

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD AMENDING AND  
SUPPLEMENTING CHAPTER 4 ENTITLED "GENERAL LICENSING"  
OF CODE OF THE TOWNSHIP OF DEPTFORD**

**WHEREAS**, the Township Council of the Township of Deptford, a municipal corporation in the County of Gloucester, State of New Jersey, finds that an amendment to the §4 of the Deptford Township Code concerning general licensing is appropriate; and

**WHEREAS**, specifically this ordinance will amend §4-3 of the Township Code entitled "Amusement Games;" and

**WHEREAS**, the amendment will ensure that the Township's ordinance complies with all State requirements and allows desired uses; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester and State of New Jersey, as follows:

**Section 1.** Deptford Township Municipal Code §4-3 shall be revised in its entirety and replaced with the following language:

Chapter 4. GENERAL LICENSING

§ 4-3. AMUSEMENT GAMES.

§ 4-3.1. Definitions.

As used in this section:

**ARCADE**

Any establishment which provides for five or more mechanical amusement games.

**BILLIARD PARLOR**

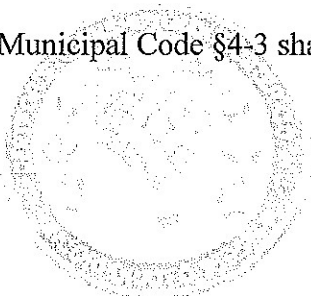
Any establishment that contains five or more commercial pool tables.

**COMMERCIAL POOL TABLE**

Any pool table, coin operated or not, which may be operated by the public for entertainment or amusement for which a charge is imposed for the use of the table.

**ELECTRONIC AMUSEMENT**

An Amusement offered through an electronic device that allows a player to participate in a game of skill or chance through interaction with the device. (N.J.S.A. 5:8-101)



## **MECHANICAL AMUSEMENT GAME**

Any machine which may be operated by the public for entertainment or amusement, whether the machine is coin operated or not, and whether or not it registers, scores or tallies. Examples of "Mechanical Amusement Games" are pinball machines, bowling machines, mechanical grab machines, Skee-ball machines, pokerino machines, commercial pool tables, electronic, computer or other similar games and devices, jukeboxes, etc. This enumeration is in-tended to be typical and shall not be construed as exclusive.

## **PERSON**

Any person, firm or corporation.

## **RECOGNIZED AMUSEMENT PARK**

A commercially operated permanent business open to the public at least 31 consecutive days annually, designed and themed for the primary purpose of providing participatory amusements incorporating skill-based attractions, rides or water slides licensed in accordance with P.L. 1975, c. 105 (N.J.S.A. 5:3-31 et seq.) or electronic amusements, and food and merchandise concessions in permanent structures. Nothing in this definition shall prevent a license from being issued in any location which has had a licensed issued prior to the effective date of P.L. 2015, c. 149 (N.J.S.A. 5:8-78.1 et al). (N.J.S.A. 5:8-101)

## **SKILL-BASED ATTRACTION**

An amusement utilizing a tangible object such as a ball, puck, or other portable object either alone or in competition with other on-premises guests, or requiring the exertion of physical, aerobic activity, such as dancing, climbing, running, or jumping rope; or any amusement that is predominantly skill-based and can be played either alone or in competition with other on-premises guests. (N.J.S.A. 5:8-101)

### § 4-3.2. License required; types of licenses.

- a. No person shall maintain, operate or possess in any store, building or other place where the public is invited or where the public may enter, or any building or other place where any club or organization meetings are held, in the Township, any mechanical amusement games without first obtaining a license therefor.
- b. There shall be four types of licenses issued under the terms of this section: a mechanical amusement game license; a commercial pool table license; an arcade license; and a billiard parlor license.
  1. The maximum number of arcade licenses to be issued within the Township shall be nine. Each location shall be separately licensed.
  2. Any combination of mechanical amusement games and commercial pool tables which totals five or more shall require an arcade license and/or a billiard parlor license. The label for such a license shall be determined by the greater number of mechanical amusement games/commercial pool tables, i.e.; two mechanical amusement games and three commercial pool tables would be classified as a billiard parlor. Equal number of mechanical amusement games and commercial pool tables shall be classified as an arcade.

3. There shall be no limit on mechanical amusement game licenses. A "mechanical amusement game license" shall be defined as a license for any business establishment which provides four or less mechanical amusement games on or within the premises. A separate license shall be required for each location.
- c. Each license hereunder shall be considered an annual license issued for a one-year period commencing April 1 and terminating on the last day of March of the succeeding year. Any initial license or approval of transfer shall be issued for the balance of the one-year period only. All terms, conditions, restrictions and/or regulations imposed upon the initial license shall be deemed to continue upon renewal unless specially repealed, deleted or waived by the Township Council.
- d. No license issued under this chapter shall be transferable without prior approval of Township Council.
- e. The Township Council's action in denying or withholding the issuance of any license of an applicant seeking an initial license shall be deemed final; provided however, that the applicant may petition the Township Council for a hearing to reconsider the denial.

§ 4-3.2.1. Recognized Amusement Park. License required, term of license.

- a. No person shall maintain, operate, or cause to be conducted any recognized amusement park without first obtaining a license. No license shall be issued unless and until an ordinance shall have been adopted by the Township Council declaring that a recognized amusement park exists in the municipality at that particular location. Any recognized amusement park licensee shall be permitted to operate mechanical amusement games as defined in §4-3.1.
- b. Each applicant for such a license shall file with the Township Clerk a written application therefor in the form prescribed by the Legalized Games of Chance Control Commission, duly executed and verified, in which shall be stated the name and address of the applicant, together with sufficient facts relating to its incorporation and organization if the applicant be a corporation or organization; the specific kind of amusement games intended to be held, operated and conducted by the applicant, and the place or places where, the period, term, date or dates and the time or times when such amusement games are intended to be conducted by the applicant under the license applied for; and that no prize or prizes will be offered and given under said license except of merchandise only and same shall be of a value not in excess of the sum or value authorized to be offered and given by this act and such other information as shall be prescribed by the Legalized Games of Chance Control Commission. (N.J.S.A. 5:8-102)
- c. All applications shall be either approved or denied in accordance with the provisions of N.J.S.A. 5:8-100 et seq.
- d. Any license issued by the Township under this section shall remain inoperative unless and until such licensee, within 90 days of the issuance of the license, and prior to the conduct or operation of amusement games thereunder, has procured a State license authorizing the licensee holding the municipal license to operate and conduct certain games according to the terms of such municipal license, as provided for by N.J.S.A. 5:8-102.
- e. All licenses shall be issued on a calendar-year basis, with a maximum term from January 1 to December 31 of the year within which the license is to be operative. (N.J.A.C. 13:3-1.9)

- f. No application for the issuance of a license shall be refused by the Township Council until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard concerning the qualifications of the applicant and the merits of the application. (N.J.S.A. 5:8-104).
- g. Any license issued under this section may be amended, upon application made by the licensee to the Township Council, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable, if it had been so included. (N.J.S.A. 5:8-104).

§ 4-3.3. License fees.

The annual license fee shall be as follows:

- a. The annual fee for a mechanical amusement license and commercial pool table license shall be \$25.
- b. The annual fee for an arcade license and a billiard parlor license shall be \$500.
- c. The annual fee for a recognized amusement park license shall be \$1,000.00.
- d. In addition to the license fees set forth above, there shall be a machine license fee as follows:
  - 1. Each mechanical amusement game and commercial pool table license not covered by the arcade license or billiard parlor license shall be \$75.
  - 2. Mechanical amusement games and commercial pool tables covered by the arcade license and billiard parlor license shall be as follows:

<b>Number of Games</b>	<b>Fee</b>
From the 1st to the 25th mechanical amusement game and/or commercial pool table, each	\$30
From the 26th to the 50th mechanical amusement game and/or commercial pool table, each	\$20
From 51st and over mechanical amusement game and/or commercial pool table, each	\$15

- e. The annual license fee for such coin music, commonly called a "jukebox" shall be \$125.
- f. All license fees required hereunder shall be payable in advance for the calendar year in which the license is issued.

§ 4-3.4. Application information; execution of consent to enter form.

- a. The Licensing Officer shall cause to be prepared the necessary forms of application for license to maintain such mechanical amusement games, which application shall state the name and address of the applicant; the exact location for which the license is sought and where the mechanical amusement game is to be installed, the kind or type and description of each mechanical amusement game for which the license is sought; and the name and address of the person owning each mechanical amusement game. The applicant shall state on the application form whether or not the applicant has been convicted of a crime or violation of any Federal, State or local law. The applicant shall provide such other information as the Township Council shall deem

- necessary and proper, such as a description of the premises, the maximum number of persons intended to be permitted within the premises, the manner of supervision and such other conditions as may be related to the public's health and safety.
- b. A separate application shall be required for each store, building or other place wherein the public is invited or may enter and where mechanical amusement games are maintained, operated or possessed.
  - c. The license fee shall accompany each application filed, and, if the application is denied, the license fee shall be returned to the applicant.
  - d. Consent to enter form. A consent to enter form shall be required to be signed by the applicant, which shall permit the Police Department or other duly authorized Township official to enter and inspect the premises to assure compliance with this section and the conditions of the license.
  - e. Electrical inspection form. The applicant shall be required to complete and sign an electrical inspection form. This form shall include the type of electrical outlets, wiring, apparatus and equipment which the applicant has installed or intends to install on the premises in order to assure safe operation of all mechanical amusement games for which a license is requested to be issued. The consent to enter form signed by the applicant in accordance with paragraph b. hereof shall be deemed permission by the applicant to the Township electrical or other subcode officials to enter and inspect the premises to assure that the applicant has complied with the appropriate electrical wiring and installation necessary to assure the safe operation of the premises and of the patrons using these mechanical amusement games.

§ 4-3.5. Application procedure; investigation.

- a. The proprietor of the premises where the mechanical amusement game is to be installed shall be the applicant for the license herein required. The application must be signed by the applicant. Upon receipt of the application, the Licensing Officer shall refer the same to the Chief of Police. The Chief of Police or his designee shall make an investigation of the premises and of the applicant to determine the truth of the facts set forth in the application. The Licensing Officer, together with the Electrical Subcode Official and such other officials of the Township that he shall deem necessary, shall inspect the premises to determine whether the premises comply with the existing fire and electrical code regulations of the Township. The Chief of Police and the Licensing Officer, upon completion of their inspection, shall attach to the application their reports thereon in writing.
- b. Upon receipt of the application and inspection reports, the Township Council shall proceed with their consideration as to whether or not the application shall be approved or disapproved. In the process of its deliberation, the Township Council may, in its discretion, request supplemental information, consistent with the terms and provisions of this section, from the Chief of Police, Licensing Officer, the applicant or any other official of the Township who may be needed to provide information for the appropriate view of the application.
- c. If the application is approved, the Township Council shall authorize the Licensing Officer to issue the necessary license; provided, however, that no application shall be considered for approval or license issued unless proof of receipt and payment of a license fee or fees as herein provided.

§ 4-3.6. Revocation of license; hearings.

- a. Any time after the granting of a temporary or annual license, the Township Council may exercise its discretion to revoke or suspend this license for any willful false statement in the application.

The license may be revoked or suspended as well as in the event that the licensee shall be convicted of any violation of this section or shall, individually or through the licensee's servants, agents and/or employees, violate any term or condition of operation.

- b. Except as hereafter provided in paragraph c., prior to any suspension or revocation of license, the Township Council shall serve the applicant notice of its intent to suspend or revoke. Thereafter, the applicant shall be afforded the right to a hearing pursuant to Section 4-1, Permits and Licenses, of this chapter.
- c. Suspensions without hearing. Notwithstanding the right to a hearing as provided in paragraph b., the Township Manager may, if, in his opinion, an immediate or substantial threat to the health or safety exists, suspend the right of an applicant to operate. Thereafter, applicants shall be permitted a hearing as provided in paragraph b.

§ 4-3.7. Substitution of games.

Nothing contained in this section shall prohibit the holder of the license herein provided for from substituting a mechanical amusement game at the location set forth in such license, provided that the holder give written notice to the Licensing Officer setting forth the description of the game removed and the description of the game substituted therefor.

§ 4-3.8. Transferability of license.

Every license issued pursuant to the terms of this section shall apply only to the person to whom it was granted and for the premises stated in the application and on the license; the license shall not be transferable from place to place, but, upon the approval of the Township Council of such license transfer in writing, the license may be transferred from person to person from the premises stated in the original application and license of the transferor.

§ 4-3.9. Redemption games.

There shall be permitted in any arcade duly licensed herein for the use of mechanical amusement games that, upon payment of a fee, permit a patron to attempt to obtain a prize or tickets or tokens redeemable for a prize, or such games that permit a patron to attempt to obtain a score or result upon the basis of which a prize, ticket or token is awarded. These type of games shall additionally be regulated by the New Jersey Division of Alcoholic Beverage Control pursuant to N.J.A.C. 13:3-1 and shall be subject to an additional application required by the Division.

§ 4-3.10. Regulations and restrictions.

- a. Curfew. No person holding a license under the provisions of this section shall knowingly permit any minor under the age of 18 years unaccompanied or not within the custody and control of a parent or guardian to remain on the premises after 11:00 p.m., prevailing time, unless the minor is waiting for a person over the age of 18 years to transport that minor from the premises.
- b. Hours. The operation or playing of mechanical amusement games shall not be permitted between the hours of 2:00 a.m. and 8:00 a.m., prevailing time.
- c. Other regulations and restrictions for arcades licensed under this section:
  - 1. There shall be no consumption or possession of alcoholic beverages in, on, or around the licensed premises; except that any plenary retail consumption licensee duly licensed by the Township for a premises which has been duly qualified and licensed as a Recognized Amusement Park may serve alcoholic beverages in accordance with Township

- Ordinances and Codes Title 33 of the Revised Statutes of the State of New Jersey; and the rules and regulations promulgated by the Division of Alcoholic Beverage Control.
2. There shall be no smoking in the licensed premises. "NO SMOKING" signs shall be posted within the premises in prominent places.
  3. No license shall be issued prior to an inspection by the Fire Marshal and the Fire Marshal shall, prior to the operation of the premises, certify that all relevant fire code provisions have been satisfied.
  4. The maximum number of persons permitted to occupy the licensed premises shall be prominently posted and the applicant shall be required to enforce compliance with this requirement.
  5. Applicant and applicant's employees shall be required to maintain and operate the premises in accordance with the Township Ordinances and Codes, State and County Laws and Regulations.
  6. Applicant shall be required to maintain and operate the premises in such a manner so as the license premises and operation thereof does not constitute a danger or threat to the public health, safety or welfare, nor constitute a nuisance to the adjacent neighbors or the public as defined in the Township Code or Title 26 of the Revised Statutes of the State of New Jersey.
  7. Applicant shall be required, as a condition of the license, to comply with the conditions imposed by the Deptford Township Site Plan Review Board.
  8. All machines and games shall be located in such a position as to provide adequate aisle space and avoid overcrowding.
  9. The licensed premises shall be regularly cleaned and maintained.
  10. The premises shall be supervised by an adult of at least 21 years of age at all times. The employees designated by the applicant to supervise shall be of good moral character and shall not have been convicted of any crime involving moral turpitude. Applicant shall submit to the Township Manager the name and addresses of all of their employees, including such additional information concerning the employees as to permit the Township to verify that these employees qualify for employment pursuant to the terms of this provision.
  11. Township officials shall have the right of access at reasonable hours to conduct inspection and investigations as may be necessary to assure compliance with the conditions of the license. Applicant and applicant's employees shall be required to cooperate with all Township Officials charged with enforcing the conditions of the license.
- d. All of the conditions set for the arcade licenses in paragraph c. above are equally applicable to billiard parlor licenses for the following exception:
1. Smoking is permitted in the billiard parlor under this section provided that no one under the legal age may smoke in the premises. Signs prohibiting such use shall be prominently posted and enforced by the applicant.
- e. The Township Council may impose additional regulations and restrictions on the conditions of license issuance and the operation of premises which it deems necessary for the health, safety and welfare of the community; provided, however, that no restriction may be imposed prohibiting the sale and/or distribution of alcoholic beverages in a facility which has been issued a valid plenary retail consumption license and/or plenary retail distribution license.

§ 4-3.11. Posting and display of license.

A license granted pursuant to this section shall:

- a. Be posted in a conspicuous place at the location for which the license was granted.
- b. Show the name and post office address of the licensee.
- c. State a description of each (type and kind) and every mechanical amusement game for which the license was issued.
- d. State that only those mechanical amusement games enumerated on the face of the license are licensed by the Township.

§ 4-3.12. Gambling prohibited; display of obscene materials.

- a. No licensee shall permit any mechanical amusement game such as a "blackjack" or other such gambling amusement device to be operated on the premises, except as otherwise provided by law; likewise any person who shall use or permit to be used this type of machine or any of the other mechanical amusement games license hereunder for the purpose of gambling shall be guilty of a violation of this section and shall be penalized therefor as provided herein. The Township Council may in its discretion revoke the license or licenses for any violation of this subsection permitted on the premises.
- b. Amusement devices or games displaying obscene subject matter or materials are prohibited. Since there is no minimum age for entry into a licensed premises, and since the public policy of this State as set forth in N.J.S.A. 2C:34-3 is to prohibit the display or distribution of materials considered "obscene" as defined by statute, therefor, no licensee shall permit any mechanical amusement game or other such amusement device to be operated on the premises which game or device display subject matter or material that would be defined pursuant to N.J.S.A. 2C:34-3 as "obscene material" or the display of materials or matter depicting or constituting actions of obscenity. Likewise, any person who shall use or permit to be used this type of game or device in violation of this paragraph shall be guilty of a violation of this section and shall be penalized therefore as provided herein. The Township Council may, in its discretion, revoke the license of a licensee for any violation of this subsection permitted on the premises.

§ 4-3.13. Expiration and renewal of license.

- a. Upon the enactment of this section, all new license or license renewal shall be for the amusement game year. The amusement game year shall be deemed to commence on the first day of April of each year and terminate on midnight on the last day of March of the succeeding year.
- b. All persons, firms, associations, partnership or corporations desiring to make application for renewal of their current license or application for a new license shall submit such application no sooner than January 1, of the preceding year or not later than February 15, preceding the April 1 commencement date of the amusement game year; provided, however, that the Township Council may accept applications filed subsequent to February 15, upon the applicant's demonstrating good cause as to why the application was not submitted between January 1 and February 15.
- c. License renewals. All applicants for renewal of licenses shall pay the application license fees pursuant to the current application fee schedule.



- d. Any license issued subsequent to March 1 of any amusement game year shall likewise expire at 12:00 midnight of the last day of February next succeeding, and the application and license fees shall be in like amount as that charged for the full amusement game year.
- e. The Township Council may withhold issuance or renewal of any license for the violation of any of the terms of this section. Prior to withholding of license for any applicant seeking renewal, the Township Council shall serve that applicant notice of its intent not to renew which notice shall include the reasons therefor. Thereafter, the applicant for renewal shall be afforded the right to a hearing pursuant to Section 4-1, Permits and Licenses, of this chapter.

§ 4-3.14. License and other requirements of nonprofit, charitable, religious and other such organizations.

- a. Nonprofit, charitable or religious organizations or other such organizations who seek a license other than for an arcade shall not be required to pay any application or license fee for any amusement game year. However, all such organizations shall be required to comply with all other terms and conditions of this section, including the obligation to submit the appropriate application information and comply with the application procedure. There shall be no more than four such machines permitted in any one building or location.

§ 4-3.15. Purpose.

The purpose of this section is to license those mechanical amusement games which are operated for the purpose of making a profit and for their regulation and control.

§ 4-3.16. Violations and penalties.

Every person, firm or corporation violating any provision of this section, shall be subject to the General Penalty established in Section 1-5 of this Code.

§ 4-3.17. Designation of Recognized Amusement Park.

- a. Pursuant to N.J.A.C. 13:3-1.5, the following location is designated as a Recognized Amusement Park as described herein:

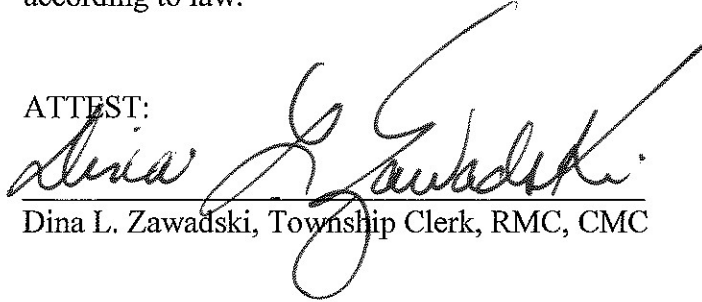
1750 Deptford Center Road, Deptford, NJ 08096

**Section 2.** All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

**Section 3.** If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Deptford declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section 4.** The ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:

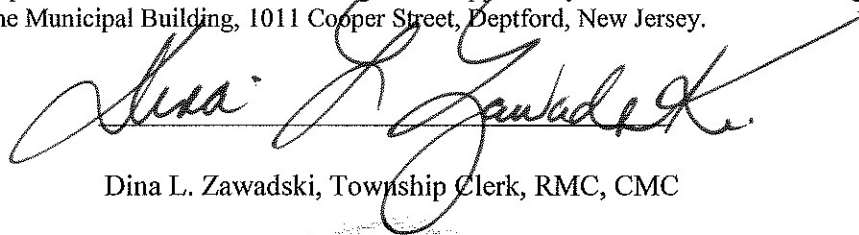
  
 Dina L. Zawadski, Township Clerk, RMC, CMC

Township of Deptford

  
 Paul Medany, Mayor

**CERTIFICATION**

The foregoing Ordinance was introduced at a Work Session Meeting of Township Council of the Township of Deptford held on the 24<sup>th</sup> day of June, 2019 and will be considered for final passage and adoption at a Work Session Meeting of Township Council at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 15<sup>th</sup> day of July, 2019 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

  
 Dina L. Zawadski, Township Clerk, RMC, CMC

RECORD OF VOTE – Introduction O.11.19					RECORD OF VOTE – Adoption O.11.19				
Council Member	Yes	No	Abstain	Absent	Council Member	Yes	No	Abstain	Absent
Medany	✓				Medany	✓			
Hufnell	✓				Hufnell	✓			
Barnshaw	✓				Barnshaw	✓			
Lamb				✓	Lamb	✓			
Love	✓				Love	✓			
Schocklin	✓				Schocklin	✓			
Scott	✓				Scott	✓			