

TOWN OF NORTH YARMOUTH

Coin-Operated Amusement Device Ordinance

SECTION I. TITLE

This Ordinance shall be known and be cited as the Coin-Operated Amusement Device Ordinance of the Town of North Yarmouth.

SECTION II. PURPOSE

This Ordinance shall serve to regulate the location and operation of any such device in or on any premises or location within the Town of North Yarmouth.

SECTION III. DEFINITIONS

A. Coin-Operated Amusement Device—A coin-operated amusement device shall include all of those machines whether mechanical or electronic which upon insertion of a coin, slug, token plate or disc may be operated by the public generally at a public premises for use as a game, entertainment, or amusement, but not limited solely to musical entertainment, whether or not registering the score and which are created for amusement only and do not dispense any form of pay-off, price or reward except free replays.

B. Good Moral Character—Proof of good moral character shall include general testimony of the applicant's reputation in the community and the results of a records check to be conducted by the appropriate law enforcement agency. Such results shall be considered relevant only if they disclose a felony conviction within the last ten (10) years.

C. Effect on Neighboring Properties—The applicant shall establish that the location of a premises for the operation of coin-operated amusement devices will not adversely affect the property values of other real property in the immediate vicinity of said premises. Any plans the applicants may have in regard to supervision of said premises to prevent vandalism and other potential property damage or personal injury to abutters shall be considered in this regard.

D. Traffic Hazards—Traffic conditions on any public way adjacent to said premises shall be evaluated to insure that the location of said premises will not unnecessarily aggravate said conditions, such evaluation shall be conducted by the Municipal Officers in conjunction with the local law enforcement agency.

E. The Code Enforcement Officer—in conjunction with the Fire Chief and the Health Officer shall inspect said premises and report to the Municipal Officers on the general health and safety of the premises in regard to any Violations or possible violations of the Building Code, applicable health Regulations and Fire and Exit Codes.

SECTION IV. LICENSES

A. It shall be unlawful—for any person, firm, corporation or association to keep for public patronage or to permit or allow the operations of any coin-operated amusement device in or on any public premises or location under his, her or its charge, control or custody without having

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first obtained a license from the Municipal Officers. Said license shall be issued upon approval of the Municipal Officers and upon the payment of the annual fee as specified in the Town of North Yarmouth Application, License and Permit Fees Ordinance and said license shall expire on December 31 of each year. [Amended 06/12/10]

B. Exceptions and conditions of license—A license shall not be issued until authorized by the Municipal Officers following public hearing on the establishment of said coin-operated amusement device location. Such hearing shall be held within 30 days of the receipt of such license application and authorization or denial by said Municipal Officers shall be by written decision stating the reasons therefore. At the public hearing the Municipal Officers shall receive testimony and take evidence as to the good moral character of the applicants as well as to such factors regarding the premises for location of devices as traffic hazards, effect on neighboring properties and general health and safety of the premises to house said coin-operated amusement devices. Each establishment shall maintain rest room facilities for public use. Children under the age of eighteen unaccompanied by an adult at least 21 years of age or older shall not be permitted to play or operate such machines except in the presence of an adult attendant of at least 21 years of age. In this regard, the code enforcement officer shall be required to submit written reports on his evaluation of said premises. The license shall be granted subject to such conditions and restrictions as the Municipal Officers may deem necessary.

C. License specifics—The license required by this Ordinance shall be posted securely and conspicuously on the premises for which it is granted. Said license shall designate the number of machines licensed. Said license shall not be transferrable to any other person, firm, corporation or association designated therein. Further, such license shall not be granted to any person under the age of 25 years, nor to any firm, corporation or association whose officers are under said age.

D. Revocation of license—Any such license herein shall be revoked by the Municipal Officers after a hearing when any of the following violations are found:

1. There are more machines located on the premises than are described in the license application.
2. That minors under the age of 18 years unaccompanied by an adult at least 21 years of age or older have been allowed to operate said machines in violation of the terms of the ordinance.
3. That any of the other specific findings required by this ordinance and defined in Section 3 have been violated and or cease to be true.
4. When it has been established to the Municipal Officers' Satisfaction that the premises for which said license was granted had ceased to be a proper location due to the creation of a public nuisance at said premises.

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SECTION V. APPEAL

The decision of the Municipal Officers may be appealed to the Superior Court within thirty (30) days from the rendering of said decision.

SECTION VI PENALTY

Any person, firm, or in the case of a corporation or association, any official thereof, violating any of the provisions of this ordinance, shall upon conviction be punished by a fine of not less than twenty-five (25) dollars nor more than one-hundred (100) dollars for each offense, and each day such violation exists shall constitute a separate offense.

SECTION VII APPLICABILITY

This Ordinance shall apply to all persons, firms, corporation or associations existing in the Town of North Yarmouth at the time of passage, except that existing facilities shall apply for a permit under this ordinance by May 1, 1989, said permit to run for the remainder of 1989. Failure to do so would create a violation as stated in Section 6 above.

ADOPTED: March 10, 1989