

Chapter 43

AMUSEMENT DEVICES AND AMUSEMENT CENTERS

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[HISTORY: Adopted by Annual Town Meeting March 9, 1983 as Article 5.]

§ 43-1. Purpose.

It is the purpose of this ordinance, pursuant to RSA 31:41-d, to regulate and to license amusement devices and amusement centers as defined herein, and to provide for the management of amusement centers in the public interest.

§ 43-2. Definitions.

AMUSEMENT DEVICE - The term "amusement device" shall mean any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score, and whether or not skill is used in its operation. It shall include but not be limited to such devices as electronic games, pinball machines, skill ball, mechanical grab machines, and all games, operations, or transactions, similar thereto under whatever name they may be indicated. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated rides or devices which solely produce music.

AMUSEMENT CENTER - The term "amusement center" shall mean any premises having thereon available for use by the general public two (2) or more amusement devices as defined above.

PERSON, FIRM CORPORATION OF ASSOCIATION - The terms person, firm, corporation, or association shall include any of these entities or combinations thereof owning an amusement device, or maintaining an establishment where one or more amusement devices are available for general use by the public, or having control over such an establishment.

§ 43-3. Gambling devices not permitted.

Nothing in this ordinance shall in any way be construed to authorize, license or permit any gambling devices whatsoever prohibited or regulated by New Hampshire law.

§ 43-4. Prohibited practices.

- A. No person under the age of 16 years shall be allowed to operate any amusement device unless accompanied by a parent or legal guardian. It shall be the duty of the manager and employees of an establishment where amusement devices are present to ascertain the age of each person operating or wishing to operate an amusement device.
- B. No amusement center shall serve alcoholic beverages on the premises.
- C. No prizes of material value may be given away or sold at nominal fee for any reason whatsoever pertaining to a high score, matching number, or any other outcome of an amusement device game.
- D. No amusement center shall be erected, opened, added to, altered, changed or operated in violation of this Ordinance, the Town of Bow Building Code, the Town of Bow Zoning Ordinance, the Fire Prevention Code or any other legally adopted Code or ordinance for the Town of Bow, the State, or the Federal Government or subsidiaries thereof. In any case the operation shall at all times be in conformance with all applications, permits and Planning Board and Zoning Board actions.

§ 43-5. License required.

- A. No person, firm, corporation, or association may operate an amusement center or amusement device without first obtaining a license from the Bow Selectmen or their designee.
- B. The Selectmen or their designee may establish from time to time reasonable licensing requirements, but in no event shall those requirements contain less than the following:
 - (1) That the applicant or applicants are eighteen years of age and of good moral character, as reasonably determined by the Chief of Police;
 - (2) That a full description of the premises is submitted, with a statement that such premises will be operated in accordance with all applicable local ordinances;
 - (3) That the applicant will report the number of proposed amusement devices, and that should such number exceed the original number, an additional fee shall be paid for each such device.
 - (4) No license to operate an amusement center or device shall be issued by the Selectmen until all other required Town approvals have been obtained. A renewal of an amusement center license shall be subject to the conditions of this section.
 - (5) Duration. Licenses shall be effective from the date granted until December 31 of the year granted. Any amusement center now in operation must pay all fees and apply for a license within 30 days of the effective date of this ordinance. Owners of establishments with fewer than two devices now in operation must file in a like manner and pay all fees.
 - (6) Renewal. License will be reviewed annually by the Selectmen and renewed upon payment of fees if the person, firm, corporation, or association applying for renewal has been found to comply with the provisions of this ordinance.
 - (7) Revocation or Suspension. Such license may be suspended upon a determination that a violation of this ordinance, or any other local, state, or federal ordinance, law or regulation has been committed by the license holder, his agent, employee, or patron. Such suspension shall take effect immediately upon notice of violation and shall remain in effect until such time as a Public Hearing can be scheduled, posted and held, at which time the permit can be revoked. Said hearing shall be conducted by the Selectmen and notice thereof shall be posted on the Town web site and in a newspaper of local circulation at least twice prior to said hearing. It is hereby ordained that the Board of Selectmen, Police Chief, Fire Chief, Building Inspector, Zoning Officer, Health Officer or their designated representatives have the authority to enter into or onto the premises at any reasonable time to inspect for compliance or investigate any alleged violations.

§ 43-6. License fee.

The applicant shall pay an annual fee for the Amusement Center license and also an annual fee per device or any part thereof, provided that the applicant may at his discretion remove and replace any device at will without further payment of a fee. Fees are established by the Board of Selectmen. The license fee shall be determined by the maximum number of devices present on any day of the year, and not by the total number of different machines present during the entire year.

§ 43-7. Amusement Center management plan.

Any application for an amusement center license shall contain a management plan containing at least the following:

- (1) The number of qualified employees to be present at all times;
- (2) Procedures for determining the ages of patrons;
- (3) A plan to control loitering and bicycle parking in the vicinity of the amusement center;
- (4) A description of proposed operations to show proper control of noise, glare, and overcrowding.

§ 43-8. Penalty.

Any person, firm, corporation, or association found to have violated this ordinance shall be guilty of a violation, and subject to a fine as established by the Board of Selectmen.

§ 43-9. Separability.

Each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further ordained that if any provisions of this ordinance are found to be invalid by a court of competent jurisdiction, all other provisions thereof shall remain valid and enforceable.

§ 43-10. Transfer of license.

A license shall not be transferable from person to person nor place to place, and shall be useable only at the place and by the person designated on the license.

§ 43-11. Conditions and restrictions.

All licenses shall be subject to such conditions and restrictions as the Selectmen deem it proper to impose.

§ 43-12. Amusement Center hours.

Every amusement center shall be permitted to stay open for the reception of patrons from 9:00 o'clock in the morning until 10:00 o'clock in the evening of the same day, except on Saturdays, when said amusement center shall be cleared of patrons and closed at 11:00 o'clock in the evening, and on Sundays, when the said amusement center shall not be permitted to open until 1:00 o'clock in the afternoon.