

ORDINANCE #10-1534

AN ORDINANCE CONCERNING AUTOMATIC COIN OR ELECTRONIC AMUSEMENT DEVICES AND AMENDING CHAPTER IV OF THE BOROUGH CODE ENTITLED "GENERAL LICENSING."

STATEMENT OF PURPOSE: To remove juke boxes from those electronic devices which need a permit.

BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter IV of the Borough code entitled "General Licensing" is hereby supplemented and amended as follows:

Section 1. Section 4-3 entitled "Automatic Coin or Electronic Amusement Devices" is amended to read as follows:

4-3.1 Definitions.

As used in this section:

Automatic or electronic coin or similarly operated amusement device shall mean those games commonly designated and known as ~~juke boxes~~ video games, baseball, pin amusement games, pool tables, billiard tables and any other coin operated skill amusement device or mechanical or electronic contrivance which is permitted to function by the insertion of a coin, slug, token, plate, card or disk and is operated for amusement only, and does not dispense any form of payoff, prize or reward.

Operator shall mean any individual, firm, member of firm, partnership, or member of a partnership, corporation or any officer, director or stockholder of any corporation, or any agent or employee of any such firm, partnership or corporation who operates or maintains one or more of the devices defined upon the premises controlled by him.

Period shall mean the license period which shall be for the period from January 1 to December 31 of the calendar year or any portion thereof.

Person shall mean any individual, firm, partnership, member of partnership, corporation, or any officer, director or stockholder of any corporation, or any agent or any employee of any such firm, partnership or corporation.

Public or quasi-public place shall include any building, store, market-place, club, tavern, inn, cocktail lounge, restaurant, hotel, confectionery store, or other place wherein the public is invited, or wherein the public may enter.

4-3.2 License Required.

a. It shall be unlawful for any person to place, install, keep, allow or operate any of the devices in any public, or quasi-public place, owned, rented or controlled by said person, within the limits of the Borough, unless he has first secured a license for the device or devices, issued by the Mayor and Council.

b. A separate license shall be required for each device in use within the limits of the Borough.

4-3.3 Application for License.

a. All applications for any license shall be made available by the Borough Clerk to the applicant.

b. The application filed with the Borough Clerk shall show the name of the applicant, the post office address, whether or not he has been convicted of any crime or violation of any ordinances involving gambling or for the violation of this section, a description of the device for which an operator's license is sought, the name and address from whom the device is to be leased, rented or otherwise obtained, and shall be accompanied by the proper fee.

c. The Mayor and Council shall then determine from an investigative report by the Police Department of the Borough whether the character and fitness of the person making application (if the applicant is an individual), or of the persons who are the incorporators, directors, or employees thereof (if the applicant is a corporation), may be questionable because of conviction of any crime or offense involving moral turpitude.

d. The investigative report by the Police Department shall include the findings by the Police Department of any conviction or convictions with regard to any unlawful, injurious, immoral or antisocial habits of the persons applying for a license and a report as to their known associations with persons of disreputable or harmful character as indicated by criminal conviction or convictions of those persons, or of their frequenting places of disreputable or harmful reputation as indicated by a criminal conviction or convictions of those places.

No license shall be issued by the Mayor and Council until the Mayor and Council shall be satisfied from the investigative report and the recommendation which shall be submitted with the report by the Police Department that a license should be issued.

4-3.4 Revocation of License.

If a license shall have been issued and the Mayor and Council shall determine that the individual or the persons, or the corporation, are unfit to retain such license by reason of the conviction of a crime, or the conviction of the violation of an ordinance of the

Borough involving moral turpitude or for any reason for which the applicant would have been denied a license as enumerated in subsection 4-3.3 of this section, or who shall have fraudulently misrepresented facts on the application or shall have knowingly concealed facts which would preclude the issuance of a license, the license shall immediately be revoked after a hearing before the Mayor and Council, upon written notice to the licensee, which notice shall specify the charges upon which the proposed license revocation is based. Five (5) days notice of the hearing shall be given to the licensee; at the hearing the licensee and his attorney may be present and submit evidence in his defense.

4-3.5 Information Required on License.

Each license issued by the Borough shall on its face disclose the name and address of the licensee, and a brief description of the device licensed. The license shall be affixed in a conspicuous place so that it can be easily and quickly identified.

4-3.6 Prizes Not Permitted.

a. No operator of any amusement device shall offer or permit to be offered any prize, or other reward to any person playing any machine required to be licensed by provisions of this section.

b. Any operator of any device or machine within the purview of this section, including any person who shall knowingly and willfully permit, use, or permit to be used, any of the machines licensed under subsection 4-3.1 for the purpose of gambling, shall be guilty of the violation of this section and subject to penalties as provided in this section.

4-3.7 License Fees.

The license fee for each device to be licensed shall be fifty (\$50.00) dollars per year or portion thereof for the first two (2) devices, and one hundred (\$100.00) dollars per year or portion thereof for each device in excess of two (2).

4-3.8 Substitution of Machines.

Nothing herein contained shall prohibit the holder of a license for machines or devices from using the same for new devices substituted within the period of the license, provided he shall first notify the Mayor and Council of such substitution. No license shall be transferable from one address to another address.

4-3.9 Penalties for Violations.

a. Any person violating any of the provisions of this section, shall upon conviction, be liable to the penalty stated in Chapter I, Section 1-5.

b. Any subsequent conviction thereafter shall, in addition to the penalties stated above, subject the license holder to the provisions of subsection 4-3.4, as an unfit person to retain the license.

4-3.10 Number of Machines Limited.

No more than four (4) machines shall be permitted in any location or place of business.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Sandra G. Jones, Borough Clerk

By: _____
Lee C. Honecker, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____