

ORDINANCE NO. 13,749

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by adding and enacting a new Subchapter 4 to Chapter 13, Sections 13-96, 13-97 and 13-98, relating to entertainment arcades.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by adding and enacting a new Subchapter 4 to Chapter 13, Sections 13-96, 13-97 and 13-98, relating to entertainment arcades, as follows:

SUBCHAPTER 4. ENTERTAINMENT ARCADES

13-96.DEFINITIONS .

The following terms as used in this subchapter shall have the following meanings:

(a) "**Entertainment arcade**" means any place to which the public is admitted wherein one or more coin or slug-operated or electrically, electronically, or mechanically controlled still or motion picture machines, projectors, or video cassettes are maintained for the purpose of showing still or motion pictures or videos, or where other forms of entertainment is viewed for a fee; provided, however, "entertainment arcade" shall not include any building or portion of a building which constitutes an assembly occupancy as defined by Chapter 8 of the Des Moines Municipal Code and shall not include Hotels or Motels.

(b) "**Person**" means employee, agent, partner, director, officer, stockholder, or manager of any entertainment arcade.

13-97.REQUIREMENTS FOR BOOTHS AND PARTITIONS .

(a)Booths, stalls or rooms within an entertainment arcade shall be maintained open. with no doors, curtains, or other closure devices of any kind.

(b) Dividers, partitions, or walls separating or enclosing viewing booths, stalls or rooms within an entertainment arcade shall be solid with no openings or holes through to the other side. A door otherwise required by Chapter 8 of the Des Moines Municipal Code is not considered an opening or hole for purposes of this subsection.

13-98.VIOLATIONS.

(a) No person shall maintain an entertainment arcade that is not in compliance with the requirements of section 13-97 of this subchapter.

(b) No person shall knowingly allow or permit any act of sexual intercourse, sodomy, oral copulation, or masturbation to be committed in an entertainment arcade, or knowingly permit or allow an entertainment arcade to be used as a place in which solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

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Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 99-2854), passed by the City Council of said City at a meeting held September 13, 1999, signed by the Mayor on September 13, 1999, and published as provided by law in the Business Record on September 27, 1999. Authorized by Publication Order No. 6279.

Donna Boetel-Baker, CMC/AAE, City Clerk