

ORDINANCE NO. O-24-15
TOWNSHIP MEETING DATE – JULY 30, 2024

ORDINANCE AMENDING CHAPTER 75 (AMUSEMENTS), ARTICLES II (COIN-OPERATED AMUSEMENT GAMES) AND III (AMUSEMENT GAMES WITH PRIZES OR AWARDS) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Township Committee of the Township of Freehold, County of Monmouth and State of New Jersey as follows (additions are **underlined**, and deletions are in **~~strikeout~~**):

I

Chapter 75 (Amusements), Article II (Coin-Operated Amusement Games), Section 8 (License required) is hereby amended to read as follows:

Section 75-8 License required; applicability.

No person shall install, maintain, operate or possess in any building where business is conducted or other place wherein the public is invited or where the public may enter or in any building or place where any club or organization meetings are held within the Township, any amusement, game and/or machine of the type commonly known and designated as pinball, electric crane, bagatelle, baseball, console, cathode ray tube game machines, jukeboxes, video games and any other machines similar to the above or otherwise operated by the insertion of coins or tokens received in exchange of consideration, except merchandise vending machines without first obtaining a license. This section shall not apply to coin-operated amusements commonly known as kiddie rides; more specifically, those coin-operated machines which are sat upon or in and cause a certain motion or gyration following the insertion of a coin, and are designed primarily for use by children under the age of 10, nor to carousel or merry-go-round type operations. **This section, and the remaining provisions of Article II, shall not apply to recognized amusement parks subject to Article III of this Chapter.**

II

Chapter 75 (Amusements), Article III (Amusement Games with Prizes or Awards), is hereby amended to read as follows:

Section 75-21 Designation of ~~amusement and entertainment center~~ recognized amusement parks.

It is hereby determined, decided and declared that there exists within the Township of Freehold **a the following** recognized amusement **~~and entertainment area~~ parks**, according to the usual and customary understanding of such terms;

~~A. located on~~ Block 70.10, Lot 2, as shown on the official Tax Map of the Township of Freehold, which ~~amusement and entertainment center~~ recognized amusement park is presently known and designated as IPLAY AMERICA.

B. A portion of Block 69.01, Lot 18.01, as shown on the official Tax Map of the Township of Freehold, designated as Space #N100 within the Freehold Raceway Mall, which recognized amusement park is presently known and designated as DAVE & BUSTER'S.

Section 75-22 License required to operate games a recognized amusement park.

A licensee shall be permitted to install and operate billiard and pool tables within the licensed premises and such billiard or pool table shall be deemed to be amusement games within the meaning of this article. The provisions of Chapter 240 of these general ordinances shall not apply to the maintenance and operation of pool or billiard within the licensed facility. A licensee shall be permitted to install and operate coin-operated amusement games within the licensed premises and such coin-operated games shall be deemed to be amusement games within the meaning of this article. The provisions of Article II, Section 75 of this Code shall not apply to the maintenance of coin-operated games by recognized amusement parks. It shall be unlawful for any person, firm or corporation to own, conduct or operate within this municipality any amusement game or games, skills-based attractions, or electronic amusements as said amusement game or games, skills-based attractions, or electronic amusements are defined by the Amusement Games Licensing Law (Chapter 109 P.L. 1959; N.J.S.A. 5:8-100 et seq.), as amended from time to time, ~~whether said amusement game or games are of skill or chance, or both, and whether said amusement game is played and operated with or without numbers, symbols or figures,~~ without first having obtained a proper license from the Township Committee of the Township of Freehold. Said license shall be issued subject to the provisions of the Amusement Games Licensing Law and the Revised Amusement Games Regulations, **effective April 11, 1966**, promulgated by the Office of Amusement Games Control, ~~Department of Law and Public Safety of the State of New Jersey~~ and the Rules of Legalized Games of Chance Regulations promulgated by the Legalized Games of Chance Control Commission.

Section 75-23 Application requirements.

[NO CHANGE]

Section 75-24 Issuance of license; certificate; display.

A. Upon proof of compliance with all applicable requirements, the Township Committee shall authorize the issuance of a license, to be effective for not more than one year. By resolution, said license is to be effective for a term of one year, commencing on the date of issuance and

terminating on December 31 in each year. Said resolution shall specifically recite that the premises to be licensed are located in a recognized amusement and entertainment area within the municipality. A certified copy of the resolution shall be transmitted, together with a copy of the application and license certificate issued, to the ~~Commissioner of Amusement Games Control~~ **Legalized Games of Chance Control Commission**. No license shall be issued unless the applicant has complied with all of the requirements of N.J.S.A. 5:8-100 et seq. and N.J.A.C 13:1-1.1 et seq., as amended from time to time.

B. Each license certificate shall be in the form prescribed by the ~~Commissioner of Amusement Games Control~~ **Legalized Games of Chance Control Commission** and shall indicate: the name of the licensee; the address of the licensed premises; the name or description of the kind of games licensed; the amount of fee paid; a statement of the hours between which such games may be conducted.

C. Each license shall be conspicuously displayed at the place where the game is to be conducted at all times during conduct thereof.

D. Each licensee shall notify the municipality of any material change of any relevant fact regarding the License application within 10 days of the occurrence thereof.

E. Each licensee shall enforce the rules and regulations approved as a part of the application under § 75-23 of this article.

F. Any license issued by the Township 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 the 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.

Sections 75-25 through 75-29

[NO CHANGE]

Section 75-30 Definitions.

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

GAME

Any game or amusement which is authorized under the provisions of the Amusement Games Licensing Law.

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 license issued prior to the effective date of P.L. 2015, c. 149 (N.J.S.A. 5:8-78.1 et al).

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.

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.

III

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

IV

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

V

This Ordinance shall take effect upon adoption and publication according to law.

EXPLANATORY STATEMENT:

This Ordinance revises the existing coin-operated amusement games licensing provisions to recognize an exception for those amusement and entertainment centers that are separately licensed under the Township Code. It also provides for a new designation of Dave & Buster's to

be located within the Freehold Raceway Mall as a recognized amusement park, and updates the licensing terminology to comply with current statutory provisions.