

City of Waukesha, Wisconsin

Ordinance No. 2025 – 16

**An Ordinance Amending Section 8.04 of the Waukesha Municipal Code,
Regarding the Licensing of Amusement Arcades**

Whereas the Common Council having found that Section 8.04 of the Waukesha Municipal Code contains outmoded and obsolete provisions that do not promote the public health, safety, and welfare but do present an unreasonable burden on commerce;

Now, therefore, the Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 8.04 of the Waukesha Municipal Code is amended in its entirety to read as follows:

8.04 Amusement Arcades.

(1) Definitions.

- (a)** Amusement Arcade means a premises that meets all of the following:
 - (i)** Is a Public Place of Accommodation or Amusement as defined in Wis. Stat. §106.52(1)(e).
 - (ii)** Has within it more than four Amusement Games, as defined below, that are offered for use after payment of a fee by the user.
 - (iii)** Is not licensed as a “Class B” retail premises. A “Class B” premises is exempt from the licensing requirement of this Section.
- (b)** Amusement Game means any machine, game, or device intended for amusement, including without limitation video games, pinball machines, foosball tables, air hockey tables, table shuffle boards, skee ball, basketball games, golf simulators, quiz games, and all other similar games and devices for recreation, pleasure, and amusement. Regardless of the foregoing, Amusement Game does not include jukeboxes, which are subject to permitting under Mun. Code §8.05; pool tables, billiards tables, or bowling alleys, which are subject to licensing under Mun. Code §8.07; or games at carnivals, festivals, or fairs, which are subject to permitting under Mun. Code §8.11.

- (2) Requirement of License.** All Amusement Arcades shall obtain and maintain at all times while open for business an Amusement Arcade License issued by the City Clerk. Licenses shall be in a form prepared by the City Clerk and shall be displayed in the Amusement Arcade at all times.

- (3) **License Period.** Licenses shall be good for one year, and shall expire each year on June 30.
- (4) **Licenses Not Transferable.** Licenses shall not be transferable among premises or persons.
- (5) **Fee.** The annual fee for an Amusement Arcade License shall be as shown in the License Fee Schedule approved by the Common Council from time to time and maintained by the City Clerk. The fee shall be payable upon application and renewals, shall be non-refundable, and shall not be prorated.
- (6) **Application for Amusement Arcade License.**
 - (a) Application for a license shall be on a form furnished by the City Clerk, and shall be filed with the City Clerk.
 - (b) The application shall require the following information:
 - (i) Name and address of the applicant. If the applicant is a partnership, corporation, limited-liability company, association, club, or other such entity, the names and addresses of all partners, members, officers, and directors shall be given.
 - (ii) Address of the Amusement Arcade and the name and address of the owner of the property.
 - (iii) The number of Amusement Games to be located in the Amusement Arcade.
- (7) **Issuance of Amusement Arcade License.** Amusement Arcade Licenses shall be issued by the City Clerk if all of the following are met:
 - (a) The applicant is at least 18 years of age, if an individual.
 - (b) The application is complete and accurate.
 - (c) The fee has been paid in full.
 - (d) The applicant is not in default of payment of any other fees, charges, forfeitures, or other amounts due to the City or Municipal Court.
 - (e) The premises in which the Amusement Arcade is located is not in default of payment of property taxes.
- (8) **Supervision and Hours of Operation.**
 - (a) An individual 18 years of age or older having authority to supervise operations of the Amusement Arcade shall be on the premises at all times that it is open for business.
 - (b) Amusement Arcades shall not be open for business from 12:30 a.m. to 9:00 a.m.
- (9) **Consent to Entry.** Every entity holding an Amusement Arcade License consents as a condition to holding that license to the entry of Police, Fire Department, Building

Inspection, or other authorized representatives of the City at all reasonable hours for the purpose of inspection.

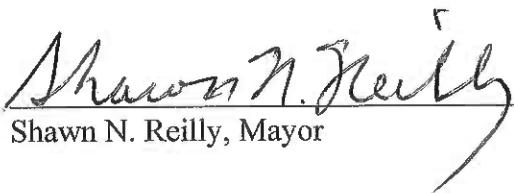
(10) Revocation or Suspension of Amusement Arcade License. An Amusement Arcade License may be revoked or suspended, and the operation of the Amusement Arcade shall immediately cease, for any of the following reasons. Revocation or suspension shall occur only after a due-process hearing before the Common Council.

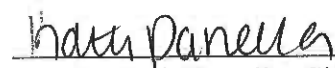
- (a) Any violation of the provisions of this Mun. Code §8.04.
- (b) A refusal to allow entry by City personnel pursuant to subsection (9).
- (c) The existence of any gambling machine, as defined in Wis. Stat. §945.01(3), gambling or fraudulent devices or practices within the Amusement Arcade. Buy-backs of replays constitutes gambling.
- (d) The presence of any Amusement Game that is illegal under Federal or State law in the Amusement Arcade.
- (e) The existence of any illegal, indecent, or immoral activities within the Amusement Arcade.
- (f) Any other reasons deemed to be good cause by the Common Council for the protection of the health, safety, and welfare of citizens.

Section 2. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall be effective the day after its publication.

Passed the 16th day of December, 2025.


Shawn N. Reilly, Mayor


Attest: Katie Panella, City Clerk

Publication date: 12/20/2025