under the provisions of this article shall be open to the public from 1:00 a.m. Sunday morning until 12:00 Sunday noon.~~

Sec. 10-~~141~~156. - Responsibilities of operators-licensees.

The operator-licensee, his agents or assigns shall be responsible for maintaining quiet and good order at all times in and about the premises and no person shall be permitted to loiter or stand in or about the doorway or in front of such premises. No person shall be permitted to play any games on which a bet or wager is laid and no person shall be permitted to lay any wager or bet on the outcome or result of any game played on the premises. No operator ~~person~~ licensed under the provisions of this article shall operate or permit to be operated any card tables for the public playing of cards where such playing of cards involves a bet or wager of any nature. No operator ~~person~~ licensed under the provisions of this article shall operate or permit to be operated any games played with dice or other gambling device, including "pools," "numbers," "lotteries" and "punch boards."

Sec. 10-~~142~~157. - Food service.

No pool hall establishment licensed under the provisions of this article shall serve prepared foods unless first having given the city clerk adequate proof that a license has been obtained for the operation of a restaurant and that approved food handlers' permits have been obtained for all personnel engaged in the preparation of food for human consumption within the establishment for which a license is required from the county health department.

Sec. 10-~~143~~158. - Obstructing view of interior.

No screens, drapes, curtains, shades, partitions or other obstructions shall be permitted in pool halls establishments licensed under the provisions of this article which obstruct the view from the streets of any or all portions of the place of amusement. All such screens, drapes, curtains, shades or partitions or other

obstructions shall be deemed a public nuisance and may be confiscated, removed or destroyed at any time by police officers of the city.

Sec. 10-144. Conduct on premises.

No operator, directly or indirectly, or by any servant, agent or employee shall:

- (1) Permit the premises to become a resort for disorderly persons of any type.
- (2) Permit gambling or the use, possession, or presence of gambling paraphernalia in the premises. The winning of anything of value as a result of the operation of a coin-operated amusement device, except a free game, shall constitute gambling. However, the winning of a prize that does not exceed \$100.00 in value shall not constitute gambling.
- (3) Permit intoxicated persons or persons under the influence of controlled substances to remain on the premises.
- (4) Permit the possession or use of any alcoholic liquor on the premises, nor shall the premises be accessible in any way to any place where alcoholic liquor is kept, sold, distributed, or given away. This provision shall not apply while a state liquor control commission license is in effect at the premises.
- (5) Permit the possession or use of any unlawful drug or narcotic, including marijuana, on the premises.
- (6) Permit noise or music to emerge from premises.

Sec. 10-145. Violations.

A person who violates this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

Secs. 10-146-159—10-220-180. - Reserved.

~~ARTICLE IV. DANCE HALLS AND CABARETS~~

~~DIVISION 1. GENERALLY~~

~~Sec. 10-181. Definitions.~~

~~The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Cabaret means any room in any hotel, restaurant, hall or other public place where music and dancing privileges, except mechanically provided music alone, are afforded to patrons in connection with the serving or selling of food, refreshments or merchandising.~~

~~Dance hall means any establishment, hall or public place where public dancing is held or allowed or where the public may gain admission with or without the payment of a fee.~~

~~Secs. 10-182-10-195. Reserved.~~

~~DIVISION 2. LICENSE~~

~~Sec. 10-196. Required:~~

- ~~(a) No person shall keep, maintain or operate a dance hall or cabaret without first obtaining a license therefor and paying a license fee in the amount as set by resolution of the city council.~~
- ~~(b) This article shall not apply to establishments licensed by the state liquor control commission with dance permit.~~
- ~~(c) No license issued pursuant to this division shall be required for a single event of not more than three days at a location previously approved for public use.~~
- ~~(d) A person who violates this section for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.~~

~~Sec. 10-197. Applications; contents.~~

~~All applications for dance hall and cabaret licenses shall be made on a form provided for that purpose by the city clerk which shall contain the following information:~~

- ~~(1) A description of the place where it is proposed to operate such dance hall or cabaret, including the address and what portions of the building are intended to be used for this purpose.~~
- ~~(2) The name or names of persons interested in such premises or business and a designation of what their interest is.~~
- ~~(3) Place of residence of the applicant.~~
- ~~(4) Driver's license number and social security number of the applicant.~~
- ~~(5) The anticipated hours and days of operation of the premises as a dance hall or cabaret.~~
- ~~(6) A statement of whether the applicants have engaged in a similar form of business or activity in the past and, if so, the names and locations of such similar enterprises.~~
- ~~(7) The names and addresses of two business references who have known the applicant for one or more years.~~
- ~~(8) Whether there are any unpaid or unbonded judgments of record against the applicant and, if so, the title of all actions and the amount of all judgments unpaid or unbonded, and the court in which the judgments were rendered.~~

- (9) — Evidence that if the license is granted, the applicant shall have sufficient insurance coverage in an amount of at least \$500,000.00 each occurrence in aggregate for bodily injury and property damage on the premises as well as other insurance required by law such as worker's compensation insurance and unemployment compensation insurance.
- (10) — Each such application shall also contain an agreement by which the applicant consents and agrees that any member of the police department or fire department, inspectors of the building department or other officers of the city may enter and inspect any part of such premises, including the locked portions thereof.
- (11) — The applicants must show evidence that the dance hall or cabaret is an asset to the community.

~~Sec. 10-198. Issuance; denial.~~

- (a) — A dance hall and cabaret license shall be issued by the city clerk following investigation by that person or the clerk's designee and following a finding that the applicant:
 - (1) — Has not been convicted within the previous five years of any crimes involving moral turpitude.
 - (2) — Does not have any outstanding judgments against him arising from similar business enterprises.
 - (3) — Has adequate insurance coverage as required by this article.
 - (4) — Complies with the city building and fire codes and other applicable ordinances of the city.
 - (5) — Has not previously violated this article within the last six months.
- (b) — Denial of the application for a dance hall and cabaret license may be appealed by submitting a written statement indicating error in the clerk's determination within 20 days following receipt of the clerk's denial of the application for permit. The written notice shall be submitted to the city manager's office, One South Huron Street, Ypsilanti, Michigan 48197. The city council shall make final determination of appeals of the clerk's denial of a permit.

~~Sec. 10-199. Rescission of license.~~

~~The city council may rescind any dance hall and cabaret license given under this article, including any renewal thereof, for any material breach of the requirements of this article or for any material violation of the city building, or fire prevention codes which results in risk to the health and safety of patrons or employees of the establishment.~~

~~Sec. 10-200. Expiration and renewal.~~

~~All dance hall and cabaret licenses shall expire on March 1 of each year. A renewal of the license may be obtained by following the procedure outlined in section 10-197.~~

~~Secs. 10-201—10-220.—Reserved.~~

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 19th
DAY OF April, 2016.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1263 was published according to Section 11.13 of the City Charter on the 27th day of April, 2016.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 19th day of April, 2016.

Frances McMullan, City Clerk

Notice Published: March 29, 2016

First Reading: April 5, 2016

Second Reading: April 19, 2016

Published: April 27, 2016

Effective Date: May 19, 2016