

**TOWN OF FARMINGTON, NEW HAMPSHIRE
ORDINANCE TO REGULATE AND LICENSE
AMUSEMENT DEVICES AND AMUSEMENT CENTERS**

Be it hereby ordained by the Farmington Board of Selectmen that the following Ordinance to Regulate and License Amusement Devices and Amusement Centers be enacted:

1. **Statement of Purpose:** It is the purpose of this ordinance, pursuant to RSA 31:41-d, to regulate and to license amusement devices and amusement centers in the public interest.

2. **Definitions:**

A. **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 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.

B. **Amusement Center:** The term "amusement center" shall mean any premises having thereon available for use by the general public more than six (6) amusement devices as defined above.

C. **Person, Firm, Corporation or Association:** The terms person, firm, corporation, or association shall include any of those 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.

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.

4. **Prohibited Practices:**

A. No person under the age of 18 shall be allowed to operate any amusement device between the hours of 7:00 a.m. and the termination of regular school hours, Monday through Friday. It shall be the duty of the manager and employees of any 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 any amusement device game.

5. **License Required:**

- A. No person, firm, corporation, or association may allow to be operated any amusement device without first obtaining a license from the Farmington Board of Selectmen or their designee.
- B. The Board of 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 (18) 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.
- C. **License Fee:** The applicant shall pay fifteen dollars (\$15.00) per year or any part thereof per device, provided that the applicant may at his discretion remove and replace any device at will without further payment of a fee. In other words, 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. All fees will be prorated for the remainder of 1982.
- D. **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.

- E. **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 six or fewer devices now in operation must file in a like manner and pay all fees.
- F. **Renewal:** Each license will be reviewed annually by the Board of 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 the ordinance.
- G. **Revocation or Suspension:** Such license may be revoked or suspended at any time upon a determination by the Board of Selectmen that repeated incidents of non-compliance with the provisions of this ordinance have been committed by the license holder, his agent, or employee. Such revocation or suspension shall be carried out by the Selectmen only after due notice and hearing.
- H. **Additional Requirements:** The Board of Selectmen may from time to time amend this ordinance to modify, add, or delete any provisions thereof. Nothing in this ordinance shall be construed to abrogate, limit, or contradict any State or Federal Law or regulation.
6. **Penalty:** Any person, firm, corporation, or association found to have violated this ordinance shall be guilty of a violation and subject to a fine of one hundred dollars (\$100.00) for each such violation.
7. **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.
8. **Effective Date and Duration:** This ordinance shall take effect upon adoption by the Selectmen and shall remain in effect until repealed, modified, or ratified by vote of the 1983 Farmington Town Meeting.

Passed this 23rd day of June 1982.

Willis H. Berry, Chairman

Joseph E. Parent

Joel D. Plante

Farmington Board of Selectmen



 Willis H. Berry, Chairman



 Joseph E. Parent



 Joel D. Plante
 FARMINGTON BOARD OF SELECTMEN