

ORDINANCE NO. 2024 - 06

**AN ORDINANCE OF THE TOWNSHIP OF STAFFORD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
SUPPLEMENTING CHAPTER 134 OF THE TOWNSHIP
CODE, ENTITLED "LICENSING"**

NOW, THEREFORE, BE IT ORDAINED, by the governing body
of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Stafford is
hereby supplemented as to Chapter 134, entitled "Licensing," so as to create Article
IX, entitled "Amusement Licenses," which shall read as follows:

Article IX. Amusement Licenses

§ 134-29. Definition of Amusement Park and Park.

"Amusement park" and the word "park," as used herein shall be any building, structure and/or any place of amusement operated upon a lot or plot of ground in the open air, permanent in its nature and operated by private enterprise for profit during the entire year or any part thereof, whether admission is charged to enter or not.

§ 134-30. Designation of Amusement Park.

It is hereby recognized, that there exists within the Township of Stafford an amusement park located at 151 NJ 72, Manahawkin which amusement park is presently known as "The Mainland Adventure Park."

§ 134-31. License Required to Operate Games.

It shall be unlawful for any person, firm or corporation to own or operate within this municipality any amusement game or games as defined in the "Amusement Games Licensing Law" (Chapter 109, P.L. 1959 N.J.S.A. 5:8-101), without first having obtained a proper license from the Township Council of the Township of Stafford. The license shall be issued subject to the provisions of "Amusement Games Licensing Law" (Chapter 109, P.L. 1959), and the Revised Amusement Games Regulations, effective April 11, 1966, promulgated by the Legalized Games of Chance Control Commission, Department of Law and Public Safety of the State of New Jersey.

§ 134-32. Application for License.

Each applicant for such a license shall file with the Township Clerk a written application in duplicate therefor. The application must be in the form prescribed by the Legalized Games of Chance Control Commission and must comply with all the requirements as specifically set forth in Section 2 of Chapter 109, Public Laws 1959 and any amendments and supplements thereto and any additional requirements as may be promulgated from time to time by the Legalized Games of Chance Control Commission of the State of New Jersey.

§ 134-33. Investigation of Qualifications of Applicants.

The Governing Body of this municipality shall make an investigation of the qualification of each applicant and the merits of each application as directed by the

Amusement Games Licensing Law. In this municipality, the Chief of Police is and shall be charged with the duty and responsibility of making the initial investigation and reporting thereon in writing to the Governing Body.

§ 134-34. Issuance of License; Certificate, Display.

- a. Upon proof of compliance with all applicable requirements, the Township Council shall authorize the issuance of a license, by resolution, the license to be effective for a term of one year, commencing with date of issuance and terminating on December 31 of each year. The resolution shall specifically recite that the premises to be licensed are located on a recognized amusement park in the municipality. A certified copy of the resolution shall be transmitted, together with copy of the application and license certificate issued, to the Legalized Games of Chance Control Commission.
- b. License Certificate. The license certificate shall be in the form prescribed by the Legalized Games of Chance Control Commission.
- c. Each license shall be conspicuously displayed at the place or places where the game is to be conducted at all times during the conduct thereof.

§ 134-35. Licensing of Amusement Games.

The Township expressly reserves the right to license amusement games other than the ones described herein and to establish fees therefore for the use in the area designated in accordance with the requirements set forth in this section. The games hereinafter licensed shall be incorporated herein by reference thereto.

§ 134-36. Hearing Prior to Refusal of License; Amendments; State License.

- a. 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 upon the qualifications of the applicant and the merits of the application.
- b. 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.
- c. No license issued pursuant to this section shall become operative unless and until the licensee named therein shall have procured a State license from the Legalized Games of Chance Control Commission.

§ 134-37. Control and Supervision.

- a. The Township Council shall have and exercise control and supervision over all amusement games held, operated or conducted under such license with all the powers authorized or granted to it under the Amusement Games Licensing Law and all amendments and supplements thereto.
- b. The Chief of Police of the Township may inspect or cause to be inspected any place or building in which amusement games or services are operating.
- c. Amusement games and devices shall be kept and placed in plain view of any person or persons who may frequent and be in any place or place of business where such devices or games are used and licensed.
- d. Nothing in this section shall be construed to authorize or license any gambling device or game not specifically permitted by the laws of New Jersey.

- e. No gambling between participants in any amusement games or the users of any amusement devices shall be permitted at any time.
- f. Amusement games and devices shall not be permitted at any premises licensed for the sale of alcoholic beverages pursuant to Title 33 of the New Jersey Statutes.

§ 134-38. Forfeiture of License for Certain Acts.

Any person, association, or corporation who or which shall make any false statement in any application for such license, or shall fail to keep such adequate and proper books and records as shall fully and truly record all transactions connected with the holding, operating or conducting of amusement games under such license, or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any amusement game under any such license, or shall violate any of the provisions of this Article or the Amusement Games Licensing Law (Chapter 109 P.L. 1959) as amended from time to time or of any of the terms of such license, shall be a disorderly person; and if convicted as such, shall, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under this section.

§ 134-39. Separate Licenses Required; Fees.

- a. There shall be issued to an applicant who shall qualify a separate license for each place at which the licensee is authorized to hold, operate and conduct such games. The annual license fee for each such place shall be the sum of \$300 so long as there are no more than 35 games located at such place.
- b. A separate license shall be issued for each game over 35 games authorized to be held, operated and conducted on the licensed premises by the licensee. The license fee for each game in excess of 35 games, certified, as provided for pursuant to N.J.A.C. 13:3-7.1 et seq., as it may be amended from time to time, shall be \$50 per game.
- c. The required fee, which shall be an annual fee without proration, shall accompany the license application. In the event that the license is denied or the application therefore is withdrawn, the Township shall retain 25% of the application fee as an investigation fee, and the balance shall be returned to the applicant.
- d. The Township Council expressly reserves the right to license amusement games other than the ones described and to establish fees therefor for the use in the area designated in accordance with the requirements set forth herein. The games hereinafter licensed shall be incorporated herein by reference thereto.

§ 134-40. Definitions.

As used in this section, the following terms shall have the meaning indicated:

GAME

Shall mean any game or amusement which is authorized under the provisions of the Amusement Games Licensing Law (Chapter 109 P.L. 1959), except that there shall not be permitted a game of chance incorporated:

- a. A laydown board marked in segments bearing numbers, games, or symbols whereon the player or players place the entry fee as an indication of choice of expected winner.
- b. Electrical push-button switches or similar devices situated or located at each segment on the board which enable any player to start or stop the game.
- c. A moving indicator powered and driven by an electric motor which may be activated and deactivated by any player by means of the switches provided.

- d. An arrangement of numbers, names or symbols corresponding to those on the laydown board to one of which the moving indicator points when it stops after exhausting its momentum following deactivation of the motor, generally known as "stop and go game."

§ 134-41. Exception.

- a. The provisions of this section shall not apply to any carnival, fair, or other activity held on an annual basis by a nonprofit group or organization wherein amusement devices, structures, or rides are installed or used on a temporary basis.
- b. Exempt Organizations. Baseball, football and basketball games, entertainments or lecture courses by civic bodies and fire companies of the Township, and entertainments of lecture courses, the expense of which are guaranteed by residents of the Township, are excepted from the requirements of this section.
- c. Charitable or Religious Organizations. This section shall not apply to any of the amusements enumerated when the net proceeds are for the benefit of any charitable or religious organization located within the Township or when given by the pupils of any school in the Township, the proceeds of which are to be used for educational purposes.

§ 134-42. Expiration of License.

All licenses issued under this section shall expire on December 31 of each year.

§ 134-43. Violations and Penalties.

Any person, firm, or corporation violating any of the provisions of this section, shall be subject to a penalty not to exceed \$1,000, or imprisonment not to exceed 90 days, or both. The same shall be in addition to the powers of suspension or revocation of any such license as provided for herein.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Mayor and Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the 5th day of **March, 2024**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 19th day of **March, 2024 at 7:00 p.m.**, at the Town Hall, located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



**SUSAN M. FARRELL, RMC, CMR
TOWNSHIP CLERK**

Introduction: March 5, 2024

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito		✓	✓			
Otte			✓			
Krier			✓			
Steadman			✓			
LaRocca			✓			
Mower	✓		✓			
Henken			✓			

Adoption: March 19, 2024

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito			✓			
Otte		✓	✓			
Krier			✓			
Steadman			✓			
LaRocca			✓			
Mower	✓		✓			
Henken			✓			

CERTIFICATION

I, **Susan M. Farrell**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing Ordinance was duly adopted on second reading and public comment by the Stafford Township Governing Body at their meeting held on the 19th day of **March, 2024**.



**SUSAN M. FARRELL, RMC
Municipal Clerk**