

Chapter 100

AMUSEMENT GAMES AND CENTERS

[HISTORY: Adopted by the Town Board of the Town of Pendleton 2-1-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Bingo — See Ch. 107.

Games of chance — See Ch. 138.

§ 100-1. Definitions.

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

AMUSEMENT CENTER — Any premises, place or enclosure which is open to the public containing five (5) or more amusement games.

AMUSEMENT GAME — Any mechanical, electric or electronic device used or designed to be operated for entertainment, amusement or as a game by the insertion of a piece of coin, money, token or other article. This definition is not intended to include a jukebox, musical device or any machine, contrivance or device which dispenses tobacco or would be commonly known as a "vending machine."

AMUSEMENT GAME DISTRIBUTOR — Any person who owns, places, distributes or locates an amusement game in the Town of Pendleton.

OWNER — A record owner, contract purchaser, lessee, assignee, bailee, receiver or trustee.

PERSON — One (1) or more individuals, a corporation, partnership, association, trust or firm and any trustee, receiver or assignee.

§ 100-2. Amusement center license.

- A. License requirement. No person shall maintain or operate an amusement center within the Town of Pendleton without having in full force and effect an amusement center license issued by the Town Board. Said license shall be prominently displayed on the premises at all times.
- B. Application for license. Any person desiring to operate an amusement center shall file an application with the Town Board which shall contain the following information:
 - (1) Name, address and telephone number of the applicant.
 - (2) The address of the premises to be used as an amusement center.
 - (3) If the applicant is an individual, the age, date, and place of birth of the

applicant, and if the applicant is a partnership, firm, association or other business entity, the same information shall be supplied for each stockholder, officer and director of the corporation or of the partners, members or principals of such business entity or other organization.

- (4) The name, home address and home telephone number of the manager or other authorized agent of the applicant who shall be principally in charge of or conduct the business of the applicant on the designated premises.
- (5) The prior criminal conviction record of the applicant, other than convictions for minor traffic infractions. Said information shall be supplied for each partner, stockholder, officer, director or principal of the business entity or organization.

C. Approval or disapproval of application.

- (1) The Town Board shall promptly forward a copy of the application to the Code Enforcement Officer for investigation, review and report. The Code Enforcement Officer shall promptly review all information contained in the application and recommend approval or disapproval of the application. If the application is approved, the Town Board shall issue the license upon payment of the fee as hereinafter provided.
- (2)¹ The application for a license shall be denied for any of the following reasons:
 - (a) Conviction of a crime involving moral turpitude.
 - (b) False statements contained in the application.
 - (c) The operation of the proposed amusement center would not be in accordance with the appropriate provisions of Chapter 247, Zoning.
 - (d) The location of such machines upon the premises constitutes a safety or fire hazard under the applicable provisions of the Code of the Town of Pendleton.
 - (e) The premises do not comply with the appropriate building, electrical and plumbing codes of the Town of Pendleton.²
 - (f) The premises are located within five hundred (500) feet of the lot lines of any public or private school, church or other place of religious worship.

D. Any person having obtained an amusement center license must also comply with the provisions of § 100-4.

§ 100-3. License fee for amusement centers.

1. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

2. Editor's Note: See Ch. 132, Fire Prevention and Building Construction, and Ch. 194, Plumbing.

The fee for a license for an amusement center shall be one thousand dollars (\$1,000.) per year or any part thereof, and all licenses shall expire on the 31st day of December of each calendar year. An application for an amusement center license shall be accompanied by a nonreturnable fee of five hundred dollars (\$500.), which amount shall be credited to the yearly license fee if such license is approved.

§ 100-4. Amusement game license for amusement centers.

No person shall maintain or operate an amusement game center within the Town of Pendleton without having in full force and effect an amusement game license, for each game so operated, issued by the Town Board. Said licenses shall be prominently displayed at all times on the premises where the games are operated. Any person desiring to operate or maintain amusement games shall file an application with the Town Board containing such same information as provided in § 100-2. Such application shall be approved or disapproved after investigation by the Code Enforcement Officer of the applicant, and such application shall be disapproved for the same reasons as indicated in § 100-2.

§ 100-5. License fee for operation of amusement games in amusement centers.

The fee for a license to operate amusement games shall be fifty dollars (\$50.) per game per year or part thereof, and all licenses shall expire on the 31st day of December of each calendar year. Such fee shall accompany the application for such license.

§ 100-6. Amusement game distributor license.

- A. License required. No person shall distribute or sell amusement games in the Town of Pendleton without having in full force and effect an amusement game distributor license issued by the Town Board.
- B. Application for license; approval or disapproval.
 - (1) Any person desiring to distribute amusement games shall file an application with the Town Board, which shall contain the following information:
 - (a) Name, address and telephone number of the applicant.
 - (b) If the applicant is an individual, the age, date and place of birth of the applicant; and if the applicant is a partnership, firm and association or other business entity, the same information shall be supplied for each stockholder, officer, director, partner, member or principal of such organization.
 - (c) The prior criminal conviction record of the applicant, if any, other than convictions for minor traffic infractions. Said information shall be supplied for each partner, stockholder, officer, director, member or principal of the business entity.
 - (2) The Town Board shall conduct an investigation of such applicant as provided in § 100-2 and shall disapprove the applicant for any of the reasons stated

therein and shall additionally disapprove such application if such person is not of good moral character.

- C. Reports. Any person granted an amusement game distributor license must semiannually submit a report to the Town Board listing all amusement games distributed or sold in the Town of Pendleton by such person. Failure to provide such reports shall serve as grounds for revocation of the amusement game distributor license.

§ 100-7. License fee for amusement game distributors.

The fee for an amusement game distributor license shall be one hundred dollars (\$100.) per year, and such licenses shall expire on the 31st day of December of each calendar year. Such fee shall accompany the application for such license.

§ 100-8. Operation.

A. Minors.

- (1) No person under the age of sixteen (16) years shall be permitted to play or operate any amusement game unless accompanied by a parent or legal guardian; however, in premises where the sale of alcoholic beverages has been licensed by the State of New York, no person under the age of twenty-one (21) years shall be permitted to play or operate said amusement game unless accompanied by a parent or legal guardian. The owner or operator of said place where the amusement games are located shall be responsible for enforcing the above age restrictions and shall be charged with a violation of this chapter if he/she knowingly permits persons under the age as set forth above to use or operate any amusement games. The owner or operator of said premises shall post an appropriate sign indicating the age restrictions as herein above set forth.³
- (2) It shall be a violation of this chapter for any person unaccompanied by a person or guardian to intentionally misrepresent his/her age or identification for the purpose of operating an amusement game.

- B. Gambling. No owner or operator of any premises shall permit gambling or games of chance to take place on the premises in connection with the operation of amusement games and no cash awards shall be made in any contest, tournament, league or individual play on any amusement game.

- C. Hours of operation. Any person operating an amusement center shall allow the operation of such amusement center only during the following hours:

- (1) Sunday: 1:00 p.m. to 11:00 p.m.
- (2) Monday through Saturday: 9:00 a.m. to 12:00 midnight.

3. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- D. Use of alcoholic beverages. No person shall allow the consumption of alcoholic beverages in any premises where amusement games are located, except if the premises are licensed by the State of New York for the sale and consumption of alcoholic beverages on the premises.
- E. Orderly premises. The owner or operator of such amusement center shall at all times maintain good order in and about the premises and shall not permit any disturbance, congestion or loitering in and about the premises.
- F. Competent person to be in charge of premises. Each owner or operator of an amusement center and each person operating or maintaining an amusement game on its premises shall at all times during the operation of the business keep in charge of the premises a person of at least eighteen (18) years of age who shall be responsible for the enforcement of all rules and regulations pertaining to the operation of the business.
- G. Inspection.
 - (1) The premises of all amusement centers in the Town of Pendleton, when open for the transaction of business, shall be subject to inspection by any peace officer, acting pursuant to his special duties, or police officer.
 - (2) Any other premises in the Town of Pendleton containing amusement games when open for the transaction of business shall be subject to inspection by any peace officer, acting pursuant to his special duties, or police officer.

§ 100-9. Penalties for offenses.

Any person who violates any of the provisions of this chapter shall be guilty of a violation punishable by a fine of two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of any offense against the provisions of this chapter shall constitute, for each week the offense is continued, a separate and distinct offense hereunder.

§ 100-10. Suspension or revocation of license.

Any permit or license issued under the provisions of this chapter shall be suspended or revoked by the Town Board if the applicant has violated the provisions of this chapter or made a false statement on the application for license or if the use and operation of the premises constitutes a breach of the peace or a nuisance to the general public.