

COIN-CONTROLLED DEVICES

Chapter 36

COIN-CONTROLLED DEVICES

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City: Article I, 12-29-67; Article II, 12-29-67. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 15.
Licensed amusements — See Ch. 17.
Circuses and exhibitions — See Ch. 34.
Theaters — See Ch. 83.

Be it ordained by the Mayor and Common Council of the City of Gloucester City, in the County of Camden and State of New Jersey, that:

ARTICLE I
Amusement Devices
[Adopted 12-29-67]

§ 36-1. License required.

No person shall place or maintain or permit to be placed, operated, used or maintained in any public or quasi-public place or

in any building, store or other place wherein the public is invited or may enter, including premises used as a clubhouse or clubrooms, within the limits of the City of Gloucester City, any coin-controlled amusement device, without first having obtained a license for each such device.

§ 36-2. Word usage.

The word "person," as used in this ordinance, shall include any individual, corporation, firm, association, partnership, trustee or receiver.

§ 36-3. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

COIN-CONTROLLED AMUSEMENT DEVICE — A machine which, upon the insertion of a coin or slug, operates or may be operated for use as a game or contest of any description, or which may be used for any such game or contest, and which contains no automatic payoff device for the return of slugs, money, coin checks, tokens or merchandise, and shall include video games, pinball machines and other coin-controlled devices in which marbles, balls or pellets are projected or propelled by spring or plunger or any other means, wherein such marbles, balls or pellets fall into slots, tracks, grooves or any other position, or wherein said marbles, balls, or pellets strike pins or objects. Such term, however, shall not include any coin-controlled automatic music device, coin-controlled record-playing machine or mechanical amusement device, as defined by ordinance of the City of Gloucester City.¹ [Amended 5-6-1993 by Ord. No. 18-1993]

¹ Editor's Note: See § 36-17 for the definition of "coin-controlled automatic music device" and "coin-controlled record-playing machine."

§ 36-4. Issuance and expiration of license; fee. [Amended 6-3-1982 by Ord. No. 1-1982; 4-6-1995 by Ord. No. 7-1995]

The license for the placing, operation, maintenance or use of such coin-controlled amusement device shall be issued by the City Clerk of the City of Gloucester City to and in the name of the owner of such device or machine. All licenses issued hereunder shall expire on the 31st day of December of each year. The license fee shall be sixty dollars (\$60.) for each coin-controlled amusement device. A separate license shall be obtained for each such device or machine and shall be affixed thereto.

§ 36-5. Application for license. [Amended 6-3-1982 by Ord. No. 1-1982]

- A. An application for a license shall be filed with the City Clerk, on forms to be furnished by said Clerk, which forms shall require to be included the following information:
- (1) The name and address of the applicant.
 - (2) In the case of a partnership, the names and addresses of all partners.
 - (3) In the case of clubs or associations, the names and addresses of all officers.
 - (4) Whether or not the person or persons named in the application have ever been convicted of a violation of any federal, state or municipal law.
 - (5) The location of the premises to be licensed.
 - (6) The number of coin-controlled amusement devices to be located upon the premises to be licensed.
- B. There shall not be allowed more than two (2) coin-controlled amusement devices per business establishment.

- C. Any establishment that has an alcoholic beverage control license can have an unlimited number of machines but must-pay the required fee for each machine.

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§ 36-6. License to be affixed to device; presumption from absence of license.

No coin-controlled amusement device shall be placed, operated, maintained or used, or permitted to be placed, operated, maintained or used, in the City of Gloucester City, until the license required hereunder shall be affixed thereto in a conspicuous place so that the same may be easily identified. Any such device or machine which shall not have a license as required herein affixed thereto shall be deemed to be an unlicensed device or machine. Any person having supervision or control over any building, store or other place where the public may enter or any clubhouse or club room wherein any such device or machine without a license affixed thereto is operated, used or maintained shall be deemed to have permitted such unlicensed device or machine to be placed, operated, used and maintained therein in violation of the provisions of this ordinance.

§ 36-7. Face of license.

Every license issued hereunder shall be numbered and shall disclose on its face the name and post office address of the licensee to whom it is issued and the address of the establishment wherein the licensed device or machine shall be located.

§ 36-8. License data; transferability. [Amended 6-3-82 by Ord. No. 1-1982]

Such license shall bear the date of issue, the name of the licensee, the purpose for which issued and the location of the room or building wherein the licensee is authorized to carry on and conduct any such business. Such license shall not be transferable by the holder to any other person or persons, firm, association or corporation, but such license may be transferred by the holder to another address, provided that the licensee shall make written application for such transfer to the City Clerk and such transfer is approved by resolution of the Mayor and Common Council of the City of Gloucester City.

§ 36-9. Gambling prohibited.

No person shall use or permit to be used any coin-controlled amusement device licensed hereunder for the purpose of gambling.

§ 36-10. Purpose.

This ordinance is enacted for the purpose of raising revenue and for the regulation and control of coin-controlled amusement devices.

§ 36-11.¹ Suspensions and revocations. [Added 6-3-82 by Ord. No. 1-1982]

A. The Mayor and Common Council of the City of Gloucester City may suspend or revoke the license of any licensee on any one (1) or more of the following grounds:

- (1) Violation of any of the laws of the State of New Jersey upon the licensed premises by the licensee or its agents, servants, employees or representatives.
- (2) Violation of any ordinance of the City of Gloucester upon the licensed premises by the licensee or its agents, servants, employees or representatives.
- (3) If said license was procured by fraudulent conduct or false statement of material fact or if a fact concerning applicant was not disclosed at the time of filing the application, where such fact would have constituted just cause for refusing to issue said license.
- (4) Permitting or suffering any activity upon the licensed premises which is or may be detrimental to the public health, safety, welfare or morals.

B. In all such cases, written notice of the charge or charges and the time and place of hearing thereon shall be served on the licensee, either in person or by certified or registered

¹ Editor's Note: Former § 36-11, Violations and penalties, was replaced by the addition of this section pursuant to Ord. No. 1-1982, adopted 6-3-82. For current provisions regarding violations and penalties, see § 36-14.

mail addressed to the licensed premises. No revocation or suspension shall occur unless the licensee shall have been afforded an opportunity to be heard in his defense.

- C. In the event that any license is suspended or revoked, the licensee shall not be permitted the return of any portion of the license fee.

§ 36-12.² Unsafe premises cause for denial. [Added 6-3-82 by Ord. No. 1-1982]

Any premises which shall be declared to be unsafe by the written report of the Building Inspector, or a fire hazard by the written report of the Fire Marshal shall be deemed to be ineligible for a license.

§ 36-13.³ Nonapplicability. [Added 6-3-82 by Ord. No. 1-1982]

This ordinance shall not apply to any religious, charitable, benevolent or nonprofit association or corporation which operates or maintains any coin-controlled amusement devices solely for the recreation and amusement of its members, provided that such organization is bona fide in character and is not intended as a means or device for evading the terms and provisions of this ordinance, nor shall this ordinance apply to the keeping of any coin-controlled amusement devices in private residences.

§ 36-14.⁴ Violations and penalties. [Amended 12-5-74;⁵ 6-3-82 by Ord. No. 1-1982]

Any person violating any provision of this ordinance shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars (\$500.) or imprisonment in the county jail for a term not exceeding ninety (90) days, or both. Each and every day

² Editor's Note: Former § 36-12, Severability, was replaced by the addition of this section pursuant to Ord. No. 1-1982, adopted 6-3-82.

³ Editor's Note: Former § 36-13, Inconsistent ordinances repealed, was replaced by the addition of this section pursuant to Ord. No. 1-1982, adopted 6-3-82.

⁴ Editor's Note: Former § 36-14, When effective, was replaced by this section pursuant to Ord. No. 1-1982, adopted 6-3-82.

⁵ Editor's Note: See Ch. 1, § 1-6B(1).

that such violation shall continue shall be a further and separate offense under the terms of this ordinance, subject to the penalties herein prescribed.

§ 36-14.1. When effective. [Amended 6-3-82 by Ord. No. 1-1982]

This ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

**ARTICLE II
Music Devices
[Adopted 12-29-67]**

§ 36-15. License required.

No person shall place or maintain or permit to be placed, operated, used or maintained in any public or quasi-public place or in any building, store or other place wherein the public is invited or may enter, including premises used as clubhouse or club rooms, within the limits of the City of Gloucester City, any coin-controlled automatic music device or record-playing machine, without first having obtained a license for each such device or machine.

§ 36-16. Word usage.

The word "person," as used in this ordinance, shall include any individual, corporation, firm, association, partnership, trustee or receiver.

§ 36-17. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

**COIN-CONTROLLED AUTOMATIC MUSIC DEVICE
or COIN-CONTROLLED RECORD-PLAYING MA-
CHINE** — A machine, device or instrument, the principal

purpose of which is to play music from a record or other sound- or music-making device upon the insertion of a coin, slug, disk or other consideration.

§ 36-18. Issuance and expiration of license; fee.
[Amended 12-2-1982 by Ord. No. 20-1982; 5-7-1998
by Ord. No. 11-1998]

The license for the placing, operation, maintenance or use of such coin-controlled automatic music devices or record-playing machines shall be issued by the City Clerk of the City of Gloucester City to and in the name of the owner of such device or machine. All licenses hereunder shall expire on the 31st day of December of each year. The license fee shall be \$60 for each such coin-controlled automatic music device and each such coin-controlled record-playing machine. A separate license shall be obtained for each device or machine and shall be affixed thereto.

§ 36-19. Application for license.

Applications for licenses hereunder shall be made to the City Clerk of the City of Gloucester City and shall contain the following information:

- A. The name of the applicant.
- B. The residence of the applicant.
- C. The place of business of the applicant.
- D. The number of licenses desired.
- E. The address or addresses where each machine or device is to be located.

§ 36-20. License to be affixed to device; presumption from absence of license.

No coin-controlled automatic music device or coin-controlled automatic record-playing machine shall be placed, operated, maintained or used, or permitted to be placed, operated, maintained or used, in the City of Gloucester City, until the license required herein shall be affixed thereto in a conspicuous place so that the same may be easily identified. Any such device or machine which shall not have a license as required herein affixed thereto shall be deemed to be an unlicensed device or machine. Any person having supervision or control over any building, store or other place where the public may enter or any clubhouse or club room wherein any such device or machine without a license affixed thereto is operated, used or maintained shall be deemed to have permitted such unlicensed device or machine to be placed, operated, used and maintained therein in violation of the provisions of this ordinance.

§ 36-21. Face of license.

Every license issued hereunder shall be numbered and shall disclose on its face the name and post office address of the licensee to whom it is issued and the address of the establishment wherein the licensed device or machine shall be located.

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§ 36-22. Transfer of license from one machine to another.

The holder of a license issued hereunder shall be permitted to transfer such license from any machine to any other like machine operated in the same premises for which the license is issued, by removing the license from such machine and affixing it to such other machine.

§ 36-23. Purpose.

This ordinance is enacted for the purpose of raising revenue and for the regulation and control of coin-controlled automatic music devices and coin-controlled record-playing machines.

§ 36-24. Violations and penalties.³

Any person violating any of the provisions of this ordinance shall, upon conviction, be subject to a fine not exceeding five hundred dollars (\$500.) or imprisonment for a term not exceeding ninety (90) days, or both.

§ 36-25. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

§ 36-26. When effective.

This ordinance shall take effect after final passage and publication as provided by law.

³ Editor's Note: Amended at time of adoption of Code. See Ch. 1, § 1-6B(1).

