ARTICLE XIX. - YOUTH ENTERTAINMENT CENTERS

Sec. 14-500. - Findings.

(a) The City Council hereby finds that youth entertainment centers and related entertainment and amusement activities may, significantly and substantially, impact upon surrounding properties, residences, traffic, young people, orderly and peaceful conduct of City streets, sidewalks and neighborhoods, the peace, tranquility and related police powers of the community, and constitute intensive land use wherever located in the City necessitating close prior review and scrutiny of the proposed sites, activities, impact, and applicant for licensing.

(b) The City Council hereby further finds that such centers and activities may generate adverse impacts upon the community and its peace, tranquility and safety, including, but not limited to, unnecessary, disturbing and/or annoying noise, disorderly conduct, damage to abutting and/or surrounding properties, traffic congestion, pedestrian safety littering, unlawful public and/or underage alcohol possession and/or consumption, truancy and juvenile delinquency, such that appropriate placement and regulation of such centers and activities, and the effective and lawful management and control of such facilities and activities by the licensee, are jointly and severally essential.

(c) The City Council hereby further finds that maintaining the health, welfare, safety, peace, tranquility and order of each neighborhood, street, sidewalk, residential and commercial property pertaining, but not limited, to the areas of community concern, described more fully above, within which the City is not only a legitimate exercise of the Council's police powers but its non-delegable responsibility, as well.

(d) To those legitimate ends, the City Council hereby finds it appropriate and necessary to effectively, and in on-going manner, review, license and regulate the operation of youth entertainment centers and related activities with the City.

Sec. 14-501. - 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:

Person means and includes, but is not limited to, individuals, firms, partnerships, associations, organizations, corporations, venture, cooperatives, and other business entities of whatsoever kind or nature.

Youth entertainment center means any public or private business or premises which permits, serves or caters to, as part or all of its patrons, persons under the age of 21 years and which provides or conducts one or more of the following: dances; entertainment; amusement; pool tables; live or recorded music; social activities; or other amusement or entertainment activities. Excepted from this definition are the following, only if such businesses are primarily used for such enumerated purposes: movie theatres; miniature golf courses; bowling alleys; archery lanes; roller skating or ice skating halls or rinks; tennis, handball or racquet ball courts; restaurants; gymnasiums; licensed amusement centers; alcohol licensed establishments; and not-for-profit benevolent and/or charitable organizations.

Sec. 14-502. - License—Required.

Every person who operates or conducts a youth entertainment center or directly or indirectly engages for himself or herself or another in the activities defined above within the City shall first apply for and, if granted, obtain and hold a youth entertainment license.

Sec. 14-503. - License—Application; contents; term.

(a) Application for a youth entertainment center license shall be made in writing on such form as the Chief of Police and the City Clerk, from time to time, prescribe.

(b) The application shall include the name and address of the applicant, the location of the business premises, the days and hours the center will be open for business, a description of any other business to be conducted on the premises, and any other information deemed necessary by the City Clerk and/or Chief of Police.

(c) A youth entertainment center license shall not be transferable as to ownership or location.

(d) A youth entertainment center license shall expire on June 30 of each year.

(e) Applications shall be filed with the City Clerk's Office together with the required youth entertainment license application fee.

(f) The City Council shall review such application and may grant or deny the applicant a youth entertainment center license based upon location, zoning, projected number of patrons, primary age of patrons, actual lawful occupancy capacity of structure, nature of proposed activities, proposed hours of operation, traffic, parking, noise, crowds, surrounding character of area and neighborhood, and such other health, welfare, safety, peace and tranquility factors and considerations as the City Council may, from time to time, specifically address based upon the particular facts and circumstances pertaining to an application.

(g) In the event the youth entertainment center license is granted by the City Council, it shall be issued by the City Clerk upon payment of the required fee.

(h) Each person issued and holding a valid and lawful youth entertainment center license shall post and at all times conspicuously display his or her youth entertainment center license upon the property so licensed.

(i) The City Council, upon a majority vote of the members present, may, for any reason it deems in the public interest, health, safety, welfare, peace, or tranquility, upon the initial issuance, and/or from time to time thereafter, set or amend the hours or other conditions under which that a particular youth entertainment center is allowed to be lawfully open for business or in operation, and/or otherwise condition, regulate, restrict or modify any youth entertainment center license.

Sec. 14-504. - License—Fee required.

(a) The fee for a youth entertainment center license shall be in an amount as established by the City Council from time to time, and as set forth in the fee schedule that appears in this Code.

(b) Such fee shall not be apportioned nor otherwise adjusted nor prorated regardless of the date of issuance or termination.

(c) No fee shall be refunded.

Sec. 14-505. - Applicant; investigation.

(a) A police investigation into the character and fitness of each applicant shall be conducted before a license may be granted.

(b) After such investigation, upon the face of the application form, and before such application is forwarded to the City Council for its consideration, the Chief of Police shall recommend either City Council approval or denial.

(c) In the event the Chief of Police recommends Council denial, the Chief of Police shall cause to be attached to such application form and forwarded to the City Council and the applicant his or her reason therefor.

Sec. 14-506. - Premises; orderly and peaceful operation.

(a) Each and every youth entertainment center shall, at all times, be operated in an orderly, peaceful, and lawful manner.

(b) Every licensee and every attendant on duty shall be responsible for the orderly, peaceful, and lawful operation of the youth entertainment center.

(c) ***Consent to inspection of premises.*** The holder of any license issued under this article shall be deemed to have given consent to entry and inspection at any time by any police officer or alderperson without warrant. Refusal by the licensee or holder of such license to permit such inspection shall be deemed a violation of this article.

(d) **View of premises not to be obstructed**. A clear view of the interior of any premises licensed under the article shall be afforded at all times from exterior doors and windows.

(e) No person licensed under this article shall permit on the licensed premises the consumption of fermented malt beverages or intoxicating liquor.

Sec. 14-507. - Attendant on duty.

(a) At all times during which the youth entertainment center is open for business, there shall be on the premises either the licensee or a mature and responsible attendant 18 years or older who shall be able to effectively control the conduct of persons and the activities upon the licensed premises.

(b) Such attendant shall, at all times, maintain order upon the premises and prevent patrons and persons located on the premises from interfering or injuring with others.

(c) Such attendant shall be responsible and liable for all activities that occur on the premises.

Sec. 14-508. - Hours; limited; presence regulated.

(a) No premises licensed under this article shall be open for business before 4:00 p.m. on days public schools are in session or 12:00 noon on other days; not be open for business after 1:00 a.m. on any day.

(b) No person under the age of 18 shall be present upon or within 300 feet of any youth entertainment center licensed premises before 4:00 p.m. nor after 11:00 p.m. on any day during which school is in session, or before 12:00 noon nor after 1:00 a.m. on any other day.

(c) No employee shall remain upon the licensed premises after 1:30 a.m. on any day.

(d) In granting, renewing, or otherwise conditioning the youth entertainment center license, or upon the request of any two Councilmembers or the City Manager, and for any reason in the public interest, health, safety, welfare, peace, or tranquility, the City Council may set or amend the hours during, or other conditions under which, a particular youth entertainment center is allowed to be lawfully open for business.

Sec. 14-509. - Location.

A youth entertainment center shall not be located within 300 feet from any property or premises licensed for the retail sale of alcohol beverages or within 300 feet of any other licensed youth entertainment center.

Sec. 14-510. - Violation; penalty.

(a) Any person who violates any provision of this article shall, upon conviction therefor, pay a forfeiture in an amount not less than $50.00 nor more than $500.00 together with the costs of prosecution.

(b) Upon default in payment of the forfeiture, the violator shall be imprisoned in the county jail until such forfeiture and costs are paid in full, but not to exceed 90 days.

(c) Each day's continuance constitutes a separate violation.

(d) In addition and/or exclusive to the imposition of the above-described forfeiture and costs, the court and/or the City Council, upon majority vote, may revoke, suspend, modify, or not renew any license issued under this article.

(e) In addition and/or exclusive to the imposition of the above-described forfeiture and costs and action upon the license, the court may grant such injunctive and other relief as the City may, from time to time, request.

Secs. 14-511—14-521. - Reserved.