

COIN OPERATED AMUSEMENT DEVICE ORDINANCE

FOR THE TOWN OF NORTH BERWICK, MAINE

MARCH 13, 1982

SELECTMEN, NORTH BERWICK, MAINE

ATTEST:

TOWN CLERK

COIN OPERATED AMUSEMENT DEVICE ORDINANCE

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Article I - ESTABLISHMENT

Pursuant to 8 M.R.S.A. Sec. 441, et. seq. the Town of North Berwick hereby ordains the following Coin Operated Amusement Device Ordinance for the purpose of regulating the location and operation of any such device in or on any premises or location within the Town of North Berwick.

Article II

A. Coin Operated Amusement Device Definitions

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 operated for amusement only and do not dispense any form of playoff, prize 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 Chief of Police and included in his report as required in Article IV. 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 premise 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. Location

Coin operated amusement devices are restricted to commercial establishments in the commercial district only as defined in the North Berwick Zoning Ordinance.

E. Traffic Hazards

Traffic conditions on a 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 Chief of Police in conjunction with the Department of Public Works.

F. General Health and Safety

The Code Enforcement Officer in conjunction with the Health Officer and Fire Chief shall inspect said premises and report on the general health and safety of the premises in regard to any violations or possible violations of the Building Code, Health Code, Fire Code or State Plumbing Code.

Article III - LICENSES

It shall be unlawful for any person, firm, corporation or association to keep for public patronage or to permit or allow the operation of any coin operated amusement device in or on any public premises or location under his or its charge, control or custody without having first obtained a license therefor from the Clerk of the Town of North Berwick. Said license shall be issued by the Clerk upon the payment of the annual fee of One Hundred Dollars (\$100) for each machine located at said premises and said license shall expire on June 30 of each year.

Article IV - EXCEPTIONS AND CONDITIONS OF LICENSE

The Clerk shall not issue such license as stipulated in Article III hereof until authorized by the municipal officers following a public hearing on the establishment of said coin operated amusement device location. Such hearing shall be held within thirty (30) days of the receipt of such license application and authorization or denial by said officers shall be by written decision stating the reasons therefor. 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 said devices as traffic hazards, affect on neighboring properties and general health and safety of the premises to house said coin operated amusement devices. There shall be a limit of three (3) machines per establishment. Each establishment shall maintain rest room facilities. Children under the age of sixteen unaccompanied by a parent or guardian shall not be permitted to play or operate such machines. In this regard the Code Enforcement Officer and the Chief of Police shall be required to submit written reports on their evaluation of said premises.

Article V - LICENSE SPECIFICS

The license required by this ordinance shall be posted securely and conspicuously on the premises for which it is granted. The Town Clerk shall forward a copy to the local police department after issuance. Said license shall not be transferrable to any other person,

firm, corporation or association or from location to location and shall be valid only at the location and for the person, firm, corporation or association designated therein. Further, such license shall not be granted to any person under the age of eighteen (18) years, nor to any firm, corporation or association whose officers are under said age.

Article VI - REVOCATION OF LICENSE

Any such license issued herein may be revoked by the Clerk after hearing before the municipal officers when any of the following violations are found:

1. There are machines located on the premises which are not described in the license application.
2. That minors under the age of sixteen years (16) unaccompanied by a parent or guardian 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 Article II 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.

Article VII - APPEAL

The decision of the municipal Officers as carried out by the Clerk may be appealed to the Superior Court within thirty (30) days from the rendering of said decision.

Article VIII - VIOLATIONS

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 not exceeding twenty-five dollars (\$25.00) for each offense and each day such violation exists shall constitute a separate offense.

Article IX - SEPARABILITY CLAUSE

If any portion of this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.