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# COIN OPERATED AMUSEMENT DEVICE ORDINANCE

TOWN OF GORHAM

COIN OPERATED AMUSEMENT DEVICE ORDINANCE

Passed as Emergency Ordinance - 1/6/81

Passed as Permanent Ordinance - 2/3/81

Amended - February 2, 1982

Amended - April 4, 1989

Amended - June 3, 1997

THE TOWN OF GORHAM  
COIN OPERATED AMUSEMENT DEVICE ORDINANCE FOR

## ARTICLE I ESTABLISHMENT

Pursuant to M.R.S.A. s441, et seq. and Article II, Section 204.3 of the Council-Manager Charter of the Town of Gorham, the Town of Gorham hereby ordains the following Coin Operated Amusement Device Ordinance for the purpose of regulating the location and operation of any such device in or on any premises or location within the Town of Gorham.

## ARTICLE II

### A. Coin Operated Amusement Device Definitions

A coin operated amusement device shall include all of those machines whether mechanical or electronic which upon insertion of a coin, slug, token plate or disc may be operated by the public generally at public premises for use as a game, entertainment or amusement, but not limited solely to musical entertainment, whether or not registering the score and which are operated for amusement only and do not dispense any sort of playoff, prize or reward except free replays, provided, however, this definition shall include those machines which would otherwise come within the meaning of this term except that they have been manufactured and modified to be operated by remote control provided, further, those machines commonly denominated as mechanical kiddie rides and intended primarily for use of children six years of age and younger shall be excluded from this definition and so are not covered by this ordinance.

### B. Good Moral Character

Proof of good moral character shall include general testimony of the applicant's reputation in the community and the results of a records check to be conducted by the Chief of Police and included in his report as required in Article IV. Such results shall be considered relevant only if they disclose a felony conviction within the last ten (10) years.

### C. Effect on Neighboring Properties

The applicant shall establish that the location of a premises for the operation of coin operated amusement devices will not adversely effect the property values of other real property in the immediate vicinity of said premises. Any plans the applicants may have in regard to supervision of said premises to prevent vandalism and other potential property damage or personal injury to abutters shall be considered in this regard.

### D. Traffic Hazards

Traffic conditions on any public way adjacent to said premises shall be evaluated to insure that the location of said premises will not unnecessarily aggravate said conditions, such evaluation shall be conducted by the Chief of Police in conjunction with the Department of Public Works.

### E. General Health and Safety

The Code Enforcement Officer in conjunction with the Health Officer and Fire Chief shall inspect said premises and report on the general health and safety of the premises in regard to any violations or possible violations of the Building Code, Health Code, Fire Code or State Plumbing Code.

## ARTICLE III - LICENSES

It shall be unlawful for any person, firm, corporation or association to keep for public patronage or to permit or allow the operation of any coin operated amusement device in or on any public premises or location under his or its charge, control or custody without having first obtained a license therefor from the Clerk of the Town of Gorham. Said license shall be issued by the Clerk upon payment of the annual fee of One Hundred (\$100) Dollars for each machine located at said premises and said license shall expire June 30 of each year.

No license shall be issued for any premises within 500 feet of any school, church, or any area zoned residential under the terms of the Town's Land Use and Development Code; provided, however, that based upon a showing by the applicant that relaxation of the distance restriction contained in this section would not be detrimental to the public health, safety, and general welfare and would not be inconsistent with the general purposes of this ordinance as set forth in Article II, the Town Council may waive said restriction; provided, further, at least five (5) affirmative votes shall be required for such a waiver. The 500 feet distance shall be measured from the main entrance of the licensed premises and from the main entrance of any church or school by the ordinary course of travel and from the edge of the residential zoning boundary line.

## ARTICLE IV - CONDITIONS FOR LICENSE

### A. Public Hearing

The clerk shall not issue such license as stipulated in Article III hereof until authorized by the municipal officers following a public hearing on the establishment of said coin operated amusement device location. Such hearing shall be held within thirty (30) days of the receipt of such license application and authorization or denial by said officers shall be by written decision stating the reasons therefor. At the public hearing the municipal officers shall receive testimony and take evidence as to the good moral character of the applicants as well as to such factors regarding the premises for location of said devices as traffic hazards, effect on neighboring properties and general health and safety of the premises to house said coin operated amusement devices. In this regard the Code Enforcement Officer and the Chief of Police shall be required to submit written reports on their evaluation of said premises.

### B. Conditions of Operation

There shall be a limit of eight (8) machines per establishment, each establishment shall maintain public rest room facilities. Children under the age of sixteen (16) unaccompanied by a parent or legal guardian shall not be permitted to play or operate such machines. Unless the Town Council specifically votes to the contrary no coin operated amusement device shall be operated between 11:00 p.m. and 6:00 a.m.

ARTICLE V      LICENSE SPECIFICS

The license required by this ordinance shall be posted securely and conspicuously on the premises for which it is granted and shall be forwarded to the local police department after issuance. Said license shall not be transferable to any other person, firm, corporation or association or from location to location and shall be valid only at the location and for the person, firm, corporation or association designated therein. Further, such license shall not be granted to an person under the age of eighteen (18) years, nor to any firm, corporation or association whose officers are under said age.

ARTICLE VI      REVOCATION OF LICENSE

Any such license issued herein may be revoked by the Clerk after hearing before the municipal officers when any of the following violations are found:

1.     There are machines located on the premises which are not described in the license application.
2.     That minors under the age of sixteen (16) years unaccompanied by a parent or legal guardian have been allowed to operate said machines in violation of the terms of the ordinance.
3.     That any of the other specific findings required by this ordinance and defined in Article II have been violated and/or cease to be true.
4.     That any of the conditions of the Article IV-B have been violated.
5.     When it has been established to the municipal officers’ satisfaction that the premises for which said license was granted had cease to be a proper location due to the creation of a public nuisance at said premises.

ARTICLE VII      APPEAL

The decision of the municipal officers as carried out by the Clerk may be appealed to the Superior Court within thirty (30) days from the rendering of said decision.

ARTICLE VIII      VIOLATIONS

Any person, firm, or, in the case of a corporation or association, any official thereof, violating any of the provisions of this ordinance, shall upon conviction be punished by a fine of not less than five hundred (\$500) dollars for the first offense and not less than one thousand (\$1,000) dollars for the second and each subsequent violation which fine shall be recovered to the use of the Town of Gorham. In addition, the Town will recover legal fees and costs to ensure compliance with this ordinance.

ARTICLE IX      SEPARABILITY CLAUSE

If any portion of this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.