

Chapter 13

AMUSEMENT DEVICES AND CENTERS

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[HISTORY: Adopted by the Annual Town Meeting of the Town of Plaistow 3-8-1983 by Art. 50. Amendments noted where applicable.]

§ 13-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless the context otherwise indicates:

AMUSEMENT CENTER — Any premises having thereon available for use by the general public three or more amusement devices.

AMUSEMENT DEVICE — Any machine which, upon the insertion of a coin, slug, 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. It shall include such devices as electronic games, pinball machines, skill ball, mechanical grab machines and all games, operations, or transactions similar thereto under whatever name they may be indicated. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated musical devices, rides or pool tables.

PERSON, FIRM, CORPORATION OR ASSOCIATION — Any person, firm, corporation or association who or which owns any amusement device; the person, firm, corporation or association in whose place of business any amusement device is placed for use by the public; and the person, firm, corporation or association having control over an amusement device; provided, however, that the payment of the license fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with § 13-5.

§ 13-2. Gambling devices not permitted.

Nothing in this chapter shall in any way be construed to authorize, license, or permit any gambling or gambling devices not permitted by state law.

§ 13-3. Amusement device license.

No person, firm, corporation or association shall display for public patronage or keep for operation any amusement device as defined in § 13-1 without first having obtained a proper license from the Town of Plaistow. All licenses under this chapter shall expire on June 30 next following their issuance and may be renewed only after compliance with the procedures established by this chapter for the issuance of the original license.

§ 13-4. Amusement center license.

Applicants having available for use by the general public at one location three or more amusement devices shall comply with all requirements of the Town of Plaistow ordinances.

- A. Management plan. The application for an amusement center license shall include, in addition to other required information, a management plan which at a minimum will set forth the following:
- (1) The actual hours of operation.
 - (2) The minimum number of employees on duty at any time.
 - (3) The maximum number of persons permitted on the premises, which number shall not exceed the limits established by the Fire Prevention Code.
 - (4) A plan designed to avoid nuisances and ensure compliance with the Town of Plaistow ordinances.
 - (5) Rules governing the presence of minors unaccompanied by an adult.
 - (6) Rules and regulations to be posted on the premises governing the operation of the center and conduct of its patrons. These rules should include but not be limited to such matters as dress code, consumption or possession of alcoholic beverages or controlled drugs, loitering, presence of minors during school and evening hours, and maximum occupancy.
- B. Notice, hearing and appeal. The Board of Selectmen shall not issue a license to an amusement center until 10 days after it has published notice of the application for a license in a newspaper of general circulation in the town. During this ten-day period, the Board of Selectmen shall accept written comment from the public concerning the application. At the end of the ten-day period, the Board of Selectmen shall grant or deny the license and set the maximum hours of operation of the amusement center. Any person aggrieved by the decision of the Board of Selectmen to license an amusement center may, within five days from the date of the decision to license, request the Board of Selectmen to hold a public hearing on the application and to reconsider its decision. A renewal of an amusement center license shall be subject to the conditions and proceedings of this section.
- C. Suspension or revocation. A license issued under the provisions of this chapter to an amusement center may be suspended or revoked for violation of any provision of the management plan filed with the Board of Selectmen or any condition imposed by the Zoning Board of Adjustment in granting the required special exception.

§ 13-5. License for each device.

License applicants having available for use by the general public at one location fewer than three amusement devices shall obtain a license for each device pursuant to the provisions of this chapter.

§ 13-6. Application for license.

- A. The application for an amusement center and/or amusement device license shall, in addition to such information as may be required by the Board of Selectmen, contain the following information:
- (1) The name and address of the applicant and, if a firm, corporation, partnership or association, the principal officers thereof and their addresses.
 - (2) The address of the premises where the licensed device or devices are to be operated, together with the character of the business as carried on at such place.
 - (3) A general description of the type of device or devices to be licensed.
 - (4) The name and address of the owner of the device or devices, if other than the applicant.
- B. No license shall be issued to any applicant unless he shall be 18 years of age.

§ 13-7. License fees.

Every amusement center applicant, before being granted a license, shall pay a license fee of \$100 per year plus a fee per machine (see § 13-11). All license fees shall be payable annually in advance, provided that where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof upon payment of a proportionate part of the annual fee. In no case shall any portion of the license fee be repaid to the licensee.

§ 13-8. Transfer of license.

A license shall not be transferable from person to person or place to place and shall be usable only at the place and by the person designated on the license.

§ 13-9. Conditions and restrictions.

All licenses shall be subject to such conditions and restrictions as the Board of Selectmen deems it proper to impose.

§ 13-10. Hours of operation.

Every amusement center shall be permitted to stay open for the reception of patrons from 8:30 a.m. in the morning until 1:00 a.m. on the following morning, except Sundays which will be from 9:00 a.m. in the morning until 12:00 midnight.

§ 13-11. Annual license fee per machine.

See §§ 13-5 and 13-7.

Number of Machines	Fee
1 to 2	\$50 each
3 to 10	\$250 flat fee
11 to 20	\$500 flat fee
21 to 30	\$750 flat fee

§ 13-12. Violations and penalties. [Added 3-11-1986 ATM by Art. 44]

A fine of \$25 will be levied for violations of this chapter.