

**TOWNSHIP OF JEFFERSON  
COUNTY OF MORRIS, NEW JERSEY**

**ORDINANCE #24-20**

**ORDINANCE ESTABLISHING CHAPTER 280 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED  
“AMUSEMENT GAMES”**

**WHEREAS**, the Township of Jefferson has considered the addition of an Amusement Games Ordinance, in order for the Township to license amusement games offered within the Township in accordance with N.J.S.A. 5-101; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 280 of the Jefferson Township Municipal Code entitled “Amusement Games Ordinance: is hereby added as follows:

**SECTION I**

**§280-1. This Chapter shall be known as “Amusement Games”**

**§280-2. Definitions.**

As used herein, the following terms shall have the meanings indicated:

**ARCADE** – A place where a single player may play any one of a number of machines or devices, upon payment of a fee, to attempt to obtain a prize or tickets or tokens redeemable for a prize, or to attempt to attain a score or result upon the basis of which a prize, ticket or token is awarded.

**AMUSEMENT MACHINES OR DEVICES** – Any machine, contrivance or device which, upon the payment of any price, in any form, operates or may be operated by the public generally. No person shall maintain, operate, or possess any amusement, machine or device for use or operation by the public on or at any premises in the Township of Jefferson without first obtaining a license therefor.

**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.

**DISTRIBUTOR** – Any person who supplies or offers to supply by sale, lease or any other manner amusement devices to any other person.

**HEARING OFFICER** – The Township Council.

**OPERATOR** – Any person who owns, leases, rents or operates premises on or at which any automatic amusement machine or device is kept, placed or exhibited for use or operation by the public.

**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)

**§280-3.**

**§280-4. Operator’s License Required for Amusement Machines or Devices**

- (1) No person shall maintain, operate, or possess any amusement machine or device for use or operation by the public on or at any premises in the Township of Jefferson without first obtaining a license from the Municipal Clerk.
- (2) No distributor may distribute, and no operator may operate amusement devices for the purpose of gambling.
- (3) Each application for such a license shall be filed with the Township Clerk in the form prescribed by the Amusement Games Control Commissioner, 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 intending 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 Amusement Games Control Commissioner. (N.J.S.A. 5:8-102)

- (4) Applicants must also provide and submit the following: Township Zoning Permit; current digital fingerprint background check, names and contact details of distributors utilized; copy of application for State license; copy of State license once received by applicant.
- (5) Licenses are not transferrable; however, any license issued under this section may be amended, upon application made 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.
- (6) 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)
- (7) A license application must be amended to evidence the receipt of a new game, change in game status, and/or replacement of a machine or device with another similar device, upon notifying the Township Clerk, giving a description by type, manufacture and serial number of such other machine or device within 10 days of such status change.
- (8) License to be Posted;
  - (a) Every license issued for the conduct of any game or games of amusement shall be conspicuously displayed at the place or places where the same is to be conducted at all times during the conduct thereof. (N.J.S.A. 5:8-105)
  - (b) License shall contain a statement that the devices may not be used for gambling purposes and that no reward or prize of any kind may be given by any person in connection with the play or operation of the device except merchandise as permitted by the Amusement Games Control Commissioner.
  - (c) All amusement devices shall display a notice that the device may not be used for gambling purposes and that no reward or prize of any kind may be given by any person in connection with the play or operation of the device except merchandise as permitted by the Amusement Games Control Commissioner
- (9) Location of Machines, Devices. No operable machine or device shall be located in any part of the licensed premises which is not open to the general public.

**§280-5.**

**§280.6. Hours of Operation; Minors**

Recognized amusement parks or amusement machines and devices shall not be operated on the following days and during the following hours:

- (1) Weekdays, Saturdays and Sundays between the hours of 10:00 P.M. and 8:00 A.M
- (2) Minors - No operator may permit the use of any amusement device by persons under the age of 18 years unaccompanied by a parent or legal guardian during the following hours: Between 8:00 A.M. and 4:00 P.M. on days when elementary, middle and secondary schools in the Township of Jefferson are in regular session.

**§280-7.**

**§280.8. Approval or Disapproval; Hearing.**

- A. All applications shall be either approved or denied in accordance with the provisions of N.J.S.A. 5:8-100 et seq.
- B. The Municipal Clerk shall deny a license if the Municipal Clerk finds out that the applicant's business premises does not comply with the Construction Code and Zoning Ordinances of the Township, the Fire Prevention Code of the Township or the Health and Sanitary Code; the applicant's past business operations, business integrity or conviction of crimes warrants denial of a license.
- C. If the Municipal Clerk denies a license, the Municipal Clerk shall provide the applicant with a written notice which shall explain the reasons for denial.
- D. No application for the issuance of a license shall be refused by the Municipal Council until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application. (N.J.S.A. 5:8-104).
- E. Premises shall be available for inspection during the Township's normal business hours.

- F. If an application is denied, the applicant shall have the right to appeal to the Council within 10 days of the notice of denial of his or her application. An appeal from the denial of a license is taken by serving a written notice of appeal upon the Council and a copy thereof upon the Municipal Clerk. The notice of appeal shall set forth the name of the party taking the appeal and his or her address or the address of his or her attorney, if he or she is represented, and shall designate the decision appealed from and this basis of the appeal. Failure to comply with the requirements of the notice of appeal or the failure to submit complete information shall be grounds for such action as the Council deems appropriate, including rejection or dismissal of the appeal. The Council shall set a time and place for a hearing not later than 20 days from the date of receipt of the notice of appeal. At such hearing, the applicant shall be afforded the opportunity to be represented by counsel and produce witnesses to sustain his or her appeal for the right to receive a license. The decision of the Council shall constitute the final decision of the Township of Jefferson on the application.

#### **§280.9. License Fees.**

- A. There is hereby established a fee in the maximum amount authorized by the State of New Jersey for every application for a license to conduct amusement games. The fee shall be in addition to any fees which must be payable to the Legalized Games of Chance Commission.
- B. In the event of a denial or withdrawal of the application, or in the event of denial or withdrawal of the application for the State license filed with the Legalized Games of Chance Control Commission pursuant to N.J.A.C. 13:3-2, the full fee up to \$10.00 or 25% of the fee, whichever shall be the greater, shall be retained by the Township as and for an investigation fee, and the remainder of the fee, if any shall be refunded to the applicant. Otherwise, fees are not subject to proration.

#### **§280.10. Amusement Games in Establishments Which Serve Alcohol**

- A. No person shall be granted any operator's license for a tavern unless such applicant is the holder of the plenary retail consumption license issued for such tavern or has a financial interest therein.
- B. No person may permit the operation of an amusement device in a tavern during hours when the tavern is prohibited from operating.
- C. No person under the age of 21 may operate an amusement device in a tavern or any other premises used primarily for the consumption of serving of alcohol at any time.

#### **§280.11. Narcotics and Illegal Activities.**

- A. No license may permit upon the licensed premises any unlawful possession of or any unlawful activity pertaining to narcotic or other drugs or other controlled dangerous substances as defined by the New Jersey Controlled Dangerous Substances Act (N.J.S.A. 24:21-1, et seq.).
- B. No licensee may permit the licensed premises to be accessible to any premises upon which any illegal activity or enterprise is carried out or the licensed premises to be used in aid of or accessible to any illegal activity or enterprise.

#### **§280.12. Unlawful Acts.**

- A. No licensee may engage in or permit upon the licensed premises:
- (1) Any lewdness or immoral activity.
  - (2) Any brawl, act of violence, disturbance or unnecessary noise.
- B. Nor may any licensee permit the licensed premises to be conducted in such a manner as to become a nuisance.

#### **§280.13. Suspension or Revocation of License.**

The Municipal Clerk may suspend or revoke any license on three days' notice if the licensee has violated any provision of this Article or any other ordinance or statute related to the operation of the licensed premises. A licensee whose license is suspended or revoked shall have the same right to appeal to the Council as upon disapproval of any original application.

#### **§280.14. Attendant on Premises Required.**

- A. The operator shall provide one attendant over 18 years of age on the premises; attendant shall be present at all times during which the public is invited to use the amusement devices.

**INTRODUCED: September 4, 2024**  
**ADOPTED: September 17, 2024**

