



cityofnovi.org

CITY of NOVI CITY COUNCIL

**Agenda Item 2
August 25, 2014**

SUBJECT: Approval of Ordinance Amendment 14-97.03 to amend the City of Novi Code of Ordinances, at Chapter 4, "Amusements and Entertainments," Article III, "Pinball Arcades and Machines," in order to remove the requirement for an Arcade License (Division 2) and Machine License (Division 3) and to amend the remaining Division 1 (Generally) to delete references to "License" and "Licensee." **FIRST READING**

SUBMITTING DEPARTMENT: City Clerk *cto me*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Ordinance Review Committee met over the course of several meetings to discuss changes to the Arcade License ordinance. The Committee recommended at its August 11, 2014 meeting that Division 2 "Arcade License" and Division 3 "Machine License" be removed completely to eliminate the licensing requirements of Arcade businesses. Division 1 remains because it is currently utilized by the Police Department to govern conduct on the premises and the age of patrons permitted on the premises during specific hours of the day.

RECOMMENDED ACTION: Approval of Ordinance Amendment 14-97.03 to amend the City of Novi Code of Ordinances, at Chapter 4, "Amusements and Entertainments," Article III, "Pinball Arcades and Machines," in order to remove the requirement for an Arcade License (Division 2) and Machine License (Division 3) and to amend the remaining Division 1 (Generally) to delete references to "License" and "Licensee." **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

**Ordinance Review Committee
Excerpts of minutes**

4. Proposed fee changes for arcade licenses

Mr. Cardenas explained that the current fee for an Arcade License is a base fee of \$210 plus \$10 per machine. The proposal is to remove the per machine fee. Mr. Schultz explained that this was brought to the City Clerk's Office's attention after a FOIA was filed and the requestor indicated the fees were not justifiable. The Clerk's Office broke down the actual costs and discovered the costs incurred were actually over \$300; however the per machine charge did not seem relevant any longer.

Mr. Gatt said he would like to see how many of the businesses would see an increase to their fee and how many would see a decrease if the fee was changed to \$300. He then asked why the City is charging a fee at all when performing those inspections and processing the paperwork is part of the job to begin with.

Member Mutch asked what was accomplished by having these businesses renew on an annual basis. Mr. Boulard explained it gave the Community Development Department and Fire Department the opportunity to go into the business and confirm everything is up to code and safe for the public. Member Mutch said this section may be outdated. He asked if it made sense to continue licensing them. Mr. Boulard indicated it would take away an opportunity to inspect the premises to ensure public safety.

The Committee requested administration gather additional background information including how much businesses pay in Arcade License fees, what types of businesses are obtaining them, and any other relevant information.

5. Nuisance lighting

Mr. Cardenas explained this issue was brought forward because there have been a few complaints about light fixtures pointing downwards instead of up. There are no proposed changes; administration is just looking for confirmation from the Committee that the current process is acceptable.

Mr. Boulard explained that there are maybe six complaints on this issue throughout the year and most are because a light is pointing down creating a glare or causing distraction. The City is not going out performing inspections to check, these issues are complaint driven. He said when they hear about a problem with the lighting, they issue a violation notice to the property owner and give them ten days to correct the situation.

The Committee agreed that the current process is satisfactory and they see no reason for changes to the ordinance.

The meeting was adjourned at 6:18 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk

ORDINANCE REVIEW COMMITTEE

July 7, 2014 | 5:00 p.m.

Mayor's Conference Room | Novi Civic Center | 45175 Ten Mile Road

Mayor Gatt called the meeting to order at 5:00 p.m.

ROLL CALL: Mayor Gatt, Council Member Mutch, Council Member Wrobel

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Charles Boulard, Community Development Director
Brian Coburn, Engineering Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Arcade license requirements

Mr. Schultz began the discussion by explaining the Committee had held some discussion on the topic at the previous meeting and it came down to whether or not they wanted to continue issuing Arcade Licenses. The proposed ordinance change removes the licensing process, which would mean no fee and no license. The question before the Committee is whether they want to leave in Division I, which covers operational requirements, or strike the whole ordinance.

Member Mutch questioned if all of the businesses that currently hold an Arcade License also hold a liquor license. There is only one that does not hold a liquor license. He wanted to confirm that all of those businesses would be covered by other types of inspections if the Arcade Ordinance was removed as a whole. Mr. Schultz said Public Safety might have some input on whether to remove Division I. The Committee decided to bring back the item at the next meeting to see a strikethrough version of the ordinance amendment that shows the entire Article III removed.

2. Removal of Massage Therapist Permit references within the ordinance

Mr. Schultz began the discussion by explaining the State had taken over issuing Massage Therapist Licenses and actually prohibits the City from issuing a permit. He said that the City can still regulate and enforce the Business License section of the ordinance. He added the proposed ordinance change would be consistent with state law.

ORCM 14-07-01 Moved by Mutch, seconded by Wrobel; **CARRIED UNANIMOUSLY:**

To positively recommend to City Council the ordinance amendment to Chapter 20 regarding the removal of Massage Therapist references within the chapter.

Mr. Schultz explained the proposed changes were discussed at a previous meeting but there was also the addition of changing the fee so that it was set by resolution instead of built into the ordinance. It also added wording so that non-subdivided parcels of land were included.

ORCM 14-08-06 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment pertaining to the administrative fee for grass/weed mowing by the City on private property and to clarify the properties to which the requirements are applicable.

3. Possible changes to the Arcade License ordinance

Mr. Schultz explained that the Committee discussed this topic at the previous meeting. The question was whether they wanted to simply remove the licensing requirements or the entire ordinance. The Police Department had sent the opinion that Division I (Sections 4-61 through 4-66) was an important portion to leave in the ordinance mainly because it deals with person under the age of 18 on premises during school hours, on school days.

Member Mutch said he understood the Police Departments concerns but wondered if there was a better location in the Code to place those types of restrictions. Member Wrobel agreed.

Mayor Gatt asked why they would want to remove such language when the Police Department utilizes it. He felt they should leave that in and just remove the licensing portion. He directed staff to follow up on the topic to possibly locate another section of the Code where it would be a better fit.

ORCM 14-08-07 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To recommend to City Council an ordinance amendment to remove Division 2, Arcade License and Division 3, Machine License from Chapter 4, Article III.

4. Possible Ordinance Amendments regarding Medical Marijuana

Mr. Schultz explained that since the Committee last met, there have been some potential developments in changes to the State Law. He added that without knowing when or how soon those potential changes could take effect, it may be too soon for the Committee to act on the topic. Mayor Gatt agreed that it may be foolish to move forward knowing the State Law could change in the near future.

Mr. Schultz clarified that they can't stop a person from growing marijuana for their own use if they have a medical marijuana card. The situation that might be able to be regulated is the caregiver situation, where they can grow up to 72 plants and have five patients. He added that the ordinance, if Council decides to put one in place, should

Ordinance Amendment 14-97.03
REDLINE

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-97.03

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 4, "AMUSEMENTS AND ENTERTAINMENTS," ARTICLE III, "PINBALL ARCADES AND MACHINES," IN ORDER TO REMOVE THE REQUIREMENT FOR AN ARCADE LICENSE (DIVISION 2) AND MACHINE LICENSE (DIVISION 3) AND TO AMEND THE REMAINING DIVISION 1 (GENERALLY) TO DELETE REFERENCES TO "LICENSE" AND "LICENSEE."

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 4, "Amusements and Entertainments," Article III, "Pinball Arcades and Machines," of the City of Novi Code of Ordinances is hereby amended to **delete** Division 2, "Arcade License" and Division 3, "Machine License," and to remove references to licenses and licensees in Division 1, which shall read as follows in its entirety:

Division 1. Generally

Sec. 4-61. 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:

~~Licensee means the holder of a license issued pursuant to this article.~~

Operator means proprietor, lessee, manager, or employee of any pinball arcade or business.

Pinball arcade means any place of business or establishment containing two (2) or more pinball machines.

Pinball machine means any mechanical or electrical device which provides amusement or entertainment, including video games, which may be operated or set in motion upon the insertion of a coin or token. This definition shall not include jukeboxes, telephone devices, or machines that sell merchandise.

Premises means a building, or a part of a building where pinball machines are located, under the ownership or control of the operator.

~~Primary business means that business conducted on the premises that produces more than ninety (90) percent of the gross income produced annually by all forms of business conducted on the premises.~~

Sec. 4-62. Inspections of premises.

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 for the purpose of enforcing any provisions of this article.

Sec. 4-63. Operating hours.

The operator ~~or licensee~~ shall not open the ~~licensed~~ premises for business between the hours of 1:00 a.m. and 7:30 a.m. Provided, however, the premises may open for business during the aforesaid hours on the granting of a special permit by the city clerk, with the approval of the city police department and fire department, and upon the showing of the licensee that:

- (1) The premises are being used for the holding of a tournament;
- (2) The ~~licensee 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 Michigan Liquor Control Commission for the sale of alcoholic liquor to be consumed on the premises.

Sec. 4-64. Adult operator required.

Each operator ~~or licensee~~ shall have present on the premises, or on such portion of the premises where the pinball arcade is located, as the case may be, at least one (1) adult operator at all times that the premises is open to the public who has not been convicted of a crime involving moral turpitude and who has been so certified by the police department.

Sec. 4-65. Conduct on premises.

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

- (1) Permit any disorderly conduct as defined by Act No. 84 of the Public Acts of Michigan of 1939 (MCL 750.167), as amended;
- (2) Permit the ~~licensed~~ premises to become a resort for disorderly persons of any type, as defined by Act No. 84 of the Public Acts of Michigan of 1939 (MCL 750.167), as amended;

- (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 pinball machine shall constitute gambling. However, gambling shall not include the winning of non-cash tickets, coupons or other representations while playing a "redemption game," as defined in MCL 750.310b, located in a sit-down restaurant establishment with seating for one hundred twenty (120) persons, or more, where such tickets, coupons or other representations are won based upon one or more successful attempts in the operation of a game of skill (not a game of chance), and where the redemption value of a ticket, coupon or other representation of value awarded for the successful single play of a game does not exceed fifteen (15) times the amount charged for a single play of the game or three dollars and seventy-five cents (\$3.75), whichever is less; provided, players may accumulate tickets, coupons or other representations of value for redemption for noncash prizes of a greater value up to, but not exceeding, two hundred fifty dollars (\$250.00) wholesale value.
- (4) Permit intoxicated persons to loiter 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 Michigan Liquor Control Commission license is in effect at the licensed premises;
- (6) Permit the unlawful possession or use of any controlled substance on the premises;
- (7) Permit noise or music to emerge from the ~~licensed~~-premises.

Sec. 4-66. Age of persons on premises.

- (a) No person under the age of sixteen (16) years shall be permitted to be on the premises after 10:00 p.m., and all such persons must be accompanied by a parent or legal guardian at all times, except that persons between the ages of thirteen (13) years and sixteen (16) years may be permitted upon the premises without a parent or legal guardian between the hours of:
 - (1) 2:30 p.m. and 7:00 p.m. on Fridays;
 - (2) 10:00 a.m. and 7:00 p.m. on Saturdays and legal holidays;
 - (3) 11:00 a.m. and 3:00 p.m. on Sundays; and

- (4) 10:00 a.m. and 7:00 p.m. during summer vacation and other prescribed school vacations (e.g., winter or spring break) common to all school districts within the City of Novi.
- (b) No person under the age of eighteen (18) years shall be permitted to be on the premises during the hours of 7:30 a.m. through 2:30 p.m. on such days as schools within any of the school districts located in the city are open for regular school attendance, unless accompanied by a parent or legal guardian.
- (c) It shall be the responsibility of the licensee-operator to prohibit minor children from the premises in accordance with subsections (a) and (b) above, and failure to do so shall be a violation of this chapter. Any person under the age of eighteen (18) allowed on the premises without a parent or legal guardian shall have in his or her possession proof of age, which may be a school-issued identification card.

Division 2.—Arcade License

Sec. 4-76. Required.

~~No pinball arcade shall be established, maintained, or conducted in the city by any person without first obtaining a license to operate such place from the city clerk, with the approval of the city police department and fire department, and no operator shall allow or permit the use of two (2) or more pinball machines unless a pinball arcade license for such use shall have been obtained from the city clerk, with the approval of the city police department and fire department.~~

Sec. 4-77. Application.

- ~~(a) — Every person desiring to obtain a license for a pinball arcade shall file a written application to the city clerk on forms approved by the city clerk, together with an application fee payable to the city treasurer as is set by resolution of the council. The application shall include the following information: The applicant's age, correct name, post office address and residence, the length of time the applicant has resided within this state, and where, and the applicant's places of residence for the past five (5) years immediately before the time of such application; whether or not the applicant has ever been convicted of any crime involving a controlled substance, alcoholic liquor, minors or any offense involving moral turpitude; and at least five (5) references of reputable citizens of such community wherein the applicant has last resided within this state, and the written recommendations of at least two (2) citizens of such community respecting 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 a license is requested.~~

~~(b) — In case the applicant for a license required by this division 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, and 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 license to a corporation shall be revocable upon the occurrence of a change in the agent so managing such premises, and a new license may be required before any new agent shall take charge of such premises for such corporation.~~

~~(c) — In case of a partnership, each active partner in such business shall join in the application for the license required by this division, and shall furnish all of the information and recommendations required of an individual applicant. Such application shall also contain a diagram with dimensions of the premises on which the business will be conducted, showing the location of each pinball machine on the premises, and each exit from the premises.~~

~~Sec. 4-78. Inspection of premises.~~

~~(a) — Before any pinball arcade license shall be issued, investigation of the applicant and inspection of the premises shall be made by the fire department, police department, and such other city departments or agencies as may be deemed necessary to determine whether the applicant and the premises fully comply with all pertinent ordinances and regulations.~~

~~(b) — Before any pinball 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 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 Appendix A, "Zoning Ordinance," with additional facilities for general peak load parking requirements of the business being operated.~~

~~(c) — Before the fire department approves the same, it must determine whether the premises and the location of the pinball machines therein permit safe ingress and egress.~~

~~Sec. 4-79. Grounds for denial and appeal.~~

~~No pinball arcade license shall be issued:~~

- ~~(1) — Where the individual operator, managing agent of a corporation, or active partner has been convicted of a crime involving a controlled substance, alcoholic liquor, minors or a crime involving moral turpitude;~~
- ~~(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 one thousand (1,000) feet of any school building attended by students below the age of sixteen (16) years of age. Measurement shall be made from front door to front door;~~
- ~~(4) — For any premises that does not provide off street parking as provided in section 4-78~~
- ~~(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 where the primary business conducted on the premises is not a pinball arcade. This provision shall not apply to any hotel, motel or recreational premises such as bowling alleys or skating rinks where a pinball arcade is customarily incidental to the primary business. The determination as to whether a pinball arcade is customarily incidental to the primary business is a question of fact to be determined by the city. This provision shall also not apply to any premises which has a current class C license issued by the Michigan Liquor Control Commission for the sale of alcoholic beverages for consumption on the premises;~~
- ~~(8) — Whenever the denial of such license is necessary for the protection and conservation of the character and social and economic stability of the surrounding area.~~
- ~~(9) — The city clerk shall notify an applicant in writing sent by ordinary first class mail to the applicant at the address provided in the application of any denial of an application including the reasons and/or basis for the denial;~~
- ~~(10) — An applicant may appeal a denial to the city council by serving a written notice of appeal, signed by the applicant, upon the city clerk within fourteen (14) days of the notice of denial. The notice of appeal shall state the basis of the appeal including a statement of the reasons for reversal of the denial. A copy of the notice of denial shall be attached, by the applicant, to the notice of appeal.~~

Sec. 4-80. Review and granting.

- ~~(a) — The city clerk upon receiving an application for a pinball arcade license, if presented in due form, shall review the application for completeness and compliance with the form and content requirements of this article. The city clerk shall notify the applicant of any deficiencies in the application and take no further action on the application until the deficiencies are cured. Upon determining that an application meets the form and content requirements of this article, the city clerk shall forward the application to the city department heads for the police department and fire department for further review, investigation, inspection and compliance with the requirements of this article. Each department, upon completing their respective reviews of an application, shall either approve or deny the application and notify the city clerk of their respective determination including the reasons and/or basis of any denial.~~
- ~~(b) — Upon approval of the application, premises and applicant by the city clerk, police department and fire department, the city clerk shall grant such license to the applicant for a term expiring on the thirty-first of December of each year. All such licenses shall be in such form as the city may prescribe and shall contain the name, address, place of business, the number of pinball machines on the premises, and the date of expiration of the license, and shall be authenticated by the signature of the city clerk.~~
- ~~(c) — The license shall be issued to a specific person, firm, or corporation for a specific location.~~

Sec. 4-81. Fee.

~~The fee to be paid upon the granting of a pinball arcade license shall be as is set by resolution of the council.~~

Sec. 4-82. Display.

~~Each operator or licensee shall, at all times, display the license granted pursuant to this article in a conspicuous place near the entrance to the licensed establishment.~~

Sec. 4-83. Transferability.

~~Whenever the holder of a pinball arcade license desires to affect a change of place of doing business, he shall notify the city clerk 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 at the city's discretion. No license issued pursuant to this division shall be assignable or transferable, nor shall any person or entity excepting the person or entity to which it was issued be permitted to do business thereunder either directly or indirectly.~~

Sec. 4-84. Renewal.

~~Any license issued in accordance with this division may be renewed for an additional year upon the same terms and subject to the same requirements as provided in this division for an original license.~~

Sec. 4-85. Revocation.

~~The city shall have the right to revoke any pinball arcade license once granted or deny annual renewal thereof when it appears to its satisfaction that any operator or licensee has violated this division, any ordinance of the city or statute of the state with regard to the premises where the pinball machines are located, or any other ordinance of the city or statute of the state or of the United States involving controlled substances, alcoholic liquor, minors, or any offense involving moral turpitude. The revocation of any license or the denial of renewal thereof shall not be made without a hearing. Notice shall first be given to the operator or licensee setting forth the time and place of hearing and the reasons for such revocation or denial of renewal of the license.~~

Division 3. — Machine License

Sec. 4-96. Required.

~~No place of business or establishment in the city shall place, maintain, or locate a pinball machine on its premises without first having obtained a pinball machine license from the city and no operator shall allow or permit the use of a pinball machine unless a license for such use shall have been obtained from the city clerk. The provisions of this division are intended to apply only to places of business or establishments having one (1) pinball machine and do not apply to pinball arcades.~~

Sec. 4-97. Application.

- ~~(a) — Every person desiring to obtain a pinball machine license shall file a written application to the city clerk on forms approved by the city clerk, together with an application fee as is set by resolution of the council.~~
- ~~(b) — The application shall provide the following information: The applicant's name and post office address and the name and post office address of the business where the pinball machine is to be located. Each application shall also contain a diagram, with dimensions, of the premises in which the business will be located, showing the location of the pinball machine and each exit from the premises.~~
- ~~(c) — 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.~~
- ~~(d) — In case of a partnership, each active partner in such business shall join in the application for a pinball machine license.~~

Sec. 4-98. Inspection of premises.

~~Before any pinball machine license shall be issued, inspection of the premises shall be made by the fire department. Before any pinball machine license shall be issued, the fire department shall determine whether the applicant is placing the pinball machine in such a location so as to not constitute a nuisance or danger and so as to permit safe ingress to and egress from the premises.~~

Sec. 4-99. Granting.

- ~~(a) — The city clerk, upon receiving an application for a pinball machine license, if presented in due form, and upon being advised by the fire department that the premises conform to the requirements of this division, shall grant such pinball machine license to the applicant for a term expiring on the thirty first of December of each year. All such licenses shall be in such form as the city may prescribe and shall contain the name, address, place of business, and the date of expiration of the license, and shall be authenticated by the signature of the city clerk.~~

- ~~(b) — The license shall be issued to a specific person, firm, or corporation for a specific location.~~

Sec. 4-100. Changing location of pinball machine.

~~No pinball machine shall be moved from an approved location or to another location on the premises, unless the operator shall have first obtained the written approval of the fire department. If in the discretion of the fire department, it is necessary to inspect the proposed new location of the pinball machine to determine whether such new location constitutes a nuisance or danger, and to determine whether such new location permits safe ingress to and egress from the premises, the operator shall pay an inspection fee as is set by resolution of the council to the treasurer of the city to defray the cost of such inspection.~~

Sec. 4-101. Transferability.

~~Whenever the holder of a pinball machine license desires to affect a change of place of doing business, he shall notify the city clerk and make application for a license for such new place in the same manner as in the first instance. No license issued pursuant to this division shall be assignable or transferable, nor shall any person or entity excepting the person or entity to which it was issued be permitted to do business thereunder either directly or indirectly.~~

Sec. 4-102. Renewal.

~~Any license issued in accordance with this division may be renewed for an additional year upon the same terms and subject to the same requirements as provided in this division for an original license.~~

Sec. 4-103. Revocation.

~~The city shall have the right to revoke any pinball machine license once granted or deny annual renewal thereof when it appears to its satisfaction that any operator or licensee has violated this division, any ordinance of the city or statute of the state with regard to the premises where the pinball machines are located, or any other ordinance of the city or statute of the state or of the United States involving controlled substances, alcohol, minors, or any offense involving moral turpitude. The revocation of any license or the denial of renewal thereof shall not be made without a hearing. Notice shall first be given to the operator or licensee setting forth the time and place of hearing and the reasons for such revocation or denial of renewal of the license.~~

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___ day of _____, 2014.

Maryanne Cornelius, City Clerk

**Ordinance Amendment 14-97.03
CLEAN**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-97.03

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THE CITY OF NOVI ORDAINS:

PART I. That Chapter 4, "Amusements and Entertainments," Article III, "Pinball Arcades and Machines," of the City of Novi Code of Ordinances is hereby amended to **delete** Division 2, "Arcade License" and Division 3, "Machine License," and to remove references to licenses and licensees in Division 1, which shall read as follows in its entirety:

Division 1. Generally

Sec. 4-61. Definitions.

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Pinball arcade means any place of business or establishment containing two (2) or more pinball machines.

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

- (1) Permit any disorderly conduct as defined by Act No. 84 of the Public Acts of Michigan of 1939 (MCL 750.167), as amended;
- (2) Permit the premises to become a resort for disorderly persons of any type, as defined by Act No. 84 of the Public Acts of Michigan of 1939 (MCL 750.167), as amended;
- (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 pinball machine shall constitute gambling. However, gambling shall not include the winning of non-cash tickets, coupons or other representations while playing a "redemption game," as defined in

MCL 750.310b, located in a sit-down restaurant establishment with seating for one hundred twenty (120) persons, or more, where such tickets, coupons or other representations are won based upon one or more successful attempts in the operation of a game of skill (not a game of chance), and where the redemption value of a ticket, coupon or other representation of value awarded for the successful single play of a game does not exceed fifteen (15) times the amount charged for a single play of the game or three dollars and seventy-five cents (\$3.75), whichever is less; provided, players may accumulate tickets, coupons or other representations of value for redemption for noncash prizes of a greater value up to, but not exceeding, two hundred fifty dollars (\$250.00) wholesale value.

- (4) Permit intoxicated persons to loiter on the premises;
- (5) 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 Michigan Liquor Control Commission license is in effect at the licensed premises;
- (6) Permit the unlawful possession or use of any controlled substance on the premises;
- (7) Permit noise or music to emerge from the premises.

Sec. 4-66. Age of persons on premises.

- (a) No person under the age of sixteen (16) years shall be permitted to be on the premises after 10:00 p.m., and all such persons must be accompanied by a parent or legal guardian at all times, except that persons between the ages of thirteen (13) years and sixteen (16) years may be permitted upon the premises without a parent or legal guardian between the hours of:
 - (1) 2:30 p.m. and 7:00 p.m. on Fridays;
 - (2) 10:00 a.m. and 7:00 p.m. on Saturdays and legal holidays;
 - (3) 11:00 a.m. and 3:00 p.m. on Sundays; and
 - (4) 10:00 a.m. and 7:00 p.m. during summer vacation and other prescribed school vacations (e.g., winter or spring break) common to all school districts within the City of Novi.
- (b) No person under the age of eighteen (18) years shall be permitted to be on the premises during the hours of 7:30 a.m. through 2:30 p.m. on such days as schools within any of the school districts located in the city are

open for regular school attendance, unless accompanied by a parent or legal guardian.

- (c) It shall be the responsibility of the operator to prohibit minor children from the premises in accordance with subsections (a) and (b) above, and failure to do so shall be a violation of this chapter. Any person under the age of eighteen (18) allowed on the premises without a parent or legal guardian shall have in his or her possession proof of age, which may be a school-issued identification card.

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2014.

Maryanne Cornelius, City Clerk