

ORDINANCE NO. 2024-3419

TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH

ORDINANCE AMENDING THE CODE OF THE
TOWNSHIP OF MIDDLETOWN TO ESTABLISH STATE
MANDATED AMUSEMENT GAME LICENSING
STANDARDS

WHEREAS, N.J.S.A. 5:8-101 provides authority for municipalities to license certain amusement games as regulated under the Amusement Games Licensing Law; and

WHEREAS, the Township of Middletown (the "Township") does not currently have any licensing rules in place and has been advised that the New Jersey Games of Chance Control Commission requires such standards to license operators of certain amusements to be operated within the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, as follows:

[SECTION 1. Amending Chapter 474 Governing Vending Machines]

§ 474-1. Definitions.

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

~~AMUSEMENT, VENDING, NOVELTY AND ALL OTHER KINDS OF MACHINES~~ - Any machine that is operated by placing a coin in the slot that is used for amusement or that is used for the purpose of distributing merchandise (but specifically not including food, beverages or ice) or is used for weighing persons or performing similar or other kinds of services upon the placing of a coin in the slot, and all kinds of machines for said purposes with mechanical operation that furnish any sort of amusement, mechanical or service whatsoever in return for a coin placed in said machine.

§ 474-2. License required.

It shall be unlawful for any person to operate or maintain any amusement, vending, novelty or other machine without first obtaining a license therefor as hereinafter provided.

§ 474-3. License fees.

The license fee for each such amusement, vending, novelty or other kind of machine shall be as set forth in Chapter 240, Fees.

[SECTION 2. Establishing New Chapter Governing Amusement Games and Arcade Licensing Standards]

§ 475 Amusement Game and Arcade Licensing.

§ 475-1. Definitions.

AMUSEMENT GAMES LICENSING LAW - Shall mean N.J.S.A. 5:8-78.1 et seq., including any amendments thereto duly enacted subsequent to the effective date of this Chapter.

AMUSEMENT RIDE - Shall mean any mechanical device(s) which carry or convey passengers along, around or over a fixed restricted route or course for the purpose of giving its passengers pleasure, thrills or excitement and as otherwise defined and regulated under the Carnival Amusement Ride Safety Act N.J.S.A. 5:3-31, et seq.

ARCADE - Shall mean 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.

CERTIFICATION - Shall mean a Certification of Permissibility granted by the Control Commission pursuant to N.J.A.C. 13:3-7.1, et seq.

COMMISSION - Shall mean the Legalized Games of Chance Control Commission the successor to the Amusement Games Control Commissioner pursuant to Reorganization Plan No. 004-1992, at 24 N.J.R.4462, November 30, 1992.

LAW - Shall mean the Amusement Games Licensing Law, N.J.S.A. 5:8-78.1 et seq., as may be amended.

RECOGNIZED AMUSEMENT PARK - A commercially operated permanent business, open to the public at least 31 consecutive days annually, whose acreage is designed and themed for the primary purpose of providing participatory amusements incorporating rides or water slides licensed in accordance with N.J.S.A. 5:3-31, et seq., 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 this amendment. (N.J.S.A. 5:8-101)

REGULATIONS - Shall mean New Jersey Administrative Code Title 13, Chapter 3.

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).

§ 475-2. Tickets or Tokens Awarded; Expiration; Arcade with Other Games.

- A. There shall be no limit on the time within which tokens or tickets must be redeemed in any arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No. 2.
- B. The transfer of ownership of any arcade licensed by the Township under Certification Nos. 2, N.J.A.C. 13:3- 7.9(a)2 shall specifically provide that all tickets and tokens awarded by the transferor shall be honored by the transferee.
- C. All winners shall be determined and all prizes or tickets or tokens that may be accumulated for a prize shall be awarded in any game forthwith upon the completion of the game and before making or accepting any charge for participation in any subsequent game or play.

- D. Where games licensed and certified pursuant to N.J.A.C. 13:3-7.9(a)1, 3, 5, 6, 7, 8 or 9 are operated in conjunction with an arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No. 2, the arcade licensee may also award as prizes, tickets or tokens redeemable toward merchandise prizes available in the arcade, provided that the value of any single prize ticket shall not permit redemption for a prize valued in excess of an average retail value prescribed by N.J.A.C. 13:3-3.5(d). Such tickets may be combined with tickets or tokens awarded in the arcade for redemption purposes.

§ 475-3. Certification Requirements for Amusement Game.

No license shall be issued to authorize the holding, operation or conduct of any game not certified as permissible by Commission pursuant to N.J.A.C. 13:3-7, Certification, and any license issued with respect to any certified game shall authorize it to be held, operated and conducted only with the limitations and restrictions of its Certification.

- A. It shall be unlawful for any person to own or operate within the Township any redemption amusement game without first having obtained a proper license from the Township and the Commission. The license shall be issued only pursuant to the provisions of the Law and this chapter.
- B. Each applicant for such a license shall file with the Township Clerk a written application therefor in the form prescribed by the Commission duly executed and verified together with the fees specified by Law and this section.
- C. Each license issued by the Township shall be inoperative unless the licensee named therein shall also, within 90 days from the issuance thereof and prior to the conduct or operation of amusement games thereunder, procure a State license authorizing the licensee holding the Township license to operate and conduct certain games according to the terms of the Township license.

§ 475-4. Incorporating Provisions of Law, Regulations and this Section.

Each provision of the Amusement Games Control Act N.J.S.A. 5:8-78.1 et seq., Amusement Games Licensing Law, N.J.S.A. 5:8-100 et seq. and the regulations promulgated by the Commission, governing the licensing and operation of Amusement Games N.J.A.C. 13:3-1 et seq., including any amendments thereto duly enacted subsequent to the effective date of this chapter are by reference hereby incorporated as provisions of this section as if they were herein at length set forth. Any violation of any provision of law or regulations by a licensee shall be a violation not only of the law or regulation, but also of this section. Any duty or responsibility of a licensee set forth in the law or regulations is also a duty or responsibility of the licensee under this chapter.

[SECTION 3. Severability.

If any section, subsection or paragraph of this ordinance is declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 4. Repealer.

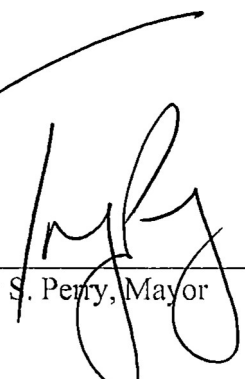
All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 5. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.


PASSED ON FIRST READING: May 20, 2024

PASSED AND APPROVED: June 10, 2024



Anthony S. Perry, Mayor

ATTEST:



Heidi R. Pieluc, Township Clerk