

AMUSEMENT GAMES, AUTOMATIC

Chapter 20

AMUSEMENT GAMES, AUTOMATIC

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[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 1-18-89. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 19.

Be it ordained by the Mayor and Council of the Borough of Helmetta, in the County of Middlesex and State of New Jersey:

§ 20-1. Title.

This chapter shall be known and may be cited as the "Automatic Amusement Games Ordinance of the Borough of Helmetta."

§ 20-2. Purpose.

This chapter is enacted for the purpose of regulating and controlling automatic amusement devices as hereinafter defined. Because such devices may become a public nuisance by reason of the manner in which they are distributed or operated, it is hereby determined that regulation and control of such devices are necessary for the protection and preservation of the public safety, morals and welfare.

§ 20-3. Definitions.

The following terms, wherever used or referred to in this chapter, shall have the following meanings unless a different meaning clearly appears from the context:

AMUSEMENT DEVICE ARCADE — Any premises upon which is located more than five (5) amusement devices.

AUTOMATIC AMUSEMENT DEVICE — Any machine or device which, upon the insertion of a coin, token, plate or disk, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. The term includes, but is not limited to, amusement

devices commonly known as "electronic video games," "pinball," "skill ball," "mechanical grab machines," "marble machines," "baseball," "bagatelle" and all games, machines or devices similar thereto under whatever name they may be designated.

DISTRIBUTOR — Any person who supplies, offers or exhibits for sale, leases, sells, repairs or distributes automatic amusement devices to any other person.

NET FLOOR AREA — The total number of square feet which the public is invited to use and occupy, other than restrooms and areas of ingress and egress. Excluded from "net floor area" are areas used for storage, offices, kitchen, counter space, shelving and any areas which are not used by the public on a regular basis. The Building Inspector shall determine the net floor area in each prospective licensed premises subject to this chapter.

PERSON — Any individual, firm, corporation, partnership, association or entity.

PREMISES — Any building, business, store, restaurant, tavern or other place to which the public is invited or may enter.

PROPRIETOR — Any person who owns, leases, rents or operates any premises on or at which any automatic amusement device is kept, placed or exhibited for use or operation by the public.

§ 20-4. Licenses required.

- A. No person shall keep, place or exhibit any automatic amusement device for use or operation by the public on or at any premises in the Borough of Helmetta without first obtaining a proprietor's license for such premises.
- B. No person shall keep, place or exhibit any automatic amusement device for use or operation by the public on or at any premises in the Borough of Helmetta without first obtaining an automatic amusement device license for each such automatic amusement device.

- C. No person shall supply, offer or exhibit for sale, lease, sell, offer to repair or distribute any automatic amusement device in the Borough of Helmetta without first obtaining a distributor's license, and if such distributor shall permit a customer to operate such machine being offered for sale, etc., such operation shall be free of charge.

§ 20-5. Proprietor's license.

- A. An application for a proprietor's license shall be filed in writing with the Borough Clerk. The application shall contain the following:
- (1) The names and addresses of the suppliers, lessors, distributors and/or owners of the automatic amusement devices to be kept on the premises.
 - (2) The name under which the place is being operated and the location of the same.
 - (3) The number of devices to be kept, placed or exhibited on the premises for use or operation by the public, which number shall be specified on the proprietor's license.
 - (4) The net floor area, in square feet, of the premises, together with a diagram of the floor area.
 - (5) A description of each automatic amusement device sought to be licensed, including for each device the name of the manufacturer, model number and serial number.
 - (6) Information indicating whether the distributor, the applicant or any person connected with the operation of the place wherein the game or device is to be installed has ever been convicted of any crime or found guilty of the violation of any ordinance pertaining to gambling or gaming.
 - (7) In the case of an Amusement Device Arcade, a floor plan showing the location of each proposed device and the dimensions of the premises.

- B. The application shall be accompanied by a certification from the Code Enforcement Officer of the borough that the premises occupancy load has been calculated and posted in accordance with the New Jersey State Uniform Construction Code.¹
- C. The application shall be accompanied by a certification from the Code Enforcement Officer that the premises are in substantial compliance with the Fire Prevention and Housing and Property Maintenance Codes of the Borough of Helmetta.²
- D. A proprietor's license shall not be transferred or assigned. Specifically, but not by way of limitation, a proprietor's license shall not run with the premises, nor shall the sale of the premises effectuate a transfer of the license.

§ 20-6. Automatic amusement device license.

- A. An application for an automatic device license shall be filed in writing with the Borough Clerk. The application shall state the following:
 - (1) The names and addresses of the suppliers, lessors, distributors and/or owners of the device; and
 - (2) The serial number and type of the device.
- B. An automatic amusement device license may be transferred, provided that the requirements of § 20-12 are met.
- C. No automatic amusement device license shall be issued to any person other than one holding a valid proprietor's license hereunder.

¹ Editor's Note: See N.J.S.A. 52:27D-119 et seq.

² Editor's Note: See Ch. 34, Uniform Fire Safety Code, Ch. 39, Housing Standards, and Ch. 44, Property Maintenance, respectively.

§ 20-7. Distributor's license.

- A. An application for a distributor's license shall be filed in writing with the Borough Clerk.
- B. A distributor's license shall not be transferred or assigned.

§ 20-8. Expiration date of licenses.

All proprietor's licenses, automatic amusement device licenses and distributor's licenses shall expire annually on September 30 at 12:00 midnight. Applications for the removal of proprietor's licenses, automatic amusement device licenses and distributor's licenses shall be filed not later than September 1.

§ 20-9. Fees.

- A. Fees for proprietor's licenses, automatic amusement device licenses, distributor licenses, transferring automatic amusement device licenses and amending proprietor's licenses shall be as follows:

Type	Fee
Automatic amusement device license	\$250.00
Transfer of automatic amusement device license	50.00
Proprietor's license	500.00
Amendment to proprietor's license	100.00
Distributor's license	750.00

- B. The license fee for any proprietor's license, automatic amusement device license or distributor's license issued after April 1 of any calendar year shall be one-half (1/2) of the respective annual fee. License fees shall not be refundable.

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§ 20-10. Content; display.

In addition to the information required on the application, each automatic amusement device license shall contain the serial number and type of the device. The license shall be firmly attached at a conspicuous place on the device.

§ 20-11. License amendment for increase in devices.

- A. If a proprietor licensed hereunder desires to increase the number of devices to be kept, placed or exhibited on the premises for use or operation by the public, he shall file an amendment to his original application for a proprietor's license filed pursuant to § 20-5 hereof and surrender his original proprietor's license to the Borough Clerk. The amendment shall state the following:
- (1) The names and addresses of the suppliers, lessors, distributors and/or owners of the additional devices to be kept, placed or exhibited on the premises for use or operation by the public; and
 - (2) The revised number of devices to be kept, placed or exhibited on the premises for use or operation by the public.
- B. Upon determining that the proprietor is in compliance with all the provisions of this chapter, the Borough Clerk shall issue a new proprietor's license reflecting the revised number of automatic amusement devices to be kept, placed or exhibited on the premises for use or operation by the public. Issuance of the new license shall not alter the proprietor's obligation under § 20-4B of this chapter to obtain an automatic amusement device license for each additional device.

§ 20-12. Transfer of license.

If a proprietor desires to transfer an automatic amusement device license from one device to another, he shall file an application pursuant to § 20-6 hereof and surrender his automatic amusement device license to the Borough Clerk. Upon determining that the

proprietor is in compliance with all the provisions of this chapter, the Borough Clerk shall issue a new license identifying the substituted device.

§ 20-13. Location of premises restrictions.

- A. No proprietor's license shall be issued for any premises containing more than two (2) automatic amusement devices kept, placed or exhibited for use or operation by the public and located within five hundred (500) feet of any residential zone, church, school, auditorium, hospital or like place.
- B. No proprietor's license shall be issued for any premises containing more than two (2) automatic amusement devices kept, placed or exhibited for use or operation by the public and located within one thousand (1,000) feet of any other premises licensed pursuant to this chapter containing more than two (2) such devices.

§ 20-14. Location of devices restrictions.

- A. No premises shall contain more than one (1) automatic amusement device for every one hundred (100) square feet of net floor area.
- B. Automatic amusement devices shall be separated from each other by at least eight (8) feet, provided that if the devices are placed along a wall they shall be separated from other devices along the same wall by at least four (4) feet.
- C. No automatic amusement device shall be located within eight (8) feet of any doorway, aisle, hallway, passageway or other means of ingress or egress, including designated fire exits.

§ 20-15. Gambling prohibited.

- A. No license shall be issued for any automatic amusement device which is in the nature of a gambling device or which offers a prize or the return of any money.

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- B. No proprietor shall permit betting or gambling on the premises or offer a prize or other reward to any person playing any automatic amusement device.

§ 20-16. Attendants required.

- A. The proprietor shall provide one (1) attendant over eighteen (18) years of age for every increment of one (1) to five (5) automatic amusement devices kept, placed or exhibited on the premises for use or operation by the public. The requisite number of attendants shall be present at all times during which the public is invited to use or operate the automatic amusement devices.
- B. If more than two (2) devices are kept, placed or exhibited on the premises for use or operation by the public, the attendant(s) shall have no duties other than those exclusively related to supervision of the use and operation of the devices.

§ 20-17. Liquor prohibited; exceptions.

- A. No proprietor shall permit the possession and/or use of any intoxicating liquor by any person on the premises, unless the proprietor is licensed to sell intoxicating liquor on such premises.
- B. No person shall have in his possession and/or use any intoxicating liquor while he is on any licensed premises, unless the proprietor of such premises is licensed to sell intoxicating liquor thereon.

§ 20-18. Food or beverage restrictions.

No proprietor shall permit the consumption of any food or beverage on the premises, except if food or beverages are sold thereon.

§ 20-19. Minors; hours limited.

- A. No proprietor shall permit the use of any automatic amusement device by persons under the age of eighteen (18) years unaccompanied by a parent or legal guardian during the following hours:
- (1) Between 8:00 a.m. and 4:00 p.m. on days when elementary, middle and secondary schools in the district of which Helmetta is a part are in regular session.
 - (2) Between 10:00 p.m. and 8:00 a.m. every day.
- B. The proprietor or the attendant in charge shall direct any minors present and unaccompanied by a parent or legal guardian to leave the premises at 10:00 p.m.; no such unaccompanied minor shall be admitted to the premises after 10:00 p.m.

§ 20-20. Premises requirements.

- A. The licensed premises shall comply with all requirements of the Fire Prevention and Housing and Property Maintenance Codes of the Borough of Helmetta and with other ordinances of the borough governing use and occupancy of premises.³
- B. Nothing herein stated shall be construed to exempt any proprietor from complying with the requirements of any other ordinance of the Borough of Helmetta.
- C. No proprietor shall permit a density of occupancy of the premises greater than the posted occupancy load.

§ 20-21. Storage.

Any automatic amusement devices not licensed pursuant to this chapter shall not be kept on the premises in any areas to which the public is invited and has access.

³ Editor's Note: See Ch. 34, Uniform Fire Safety Code, Ch. 39, Housing Standards, and Ch. 44, Property Maintenance, respectively.

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§ 20-22. Violations and penalties.

Any person convicted by the Municipal Court of the Borough of Helmetta for a violation of the provisions of this chapter shall be subject to a fine of not more than one thousand dollars (\$1,000.) or imprisonment in the county jail for a term not to exceed ninety (90) days, or both. Each day that a violation of the provisions of this chapter continues shall be considered to be a separate offense.

§ 20-23. Revocation of licenses.

In addition to any other grounds for revocation in accordance with law, the Borough Council shall have the right, after notice and a hearing, to revoke any license issued hereunder for the violation of any of the provisions of this chapter.