

## **ARTICLE IV: COIN OPERATED AMUSEMENT DEVICES**

### **Section 6.401: DEFINITIONS**

The following definitions shall govern the use of the terms defined whenever such terms are used in this Ordinance:

- A. "Amusement Device" as used herein means any amusement machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin operated mechanical musical devices.
- B. "Proprietor" is hereby defined to be any person, firm, corporation, partnership, association, or club who as the owner, lessee, or proprietor has under his or its control any establishment, place or premises in or at which an amusement device is placed or kept for use of play, or on exhibition for the purpose of use or play.

### **Section 6.402: LICENSE REQUIRED**

- A. No person, firm or corporation shall engage in the business of being a proprietor of amusement devices unless said person, firm or corporation is properly licensed under the provisions of these Ordinances.
- B. Each license issued under this Article shall commence on the date of issue and shall expire one calendar year from the date of issue.
- C. Each license issued under this Article shall be evidenced by a certificate issued by the City Clerk stating the number and general type of devices licensed, which certificate shall be posted in a conspicuous location in the place where the machines are located.
- D. Each license issued under this Article shall be non-assignable and non-transferable.

### **Section 6.403: LICENSE APPLICATION, PROCEDURE AND FEES**

- A. Application for License (Non-Transferable): Application for license hereunder shall be filed in writing with the City Clerk on a form to be provided by the City, and shall specify the following:
  - 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 amusement devices to be licensed; for example, pinball machines, pool tables, video games, etc.

4. The number of each such type of amusement device for which the applicant seeks to be licensed.

**B. Licensing Procedure**

The City Clerk shall refer a copy of the application to the Chief of Police, who shall promptly investigate the premises in which the amusement devices are to be kept as well as the applicant's record; and refer one copy to the Electrical Inspector who shall promptly inspect all wiring and connections for the amusement devices to determine that they comply with the Electrical Code of the City of Portsmouth. The Chief of Police and Electrical Inspector shall report their findings to the City Clerk who shall issue a license following a favorable report from each.

**C. License Fees**

The annual license fee for each proprietor as herein defined shall be calculated by multiplying the number of amusement devices to be licensed by \$75.00. In no case shall any portion of said fee be repaid to the licensee.

**D. Increasing the Number of Devices**

Any proprietor licensed under the provisions of this ordinance may file an application with the City Clerk to increase the number of amusement machines so licensed. Such application for increase shall be acted upon in the manner of acting upon an original application. Upon the granting of such an increase the application shall surrender his existing license to the City Clerk. The City Clerk shall, upon payment of a fee increase calculated by multiplying the increase in amusement devices by \$75.00, issue a new license for the remainder of the term of the original license showing the number and types of devices licensed thereunder.

**Section 6.404: GENERAL OPERATING REGULATIONS**

No proprietor shall allow any person under the age of sixteen years to operate or play any amusement device during regular public school hours.

**Section 6.405: VIOLATIONS**

- A. Any person, firm or corporation who violates any provision of this Article shall be guilty of a violation and be subject to a fine of up to \$100.00 per day each day on which such a violation occurs.

- B. Notwithstanding the provisions of Section 6.405, the Mayor and City Council may suspend or revoke the amusement device license or licenses of any person, firm, or corporation who violates or allows the violation of any provisions of this Article. A public hearing shall be held by the Mayor and City Council prior to any such suspension or revocation.

(07/23/03)