



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Text

File #: ORD 19-2431, Version: 2

CONSENT AGENDA - *Cathy Sorensen, City Clerk*

SECOND READING

AMENDING CHAPTER 6 - ALCOHOLIC BEVERAGES ARTICLE II. - INTOXICATING LIQUOR AND 3.2 PERCENT MALT LIQUOR AND CHAPTER 10 - AMUSEMENTS AND ENTERTAINMENTS - ARTICLE II. - AMUSEMENT CENTERS AND AMUSEMENT DEVICES OF THE CODE OF ORDINANCES OF THE CITY OF BLAINE

Staff was approached by X-Golf to operate a golf simulator center and a restaurant with alcohol in the vacant tenant space next to Best Buy at Northtown Mall. The proposed use would require an amusement center license and on-sale intoxicating liquor license, both of which are currently not allowed by City Code because of the Paladin Career and Technical High School located within the mall. At the July 8 Council meeting first reading was held to remove the restriction of an amusement center within 1,500 feet from a school and the alcohol license restriction within 500 feet of a school if located within a regional mall to allow this proposed use. While unrelated two additional amendments were also included in first reading at staff recommendation: (1) remove the alcohol license restriction within 500 feet of a church to allow flexibility for churches that may wish to locate in less traditional spaces such as a strip mall and (2) repeal the amusement device license as very few cities no longer issue such licenses.

At first reading representatives of X-Golf requested Council consider exempting golf simulators from having to obtain an amusement center license, similar to bowling alleys. Staff believes the proposed amusement center definition as more than 20% of the gross area would best address a golf simulator use as well as future amusement uses and should not be included as an exemption at this time. The applicant has since applied for an amusement center license which will be considered later in the agenda should the ordinance be adopted.

Hold second reading and adopt ordinance as proposed.

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

Sec. 6-47. - Restrictions on issuance of license.

- (f) No license, other than a temporary intoxicating or 3.2 percent malt liquor license or brewer taproom, shall be granted to a premises located within 500 feet of any school unless located within a regional mall ~~[or church]~~. The distance is to be measured from the closest side of the school ~~[or church]~~ to the closest side of the structure on the premises within which liquor is to be sold.

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 center means any room, place or space available for public patronage, operated as a business, which utilizes more than 20% of the gross area in its operation of equipment and games including, but not limited to, pool tables, billiard tables, table tennis tables, foosball tables, pinball machines, or any mechanical or electronic amusement device, and which derives its principal source of revenue from the use and operation of such equipment and games. An amusement center as defined in this article shall not include bowling alleys.

Amusement device means an electronic or mechanical game of skill or chance, requiring the payment of money to play or operate. An "amusement device" is not a "gambling device" as defined by state statutes.

Operate means to conduct, manage, supervise, maintain or keep.

(Code 1963, § 70.01; Code 1980, § 4-40; Ord. No. 487, 3-4-1976; Ord. No. 755, 7-1-1982)

Cross reference- Definitions generally, § 1-2.

Sec. 10-32. - Exemptions.

Those establishments licensed to serve intoxicating liquor under chapter 6 and those establishments licensed to serve intoxicating liquor under the club on-sale retail license are not amusement centers as regulated by this article with regard to alcohol service, sales and regulations. All other licensing requirements shall pertain ~~[to the amusement devices located upon the premises of such establishments]~~.

(Code 1980, § 4-48; Ord. No. 755, 7-1-1982)

Secs. 10-33-10-50. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-51. - Required for operation of an amusement center and amusement device.

(a) No person shall operate an amusement center within the limits of the city without an amusement center license and a conditional use permit of the zoning code.

~~[(b) No person shall operate an amusement device within the city without an amusement device license.]~~

~~[(e)]~~ (b) Operation of ~~[four or more]~~ amusement devices in a business establishment which utilizes more than 20% of the gross area for amusement is prohibited, unless the premises is licensed as an amusement center.

(Code 1963, § 70.02; Code 1980, § 4-41; Ord. No. 487, 3-4-1976; Ord. No. 755, 7-1-1982; Ord. No. 98-1749, 11-5-1998)

Sec. 10-52. - Application.

Applications for an amusement center ~~[and amusement device license]~~ shall be made in writing to the city clerk and shall be verified by the applicant and accompanied by the license fee required in section 10-54. The application shall contain such information as may be required including, but not limited to, the following:

- (1) The names and addresses of the property owner, the business owner, the lessee, the manager and the operator and the names and addresses of the owner and lessee of the amusement devices. If any of the above are acting on behalf of a corporation, the names and addresses of the shareholders, officers and board of directors shall be filed with the application.
- (2) The address and location of the place where the amusement center ~~[and amusement device]~~ will be operated.
- (3) The number and types of devices to be used.
- (4) The hours of operation.
- (5) In addition to the above, the applicant shall submit at the time of the application a site plan of the premises showing location of amusement devices, sanitary facilities and parking provisions for vehicles and bicycles.
- (6) The applicant for an amusement center license shall provide the city with a certificate of insurance evidencing liability coverage in the amount of \$100,000.00/\$300,000.00 with a provision that the city be held harmless.
- (7) Such other information as the council may require.

(Code 1963, § 70.03; Code 1980, § 4-42; Ord. No. 487, 3-4-1976; Ord. No. 755, 7-1-1982)

Sec. 10-53. - Issuance; facilities; expiration.

(a) No amusement center license shall be issued by the council unless the applicant has

demonstrated that the place to be licensed is in compliance with the state building codes, and that the place to be licensed will not become a public nuisance or detrimental to public safety, morals or welfare. The location of an amusement device shall not create a public nuisance or a condition detrimental to public safety, morals or welfare.

(b) All licenses shall expire on December 31 following their issuance.

(Code 1963, § 70.04; Code 1980, § 4-44; Ord. No. 487, 3-4-1976; Ord. No. 755, 7-1-1982)

Sec. 10-54. - Fee.

(a) The amusement center license fee shall be established by action of the council for each license year ~~[or fraction thereof]~~. If the application for an amusement center license ~~[or amusement device license]~~ is denied, the license fee shall be returned to the applicant.

(b) The annual amusement ~~[device]~~ center license fee shall be established by action of the council ~~[for each device located on the premises of a licensed amusement center, and shall be established by action of the council for each device located in a business establishment which is not a licensed amusement center.]~~

(Code 1963, § 70.05; Code 1980, § 4-43; Ord. No. 487, 3-4-1976; Ord. No. 755, 7-1-1982; Ord. No. 771, 10-21-1982; Ord. No. 98-1695, § 2, 2-5-1998)

Sec. 10-55. - Conditions.

(a) No amusement center shall be located within 1,500 feet of any public or private school unless located within a regional mall.

(b) No amusement center shall be located within 500 feet of any residential zoning district.

(c) An adult manager, at least 21 years of age, shall be on the premises of an amusement center during all hours of operation. The manager's primary duties shall be the supervision of the use and operation of amusement devices.

(d) No amusement ~~[devices]~~ center shall be operated between the hours of 12:00 midnight and 7:00 a.m. except on the premises licensed to serve intoxicating liquor.

(e) The licensee and his employees and agents shall adhere to the provisions of this Code relating to minors. No licensee, nor his employees or agents, shall knowingly permit a minor to be present on the premises in violation of curfew laws, nor knowingly permit a person under the age of 17 years to be present on the premises when school is in session unless on a valid excused absence.

(f) An amusement center shall be deemed a public place, as regulated by chapter 50, article VI, division 2 of this Code.

(g) The licensee of an amusement center shall not permit intoxicated persons to remain on the premises.

- (h) The amusement center and the premises in which amusement devices are located shall conform to all building and fire prevention codes of the city. The building official or fire inspector may enter such premises at any time during normal business hours, for the purpose of inspecting such premises for fire hazards. All law enforcement personnel of the city shall have the right to enter such premises at any time during normal business hours, for the purpose of enforcement of the terms of this article.
- (i) The council may impose conditions upon the license pertaining to the hours of operation [~~of the establishment and the amusement device~~] and other conditions which will enable the licensee to control the conduct of the occupants of the amusement center and the persons operating the amusement devices.

(Code 1963, § 70.06; Code 1980, § 4-45; Ord. No. 478, 3-4-1976; Ord. No. 755, 7-1-1982)

Sec. 10-56. - Revocation.

The council may, after notice and hearing, revoke any license issued under this article if the licensee is convicted of any violation of an ordinance, state law, or federal law relating to the use, sale or possession of alcoholic beverages or the use or possession of gambling devices, or of any violation of Minn. Stat. ch. 617, or of any violation of chapter 50 of this Code. The conviction of a person, while an occupant of the licensed premises, of a violation of any of the above described ordinances, state laws or federal laws shall also be grounds for revocation of the license. The violation of any condition of the license shall also be grounds for revocation of the license.

(Code 1963, § 70.07; Code 1980, § 4-46; Ord. No. 487, 3-4-1976; Ord. No. 755, 7-1-1982)

Secs. 10-57-10-90. - Reserved.

INTRODUCED AND READ in full the 8th day of July, 2019.

PASSED by the City Council of the City of Blaine this 5th day of August, 2019.