

**BOROUGH OF LITTLE FERRY
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 1616-4-24**

AN ORDINANCE AMENDING CHAPTER 4, LICENSING AND BUSINESS REGULATIONS, OF THE LITTLE FERRY BOROUGH CODE, §4-13 ENTITLED "AMUSEMENT DEVICES" *ET SEQ.*

**THE MAYOR AND COUNCIL OF THE BOROUGH OF LITTLE FERRY DOES
HEREBY ORDAIN AS FOLLOWS:**

1. The following additions (underlined) and deletions (~~struck through~~) shall be made to Chapter 4, Licensing and Business Regulations, of the Little Ferry Borough Code, Section 4-13 entitled "Amusement Devices" *et seq.* as follows:

§ 4-13 AMUSEMENT DEVICES.

§ 4-13.1 Definitions.

[1982 Code § 71-1]

As used in this section:

COIN-OPERATED AMUSEMENT DEVICE

Shall mean any amusement machine or device operated by means of the insertion of a coin, token, bill, card, or similar object, or a machine or device that makes use of an electronic fee transaction system, for the purpose of amusement or skill and for the playing of which a fee is charged. Shall not mean a device that is used for gambling with monetary payout. Also included within this definition are coin-operated mechanical or electronic musical devices which are commonly referred to as "jukeboxes."

PROPRIETOR

Shall mean any person, firm, corporation, privately owned amusement park or family entertainment center, partnership, association or club who, as the owner, lessee or proprietor, has under his or its control any establishment, place or premises in or at which such device is placed or kept for use or play or on exhibition for the purpose of use or play.

§ 4-13.2 Purpose.

[1982 Code § 71-2]

a.

The purpose of this section is to regulate the licensing and use of coin- controlled amusement devices to preserve and protect the public good, welfare and morals.

b.

All fees specified in and required by this section are imposed to defray the cost of regulation and for raising revenue where such is permitted by State law.

§ 4-13.3 License Required.

[1982 Code § 71-3]

No person, firm or corporation shall install, place, maintain, operate or possess in any ~~store, building or public place or quasi-public place~~ wherein the public is invited or may enter any automatic or mechanical machine, game or device of skill or entertainment or music vending machine which is or are operated or set in motion by the deposit therein of any coin or coins, tokens or slugs or the like thereof purchased for cash, within the Borough limits of the Borough of Little Ferry, without first applying for and obtaining a license, in accordance with the provisions provided in this section.

§ 4-13.4 Exemptions.

[1982 Code § 71-4]

The provisions of this section requiring license fees shall not apply to any church, fraternal or veterans' organizations or other religious, charitable or nonprofit organization which operates a coin-operated amusement device exclusively for the use of its members and their guests and on premises owned or controlled by it.

§ 4-13.5 Application.

[1982 Code § 71-5]

a.

A separate application for each machine, game or device required to be licensed under this section shall be filed, together with the appropriate fee therefor, with the Police Department, and such applications shall specify:

1.

The name, address, social security number and telephone number of the applicant and, if a firm, corporation, partnership or association, the principal officers thereof and their addresses, social security numbers and telephone numbers, including the two (2) previous addresses immediately prior to the present address of the applicant or officer thereof submitting the application.

2.

The addresses of the premises where the licensed device or devices are to be operated, together with the character of the business as carried on at such place.

3.

The name, address and social security number of the registered agent of the applicant upon whom service of process is authorized to be made.

4.

The name, address, social security number and telephone number of the manager of the applicant who shall be in charge of the applicant's business in the Borough of Little Ferry.

5.

Whether or not the applicant has been previously licensed by any public or governmental authority to maintain coin-controlled amusement devices for use by the public or has previously applied for such a license, and whether or not such a license has been denied, revoked or suspended and the reason therefor.

6.

With respect to each person whose name appears on the application:

(a)

The fact of conviction in any jurisdiction of any offense which under the laws of New Jersey is denominated a misdemeanor, a high misdemeanor or an offense involving moral turpitude and/or the fact of conviction in any jurisdiction of any offense which under the revised Criminal Code, N.J.S.A. 2C:1-1 et seq., is denominated as a crime of the first, second, third or fourth degree, with a full disclosure of the nature of the offense, time and place of commission, legal proceedings and penalty imposed.

(b)

Each such person shall voluntarily submit to the taking of his fingerprints so that a proper investigation will be expedited.

(c)

The trade name and general description of the device or devices to be licensed, the name of the manufacturer and the serial number of each such device.

(d)

The application shall contain a certification under oath, made by the applicant, that the information contained in the application is complete, accurate and truthful to the best of his knowledge and belief.

§ 4-13.6 Investigation of Applicant.

[1982 Code § 71-6]

Upon receiving the application and fee, the Police Chief shall conduct an investigation into the applicant's moral character, personal and criminal history. He may, in his

discretion, require a personal interview of the applicant and such further information as shall bear on the investigation.

§ 4-13.7 Requirements Prior to Issuance.

[1982 Code § 71-7]

No license shall be issued unless the application and license fee requirements have been met and an investigation into the fitness of the applicant conducted.

§ 4-13.8 Issuance; Reasons for Denial.

[1982 Code § 71-8]

The Police Chief shall issue a license within forty-five (45) days of receipt of the application, unless he finds that:

a.

The correct license fee has not been tendered with the application.

b.

The maintenance or use of such device or devices would not comply with all applicable laws, including but not limited to building, zoning and health regulations, or as prohibited herein.

c.

The applicant, if an individual, or any of the officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, and the manager or other person principally in charge of the operation of the business have been convicted of any crime involving dishonesty, fraud, deceit or moral turpitude, unless such conviction occurred at least five (5) years prior to the date of the application.

d.

The applicant has made any false, misleading or fraudulent statement of fact in the application or in any document required by the Borough in conjunction therewith.

e.

The applicant has had a similar license denied, revoked or suspended within five (5) years prior to the date of the application.

f.

The applicant, if an individual, or any of the officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, or the manager or other person principally in charge of the premises on which the devices are located is not over the age of eighteen (18) years.

§ 4-13.9 Revocation.

[1982 Code § 71-9]

a.

Every license issued hereunder is subject to revocation by the Chief of Police for the violation of any of the provisions of this section. Any material misstated or omitted in the license application shall constitute grounds for revocation. The revocation shall occur only after a hearing.

b.

The licensee shall be given ten (10) days' notice of the date of such hearing, and such notice shall state the grounds therefor. At such hearing the licensee may submit pertinent information on his own behalf.

§ 4-13.10 Fees.

[1982 Code § 71-10A; Ord. No. 1173-17-05; Ord. No. 1200-09-06]

a.

The annual license fee for each game, machine, or device shall be as set forth:

Type of Device	Fee
1. Music	\$200.00
2. Video	\$200.00
3. Pinball	\$200.00
4. Bowling machine	\$200.00
5. Shuffle Alley	\$200.00
6. Target machine	\$200.00
7. Bagatelle or similar machine	\$200.00
8. Photo machine	\$100.00
9. Copy machine	\$100.00
10. Scale machine	\$100.00
11. Dartboard	\$100.00
12. Novelty machine	\$ 20.00
Any and all other coin-operated amusement type machines <u>as defined herein</u>	\$100.00

§ 4-13.11. Term of License

[1982 Code § 71-10B, C]

a.

All license fees shall be payable annually in advance and shall accompany the application.

There shall be no proration of any license fee in any year, notwithstanding the fact that a license may be issued for a portion of the year.

b.

All licenses shall expire on the 31st of December of each year.

§ 4-13.12 Transferability; Refund of Fees.

[1982 Code § 71-11]

No license issued pursuant to this section is transferable, and no license fee shall be refunded upon the revocation or surrender of any license.

§ 4-13.13 Content of License; Posting Required.

[1982 Code § 71-12]

a.

License cards issued under this section shall specify the location of the premises at which the licensed machine, game or device is to be used or kept, a brief description of the machine, game or device and the name and address of the owner and the lessee or bailee of the machine, game or device.

b.

All license cards issued under this section shall be posted and at all times displayed in a conspicuous place at or near the licensed machine, game or device.

§ 4-13.14 Exchange of Licensed Machines.

[1982 Code § 71-13]

The licensee of the machine, game or device may change or exchange the licensed machine, game or device for one similar and in the same license-type group upon application to the Chief of Police, who shall note the change, together with his approval, on the original license.

§ 4-13.15 Gambling Prohibited.

[1982 Code § 71-14]

It shall be unlawful to install, maintain, operate or use any machine, game or device in the Borough of Little Ferry for the purpose of gambling, wagering or betting, either for cash or merchandise, or other property of any nature whatsoever, aside from prizes awarded in privately owned arcades, amusement parks or family entertainment centers.

§ 4-13.16 Prizes Monetary Profit Prohibited.

[1982 Code § 71-15]

It shall be unlawful to install, maintain and use any machine, game or device in the

Borough of Little Ferry for the purpose of giving, directly or indirectly, ~~any prize, return or~~ monetary profit, whether by free play or otherwise.

§ 4-13.17 Age Restriction.

[1982 Code § 71-16]

No proprietor holding a license to operate coin-operated amusement devices shall permit a person under ~~sixteen (16)~~ thirteen (13) years of age to play or operate a coin-operated amusement device unless such person is accompanied by his parent or legal guardian.

§ 4-13.18 Proximity to Schools or Churches Restricted.

[1982 Code § 71-17]

No machine, game or device under the provisions of this section shall be used, placed, maintained or operated in any premises within two hundred (200) feet of any school, church or place of religious worship nor within one hundred (100) feet of any residential use.

§ 4-13.19 Location Restrictions.

[1982 Code § 71-23]

Each device shall be located a minimum of fifteen (15) feet from any entranceway to the premises in which it is located.

§ 4-13.20 Number of Devices Restricted; Exemptions.

[1982 Code § 71-20]

a.

It shall be unlawful in the Borough of Little Ferry to place, maintain, control, conduct or operate more than two (2) of the aforesaid devices in any one (1) business establishment, ~~and there must be at least five thousand (5,000) square feet of floor area for each such device.~~ unless it is a privately owned amusement park or family entertainment center.

b.

Any operator of a coin-controlled amusement device who is duly licensed prior to July 15, 1982, shall be permitted to retain the number of the devices as are being operated on said date. Notwithstanding the foregoing, the number of devices may not be expanded unless such expansion meets all of the requirements as set forth in this section.

§ 4-13.21 General Regulations.

[1982 Code § 71-21]

a.

A bicycle rack to accommodate two (2) bicycles per machine shall be provided by each licensed operator. This rack shall be located on the operator's premises and shall not be located so as to interfere with vehicle parking or impede the safe passage of pedestrians. The style and design of the bicycle rack is subject to the approval of the Construction Official. In addition, the operator must provide one (1) on-site parking space per machine. This provision shall not apply to privately owned amusement parks or family entertainment center.

b.

~~A readily visible sign shall be installed indicating that the use of machines or devices by persons under sixteen (16) years of age shall not be permitted unless accompanied by an adult.~~

c.

The licensee shall at all times maintain good order and shall not permit any disturbance, congestion or loitering upon the licensed premises.

d.

No coin-operated amusement device shall be operated in a manner which will enable it to be heard outside of the premises.

e.

~~The licensee shall not permit food or beverages to be consumed or purchased on the premises.~~

f.

All requirements of the Fire Underwriters' Code and the Uniform Construction Code of the State of New Jersey shall be complied with.

g.

Whenever a premises has ten (10) or more machines, there must be provided at least one (1) bathroom facility for the exclusive use of the patrons.

§ 4-13.22 Space Requirements.

[1982 Code § 71-22]

~~A license shall be issued for the placement, installation, maintenance, operation or possession of coin-operated amusement devices in or about any single premises or location, but only within the general business zone. Each device shall be allotted a seventy five (75) square foot minimum floor area for its sole use. These devices shall be considered an accessory use incidental and subordinate to the principle use of the premises. The seventy five (75) square foot minimum floor area shall be provided for each device so as to allow its use without overcrowding. A minimum width of five (5)~~

~~feet shall be provided as clearance on both sides of each device. The depth of space in front of the device shall be at least five (5) feet. The rear of the unit may be placed flush against an appropriate fire rated wall. In addition, there shall be a five (5) foot wide aisle maintained beyond the depth of the five (5) feet in front of the device as provided for hereinabove.~~

§ 4-13.23 Enforcement.

[1982 Code § 71-18]

All members of the Borough Police Department, including special officers, are authorized to enforce the provisions of this section.

§ 4-13.24 Violations and Penalties.

[1982 Code § 71-19]

a.

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

b.

Upon such conviction, no licensee shall thereafter transact the business of distributing or operating coin-operated amusement devices in the Borough.

2. REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

3. SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

4. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided

by law.

5. CODIFICATION

This ordinance shall be a part of the Code of the Borough of Little Ferry as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The Borough Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of Little Ferry in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

ATTEST:

BOROUGH OF LITTLE FERRY

Barbara Maldonado, Borough Clerk

Mauro Raguseo, Mayor

Introduced: _____

Motion by: _____

Second by: _____

Introduction Roll Call: Ayes:
 Naves:
 Absent:

Adopted: _____

Motion by: _____

Second by: _____

Adoption Roll Call: Ayes:
 Naves:
 Absent:

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on _____, 2024.

Barbara Maldonado, Borough Clerk