

City of Wheat Ridge Amusement Licensing Procedures

Amusement Establishment (1-3 machines):

- Complete City of Wheat Ridge Amusement Establishment Application
- Pay annual licensing fee of \$60 per machine

Amusement Center (4-10 machines):

- Complete City of Wheat Ridge Amusement Center Application
- Complete Individual History Record for all management personnel
- All management personnel must be fingerprinted by the Approved vendor for CABS and not the Wheat Ridge Police Department. A separate fee of \$10 per applicant is paid to either Indentigo or ColoradoFingerprinting, along with \$38.50 being paid to the CBI.
- You can go to these links for more information <https://www.identigo.com/> or <https://www.coloradofingerprinting.com/cabs/> and use the code CONCJ6222
- NOTE: If your business already has a valid liquor license, this step DOES NOT apply.
- Pay annual licensing fee of \$60 per machine

Amusement Arcade (11 or more machines):

- Complete City of Wheat Ridge Amusement Arcade Application
- Complete Individual History Record for all management personnel. NOTE: If a business already has a valid liquor license, this step DOES NOT apply.
- All management personnel must be fingerprinted by the Approved vendor for CABS and not the Wheat Ridge Police Department. A separate fee of \$10 per applicant is paid to either Indentigo or ColoradoFingerprinting, along with \$38.50 being paid to the CBI.
- You can go to these links for more information <https://www.identigo.com/> or <https://www.coloradofingerprinting.com/cabs/> and use the code CONCJ6222
- NOTE: If a business already has a valid liquor license, this step DOES NOT apply.
- Pay non-refundable application fee of \$50
- Pay annual licensing fee of \$60 per machine



City of Wheat Ridge Municipal Building 7500 W. 29th Ave. Wheat Ridge, CO 80033-8001 P: 303.235.2816 F: 303.234.5924

CITY OF WHEAT RIDGE

AMUSEMENT ARCADE APPLICATION

Legal/True Name of Business: _____

DBA Business name: _____ Phone: _____

Address: _____

FEIN# _____ CO Sales Tax Acct# _____

Email Address _____

Owner: _____

Manager: _____

Has owner or manager ever been convicted of a felony? Yes No (circle one)

If yes, please explain:

_____ Do any persons, members or officers of the applicant have any financial interests in any other amusement establishment, center, or arcade? If so, please list.

_____ Machines Leased from: _____

Lessor Address: _____

Lessor Phone: _____ Email: _____

List of Machines to include serial number:

1. _____

2. _____

3. _____

4. _____

5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____

(Use separate sheet if more space it required.)

If this is a Partnership, please list all partners names, address, age, date, and place of birth including limited partners. If this is an LLC, please list the names, address, age, date, and place of birth of members or managers with 10% more interest. If this is a Corporation, please list the names, address, age, date, and place of birth of President, Secretary, Treasury and Vice-President.

(Attach additional sheet(s) if necessary)

APPLICANT AFFIDAVIT

I hereby certify that I have read and understand the provisions of Sections 11-101 through 11-123 of the Code of Laws of the City of Wheat Ridge. The facts contained within the foregoing application are true and correct; I understand that any falsification or misrepresentation will result in rejection of this application or revocation of the license. I further certify that if applying for an amusement center, it is NOT located within 500 feet of any public or parochial school property, or, if an arcade, is not located within 1000 feet of any public or parochial school property or 1000 feet of any other arcade.

Owner or Manager _____ Date _____

The annual licensing fee for amusement machines is \$60.00 per machine.

FEES SUBMITTED: _____

If you have questions, please call Deputy Clerk Robin Eaton at 303-235-2816 or email reaton@ci.wheatridge.co.us . Please send application and fees to:

City of Wheat Ridge
City Clerk's Office
7500 West 29th Avenue
Wheat Ridge CO 80033



**CITY CLERK'S OFFICE
ZONING VERIFICATION FORM
NEW AMUSEMENT CENTER OR ARCADE LICENSE APPLICATION**

Article IV. Sec. 11-117

Amusement License Applicant Completes Top Portion

Applicant: _____ Trade Name: _____

Phone: _____ Email: _____

Premises Address: _____

Application Type: New Modification License Type Change

Amusement License Type: Center or Arcade (Circle one)

Description of Use: _____

Amusement Arcade* is located within 1000ft. of any School: YES NO

Amusement Center** is located within 500ft. of any School: YES NO

Amusement Arcade* is located within 1000ft. of another Arcade: YES NO

Amusement Arcade or Center is within C-1, C-2, R-C, RC-1, or PCD Districts Yes NO

Applicant's Signature: _____

Printed Name: _____ Date: _____

NOTE: This review is for zoning purposes only and is not approval for any change of occupancy use pertaining to the building code. A separate building permit is required for building modifications to include a change of use or occupancy. If you have questions regarding the permitting process, please call the Building Division at 303-235-2855 or Planning Division at 303-235-2846. Send electronically to zoning@ci.wheatridge.co.us

City of Wheat Ridge Planning Division Completes Area Below

Zone district: _____

*/** Is the Use permitted? YES NO

Is a special or conditional use permit required on this property? YES NO

Signature _____ Print Name _____ Date _____

*Amusement Arcade, more than 10 machines ** Amusement Center, 4-10 machines

AMUSEMENT LICENSE MANAGER CONTACT INFORMATION:

Name: _____

Business Name: _____

Best Number to reach you at: _____

Type: Home Cell Work

2nd Best Number to reach you at: _____

Type: Home Cell Work

E-mail:

How often do you check your e-mail: _____

(i.e. daily, weekly, every time I get an e-mail because it is on my phone, etc.)

What is your first choice of communication?

- Phone Number 1
- Phone Number 2
- E-mail

ARTICLE IV. - AMUSEMENT ARCADES OR AMUSEMENT CENTERS⁽⁵⁾

Footnotes:

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Cross reference— Admissions and amusements tax, § 22-2.

DIVISION 1. - GENERALLY

Sec. 11-101. - 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 a place or establishment where an individual, association, partnership or corporation maintains more than ten (10) amusement devices.

Amusement center means a place or establishment where an individual, association, partnership or corporation maintains four (4) or more, but less than eleven (11) amusement devices, either as a sole business or in conjunction with some other business.

Amusement devices means any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration directly therein, may be used by the public as a game, entertainment, amusement, a test of skill either mental or physical, whether or not registering a score, and shall include, but not be limited to, pool tables, snooker tables, foosball tables, electronic games, coin-operated movies and pinball machines of every kind and description, but shall not include radios, devices that provide music only, television carrying commercial broadcasts only, devices for bowling such as bowling lanes, non-coin-operated pool and billiard tables, or fixed-stand, coin-operated kiddie rides.

Applicant means any individual, association, partnership or corporation requesting a license pursuant to this chapter.

Establishment maintaining amusement devices means a place or establishment where an individual, association, partnership or corporation maintains three (3) or less amusement devices.

Manager means an individual who manages, directs, supervises, oversees and administers the acts and transactions of the agents or servants of any establishment governed by this chapter or who, through his own actions, directs, oversees and administers the affairs of any such establishment.

(Code 1977, § 3A-1)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 11-102. - Penalties for violation.

Any person violating any provisions of this article shall be guilty of a misdemeanor and, upon conviction of such violation, shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00), or by imprisonment for a period not exceeding one year, or both such fine and imprisonment. Nothing contained in this section, however, shall impair the ability of the city to enforce this article as provided in section 11-123 hereof; provided, however, that no person under the age of eighteen (18) years shall be subjected to imprisonment for violation of any provisions of this article.

(Code 1977, § 3A-13; Ord. No. 1998-1120, § 2, 6-8-98)

Sec. 11-103. - Gambling prohibited.

Nothing in this chapter shall be construed to permit any unlawful gambling or wagering within the city.

(Code 1977, § 3A-10)

Sec. 11-104. - Hours of operation; exceptions.

No amusement arcade licensed pursuant to this chapter shall allow operation of any amusement device between the hours of 12:01 a.m. and 8:00 a.m. An exemption to the hours of operation may be allowed after a hearing before city council.

(Code 1977, § 3A-11)

Sec. 11-105. - Exemptions for establishments maintaining amusement devices.

An establishment maintaining amusement devices is not subject to sections 11-116, 11-117 or 11-103, but is subject to all other provisions of this article.

(Code 1977, § 3A-7; Ord. No. 1354, § 9, 1-23-06)

Secs. 11-106—11-114. - Reserved.

DIVISION 2. - LICENSE

Sec. 11-115. - Required; payment of fees.

- (a) No amusement arcade or amusement center shall conduct business within the city without a valid license.
- (b) No amusement arcade, amusement center or establishment maintaining amusement devices shall conduct business within the city without first paying the fee placed upon amusement devices imposed by section 11-120.

(Code 1977, § 3A-2; Ord. No. 1354, § 10, 1-23-06)

Sec. 11-116. - Application.

The application for an amusement arcade or amusement center license shall be made to the city clerk, shall be accompanied by the fees required by section 11-120, and shall contain the following information:

- (1) The name and address of the establishment.
- (2) The name, address, age, date and place of birth, and prior felony convictions, if any, of the applicant and manager of the establishment.
- (3) Evidence from the department of community development of the city that the location of the proposed amusement arcade or center is within a C-1, C-2, R-C, RC-1, or PCD district and meets all of the zoning requirements of the city.

- (4) Where the applicant is a corporation, association, partnership or private club, the information required in paragraph (2) above shall be furnished as to each member of the association, or each officer of the corporation and members of the board of directors of the corporation and the holders of ten (10) percent or more of the corporate stock of any class.
- (5) The distance from any other amusement arcade or public school (if an amusement arcade) or the distance from any public school, if an amusement center.
- (6) The number of amusement devices to be maintained at the amusement arcade or amusement center.

(Code 1977, § 3A-3)

Sec. 11-117. - Approval.

- (a) Application of the license required by this division shall be reviewed by the city clerk. The city clerk shall have an investigation conducted by the police department sufficient to verify all the information required by this division. On completion of this investigation, the city clerk shall either approve or disapprove the application.
- (b) No license shall be issued to any applicant unless approved by the city clerk. The city clerk shall refuse to issue any license for an amusement arcade, amusement center or amusement device, if the clerk finds any of the following:
 - (1) That the applicant is under the age of eighteen (18) years.
 - (2) That the applicant, manager, or either of them has made false statements upon the application.
 - (3) That the applicant, manager, or either of them, has been convicted of a felony within the last ten (10) years.
 - (4) That the proposed amusement arcade is located within one thousand (1,000) feet or that the proposed amusement center is located within five hundred (500) feet of the boundary of any public or parochial school grounds. The distance is to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which the amusement arcade or amusement center is located, using a route of direct pedestrian access.
 - (5) That any designated manager is under the age of eighteen (18) years, except that at any amusement center or establishment maintaining amusement devices which does not sell alcohol, beer or wine, or books or magazines, the manager may be sixteen (16) years of age or older.
 - (6) That the proposed amusement arcade is located within one thousand (1,000) feet of any other amusement arcade. Such distance is to be computed by direct measurement from the nearest property line of the land used for arcade purposes to the nearest portion of the building in which the amusement arcade is located, using a route of direct pedestrian access.
- (c) In the event that the city clerk disapproves a license application, the city clerk shall make written findings of fact stating the reasons for the disapproval. Any decision of the city clerk may be reviewed by the city council if an appeal of the city clerk's decision is properly filed within twenty (20) days of that decision.

(Code 1977, § 3A-4)

Sec. 11-118. - Term.

All licenses granted pursuant to this division shall be for a term of one (1) year unless sooner suspended or revoked. Such term shall commence on the date said license is issued and terminate on the anniversary date of the license.

(Code 1977, § 3A-5)

Sec. 11-119. - Renewal.

Renewal of any of the licenses granted pursuant to this division may be had by payment of the license fee along with a statement that the information listed on the original license application is still true and correct, or a statement listing those items of information required for a license application which have changed in the year since the license was granted or last renewed. Failure to renew a license in a timely manner shall be grounds for termination and revocation of the license, and shall be grounds for failure to renew such license.

Sec. 11-120. - License fees.

(a) Fees for persons listed under the provisions of this division are as follows:

- (1) *Amusement arcade; annual fee.* Applicants or holders of a amusement arcade license shall pay a yearly fee in the amount established by resolution for each amusement device maintained upon the premises.
- (2) *Amusement center; annual fee.* Applicants or holders of an amusement center license shall pay a yearly fee in the amount established by resolution for each amusement device maintained upon the premises.
- (3) *Establishment maintaining amusement devices; annual fee.* Any person owning or operating an establishment maintaining amusement devices shall pay a yearly fee in the amount establishment by resolution for each amusement device maintained upon the premises, and shall be issued, upon such payment, a certificate of payment by the city clerk indicating the number of approved devices maintained upon the premises.
- (4) *Amusement arcade; investigation fee.* Applicants for an amusement arcade license shall pay an investigation fee in the amount established by resolution to cover the cost of investigation required by this division.
- (5) *Additional devices acquired during license period; fee per device.* All applicants and holders of amusement center or amusement arcade licenses shall report to the city clerk the addition of any amusement device or devices to their premises within fifteen (15) days of such addition and tender to the city clerk at that time a fee in the amount established by resolution for each additional amusement device for the remainder of the original license period. Failure to report additional amusement devices to the city clerk shall constitute a violation of this article and be grounds for imposition of a fine or penalty as provided and for revocation and suspension of the license granted pursuant to this division.

(b) The city treasurer shall issue a receipt for the payment of these fees.

(c) The city clerk shall not be required and is not authorized to make any refund or rebate of any of the fees paid pursuant to this section.

(Code 1977, § 3A-7)

Sec. 11-121. - Display; transfer; revocation or nonrenewal for inactive locations.

- (a) The holder of any license or receipt issued pursuant to the terms of this division shall prominently display the same upon the premises for which the license is issued.
- (b) Any license or receipt issued pursuant to the terms of this division shall not be transferable to any other location in the city. In the event of transfer of ownership of the business at the same location for which a license or tax receipt is issued pursuant to the terms of this division, a license may be transferred to the new owner of the business; provided, however, that the application therefor stating the same

information as required by section 11-116 is first presented to the city clerk for approval or disapproval, as provided in sections 11-116 and 11-117, accompanied by the proper license fee and a fifty-dollar investigation fee as required by section 11-120. Approval or disapproval of such transfer shall be upon the same terms as approval or disapproval of a license as required by the terms of this article.

- (c) The city clerk shall revoke or not renew, as the case may be, any amusement license provided for by this division if the clerk determines, pursuant to adequate investigation, that the licensed location has been inactive for at least sixty (60) days. The city clerk shall issue findings to support his determination and shall immediately notify the holder of such amusement license of the determination, Any revocation or suspension of a license provided by this division may be reviewed by the city council if any appeal of such revocation or suspension is filed within ten (10) days after notification of such suspension or revocation.

(Code 1977, § 3A-9)

Sec. 11-122. - Suspension or revocation generally.

- (a) *Reasons.* The city clerk shall, after administrative due process hearing, either suspend or revoke any license granted pursuant to this division upon a finding of any of the following factors:
 - (1) That any of the amusement devices maintained upon the premises are being used for gambling purposes.
 - (2) That repeated disturbances of public peace have been occurring within the licensed establishment or upon any parking areas, sidewalks, walkways, accessways or grounds immediately adjacent to the licensed premises involving patrons, employees, or the holder of the license of the establishment.
 - (3) That holder of the license, or any employee thereof, is illegally offering for sale, or illegally allowing to be consumed upon the licensed premises, or upon any parking areas, sidewalks, walkways, accessways or grounds immediately adjacent to the licensed premises, narcotics or dangerous drugs.
 - (4) That the holder of the license or an approved manager is not upon the licensed premises at all times.
 - (5) That where not specifically authorized by law, malt, vinous or spirituous beverages are being consumed on the premises with or without the consent of the owner by patrons of the licensed establishment or where such beverages are being consumed by patrons of the establishment upon any parking areas, sidewalks, walkways, accessways or grounds immediately adjacent to the licensed premises.
 - (6) That amusement devices have been installed, and/or are being operated, on the premises of any amusement arcade or amusement center for which the fee required by this division has not been paid, or for which application has not been made pursuant to section 11-120, paragraph (a)(4).
 - (7) That any amusement center or amusement arcade is being maintained in such a way as to violate any building code, zoning or public health requirement imposed by city, county or state ordinance, law or regulation, or any other provision of city ordinance, or state or federal law.
 - (8) That any license required to be renewed has not been renewed in a timely manner as prescribed in this division.
 - (9) That any provision of this article has been violated by the owner or manager of the amusement arcade or amusement center, or that either such owner or manager has knowingly allowed the violation of any provision of this article to occur.
 - (10) That the use of the amusement devices in the licensed establishment occurs during the hours where such operation is prohibited.

- (b) *Other enforcement action.* Nothing in this division shall prohibit the city from taking any other enforcement action provided for by this Code or the laws of the state or of the United States.
- (c) *Appeals.* Any decision of the city clerk specified in this section may be appealed by any aggrieved party to the city council by the filing of a written notice of appeal no later than twenty (20) days after the date of the city clerk's decision. Upon receipt of such a notice of appeal, the appeal shall be placed on the city council's agenda, and shall be heard as a public hearing, which hearing shall be an advertised due process hearing held pursuant to the city council's public hearing rule. Any appeal from the city council's decision shall be to Jefferson County District Court.

(Code 1977, § 3A-8)

Sec. 11-123. - Termination of operations pursuant to license revocation, suspension and nonrenewal; operation pending appeal results; bond.

Any amusement arcade or amusement center for which a license is denied, not renewed, suspended or revoked shall terminate operation of each amusement device located therein immediately. In the event any decision revoking, suspending, denying or not renewing any required license is made, the owner, applicant or manager of the facility, amusement center or amusement arcade shall be entitled to appeal such decision as provided in this division. For so long as the appeal is pending before the city council or any court of the state, the amusement arcade or amusement center shall be entitled to continue to operate all amusement devices identified pursuant to section 11-120, paragraph (a)(4) hereof, provided that a bond in the amount of one hundred dollars (\$100.00) per amusement device is posted with the city clerk. Any amusement device being operated in violation of any decision or order of the city clerk, city council or any court of competent jurisdiction shall be deemed a public nuisance, and shall be subject to enforcement by injunction.

(Code 1977, § 3A-12)

Secs. 11-124—11-140. - Reserved.