

# **ORDINANCE # 11**

## **RELATIVE TO AMUSEMENT, AND THE LICENSING THEREOF TO READ AS AMENDED**

### **THE VILLAGE OF SPRINGPORT ORDAINS:**

#### **VI) DEFINITION**

- A.** As used in this ordinance, the term “amusement” shall included but not be limited to the following:
- . Any public pool or billiard room;
  - a. Any circus, carnival, street fair, street show, freak show;
  - b. Any mechanical amusement device. A mechanical amusement device shall include, but not be limited to a machine, which upon the insertion of a coin, slug or piece of metal, operates, or may be operated for use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement.

#### **LICENSE**

- A.** It shall be unlawful and a nuisance for any person to engage in the business of operating any amusement without a license issued by the Village Council.
- B.** No person owning any mechanical amusement device shall permit the same to be operated in the Village without a license. No person shall permit a mechanical amusement device to be operated in any public place or club owned by him or under his management and control without a license having been first obtained for such amusement.
- C.** Exempted from this ordinance is any church, fraternal lodges or veteran’s organization incorporated under the laws of this state and organized for religious, fraternal or charitable purposes.
- D.** No license shall be issued pursuant to this Ordinance to any person who is not of good moral character.
- E.** The phrase “good moral character” shall be construed, to mean the propensity on the part of the person to serve the public in a fair, honest and open manner.
- F.** A criminal record or a civil judgment may not in and of itself be proof of lack of moral character. It may be used as evidence in the determination of character so long as the applicant is notified and has an opportunity to rebut said evidence and produce evidence that they are likely to serve the public in a fair, honest and open manner.
- G.** When a person is found to be unqualified for a license because of lack of good moral character, or similar criteria, the person shall be furnished by the Village Clerk with a statement to that effect. The statement shall contain a complete record of the evidence

upon which the determination was based. The applicant may present evidence not previously considered at that time for a rehearing.

- H.** No license shall be issued for any amusement whose operation will not comply with all ordinance and laws.
- I.** A person required by this section to obtain a license shall pay to the Village a fee in the amount established by Resolution.
- J.** Except as otherwise provided by the Council a license issued pursuant to the provision of this article shall expire at the end of the calendar year of which it was issued.
- K.** No license issued pursuant to this article shall be assignable or transferable, nor shall any person except the person to whom it was issued be permitted to do business hereunder, either directly or indirectly.
- L.** A license issued pursuant to this section shall be displayed upon or in the licensed premises.
- M.** Revocation.

The Village Council may revoke any license issued pursuant to this article for the following causes:

- . That the licensee has made a material misrepresentation of fact in his application for license;
  - a. That there have been violations of the terms set in this ordinance;
  - b. That intoxicating liquors are either sold or drunk on the licensed premises without a license to do so from the State.
  - c. That gambling in any form is permitted in or about the licensed premises;
  - d. That the premises are used for any illegal purpose;
  - e. That the licensee is no longer a person of good moral character as described in paragraph 2d.
- D)** Before revoking any license the Council shall fix a date for a hearing, the Clerk shall notify licensee of date, time and place thereof, and of their right to be heard relative to the revocation. If, after hearing testimony, the Council shall believe grounds exist for the revocation of the licensee, it shall revoke such license and notify the holder thereof in writing.

## **MECHANICAL AND VIDEO AMUSEMENT DEVICES**

- A.** Operation by Minors

No person shall permit a mechanical or video amusement device to be operated by a minor under the age of sixteen (16) years unless accompanied by his parent or guardian.

- B.** Minors under sixteen (16) years shall not be allowed on the licensed premises during school hours or after curfew.
- C.** No person shall operate a mechanical device nor permit such a device to be operated upon licensed premises, which shall be so constructed that the same may be converted into an automatic paying device, which shall discharge slugs, coins or tokens.
- D.** Any mechanical or video device, which shall be used in violation of this section, may be seized by the Village Marshall and destroyed in compliance with state statute relative to gambling devices.

## **BILLARD OR POOL ROOMS**

### **E. Operating Hours**

**F.** All public billiard and pool rooms shall only operate business from 11:00 AM to 10:00 PM, Monday thru Friday, 11:00 AM to 11:00 PM on Saturday, and 1:00 PM to 6:00 pm on Sunday.

**G.**

### **H. Operation by Minors**

**I.** No minor under the age of sixteen (16) years shall be permitted in the premises of a public billiard or poolroom unless accompanied by their parent or guardian.

**J.** No person under the age of eighteen (18) shall be permitted on the premises of a room used for billiards or pool unless the parent or legal guardian of said minor shall have furnished the proprietor of such billiard or pool room with written consent signed by the parent or legal guardian to remain on said premises.

## **ENFORCEMENT**

- A.** Any violation of the provisions of this ordinance shall be cause for a license revocation as well as be deemed guilty of a misdemeanor. As such, penalties may be imposed by the County of Jackson.

B. Any person violating any provisions of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as follows:

- First offense.....\$50**
- First repeat offense.....\$100**
- Second (or any subsequent) repeat offense.....\$250**

In addition, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Village Council, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

**VII) EFFECTIVE DATE**

This Ordinance shall take effect immediately after publication.

**Amended the \_\_\_\_\_ day of \_\_\_\_\_, 2002.**

Reviewed By:

Signed: \_\_\_\_\_  
Mary Ward, Village President

\_\_\_\_\_  
Cynthia O. Twichell, Village Manager

Signed: \_\_\_\_\_  
Lydia Yoder, Village Clerk

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Stuart Saunders, Village Attorney