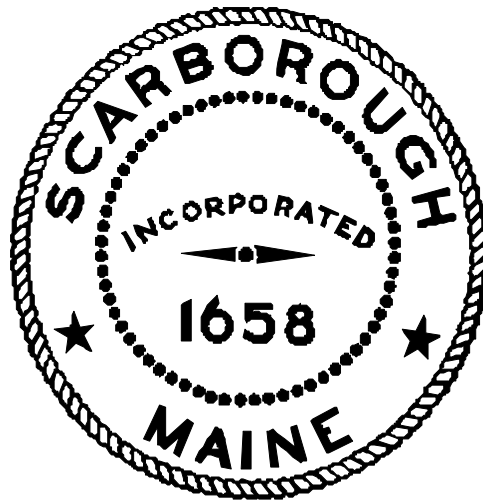


CHAPTER 1009

TOWN OF SCARBOROUGH

COIN-OPERATED GAME MACHINES

ORDINANCE



Amended 11/2/83
Amended 09/06/95
Amended 09/05/01
Amended 06/21/2006

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**CHAPTER 1009
TOWN OF SCARBOROUGH
COIN-OPERATED GAME MACHINES ORDINANCE**

Section 1. Title.

This Ordinance shall be known as the “Town of Scarborough Coin-Operated Game Machines Ordinance” and may be referred to by short title as the “Coin-Operated Machine Ordinance”.

Section 2. Findings and Purposes.

The Town Council finds that the location of coin-operated game machines, as defined herein, can create problems for pedestrian and vehicular traffic; may create public safety problems with the congregation of minors; and may result in late hours and noisy conditions by minors to the detriment of surrounding residentially zoned properties, churches and schools. Consequently the Council determines that the regulation of coin-operated game machines as defined herein, by the issuance of annual licenses is necessary to promote the health, safety, and general welfare of the citizens of Scarborough.

Section 3. Definitions.

Arcade:

A place or facility that is used primarily for playing coin-operated game machines for amusement and entertainment. Arcades shall only be allowed within campgrounds (camping and tenting areas) as an accessory use, subject to the licensing requirements of this Ordinance. (06/21/2006)

Coin-operated game machines:

Those machines normally denominated as such including, but not limited to, so called pinball, video, coin-operated or electronic games which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game or entertainment, whether or not registering a score. This definition shall include those machines which would otherwise come within the meaning of this term except that they have been manufactured or modified to be operated by remote control. This definition does not include jukeboxes, bingo games, gambling devices, pool tables or other similar machines. (06/21/2006)

Minor:

Any individual fifteen (15) years of age or younger, unaccompanied by his or her parent(s) or legal guardian(s).

Person:

Any individual, firm, corporation, association, partnership or organization.

Section 4. License Required.

No person shall keep, maintain, operate, lease or otherwise establish a coin-operated game machine or machines, or an arcade, as defined herein, in any premises, building, apartment, or place without having first obtained a non-transferable license from the Town Council for each such machine or arcade, and paying an annual license fee as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. The Town Council shall grant the license(s) only if it finds the applicant is in strict compliance with the requirements of this article, all applicable Town ordinances, and all other requirements of law. A copy of the license shall be posted in a conspicuous manner near the coin-operated game machines or within the arcade facility. All licenses shall expire on June 30th of each year.

No license shall be issued until the matter has first been advertised for public hearing, the cost of which shall be borne by the applicant, and a public hearing thereon has been held by the Town Council. No license shall be issued for any premises within 1000 feet of any school, or any area zoned residential under the terms of the Town’s zoning ordinance; 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, the Town Council may waive said restriction; provided, further, at least five (5) affirmative votes shall be required for such a waiver. The 1000 feet distance shall be measured from the main entrance of the licensed premises and from the main entrance of any school by the ordinary course of travel and from the edge of the residential zoning boundary line.

Section 5. Notice of Hearing.

The Town Clerk shall give public notice of the public hearing on coin-operated game machine or arcade applications by publishing a notice in a newspaper of general circulation in the Town indicating the time and place of the public hearing, the nature of the matter to be heard, and the address or location or the property on which the coin-operated machine(s) or arcade is to be located. Notices shall also be sent to the owners of all property located within 500 feet of said property. For the purpose of this section, the owners of property shall be considered to be persons listed by the Town Assessor as those against whom municipal real estate taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing nor invalidate any action of the Town Council on such application.

Section 6. Application and Information.

Every applicant for a coin-operated game machine or arcade license shall:

- (a) Complete and file an application on a form prescribed by the Town Clerk;
- (b) Deposit the prescribed license fee in with Town Clerk;
- (c) Submit the completed application to the Town Clerk, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors; and

- (d) File an affidavit which will identify all owners, officers, managers, or partners of the applicant and their places of residence at the time of the application or false or misleading information in an application for a license shall be a violation of this article and shall be grounds for denial of the application or revocation of any licenses previously granted;
- (e) Pay the required processing and application fee and the costs of publishing and mailing notices.

If an applicant should be denied or withdrawn, the license fee shall be refunded to the applicant except for an amount sufficient to cover the cost of any advertising or mailing of notice.

Section 7. Qualifications of Officers.

No applicant nor any owner, officer, manager, or partner of an applicant shall have been convicted of a crime involving moral turpitude, nor of violating any of the gambling, drug or prohibitive liquor laws of either the United States or the State of Maine or any other state within the five (5) years immediately preceding the date of application. Each such applicant or officer, owner, manager or partner shall file the release authorized by 16 M.R.S.A. Section 620(6) (Criminal History Record Information Act) with the application. Failure to provide such release shall be grounds for denial of the application.

Section 8. Investigation of Applicant.

Upon receipt of each application for a coin-operated game machine license, or arcade license or notice of a change of owners, officers, managers or partners of the applicant:

- (a) The Code Enforcement Officer shall verify that the premises at which the coin-operated game machine(s) or arcade is to be located complies with all applicable ordinances of the town including, but not limited to, the building code, electrical code, plumbing code and zoning ordinance and shall report his findings in writing to the Town Council;
- (b) The Town Clerk shall review the application and other documents and determine whether such documents comply with all of the requirements of this article and shall report such findings in writing to the Town Council;
- (c) The Fire Chief or his agent shall inspect the proposed location to determine if all laws, ordinances or regulations concerning fire and safety have been satisfied and shall submit his report in writing to the Town Council; and
- (d) The Police Chief or his agent shall investigate the application, including the criminal history record information required under this Ordinance, and shall report his findings in writing to the Town Council.

All reports required under this article shall be filed with the Town Clerk who shall forward them to the Town Council.

Section 9. Age Restrictions.

No person, firm, corporation or association holding a license under this article shall permit or allow any minor, as defined herein, to play or operate any such coin-operated game machine in or on the licensed premises during time(s) of public school sessions in the Town or after 9:00 o'clock P.M., prevailing time, on evenings prior to such public sessions. It shall be the responsibility of the applicant to ensure compliance with the terms of this section, and failure to do so shall be grounds for license revocation.

Section 10. Maximum Number of Machines.

(a) There shall be no more than three (3) machines at a single business premises (excluding an arcade), provided, however, that based upon a showing by the applicant that an increase in the maximum number of coin-operated game machines at a single business premises would not be detrimental to the public health, safety, and general welfare and would not be inconsistent with the purposes of this Ordinance. The Town Council may increase the maximum number of coin-operated game machines on a case by case basis, but any such waiver shall require at least five (5) affirmative votes

(b) The maximum number of coin-operated game machines at an arcade shall be twenty-five (25). The Town Council may increase the maximum number of coin-operated game machines within an arcade on a case by case basis, but any such waiver shall require at least five (5) affirmative votes.

Section 11. Suspension or Revocation of License.

A license to operate coin-operated game machines may be denied, suspended or revoked by the Town Council for either violation of, or failure to comply with, any of the provisions of this article or with the provisions of any other applicable ordinance of the Town. Determination of the severity of the violation and whether a denial, suspension, or revocation is warranted shall be made by the Town Council after notice and hearing.

Section 12. Appeals.

An appeal from any final decision of the Town Council may be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Section 13. Penalty.

In addition to any action which the Town Council may take, violation of any provision of this article shall be a civil offense and a fine not exceeding One Hundred Dollars (\$100.00) may be imposed. Each day that a violation continues shall be treated as a separate offense.

Section 14. Renewals. (amended 09/05/2001)

Licenses issued under this ordinance must be renewed annually. Renewal licenses may be issued by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before June 30th. If the holder applies for renewal on or before June 30th, the existing license shall remain in effect until final action on the renewal application. Otherwise, the existing license shall expire on June 30th and an application for a new license must be filed. The Clerk shall process and issue renewal licenses in the same manner as the Town Council processes and issues new licenses, except that no public hearing is required for a renewal. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which shall process the application in the same manner as an application for a new license.