

ORDINANCE NUMBER 19-2023

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 5, Mechanical Music Machines, Amusement Devices and Vending Machines

§ 5-2 MECHANICAL MUSIC MACHINES, AMUSEMENT DEVICES AND VENDING MACHINES.

**§ 5-2.1 Definitions. As used in this section:
[1990 Code § 5-2.1]**

ARCADE

An amusement center offering mechanical, automated, electronic games and music for purchase through any means, including but not limited to coin, cash, game or membership card, credit card, admittance fee, or similar method of payment.

Any Arcade offering redemption prizes is required to file an application with the State of New Jersey, Legalized Games of Chance Control Commission, as well as with the City of Lambertville.

AUTOMATIC, AUTOMATED, MECHANICAL OR VIDEO AMUSEMENT DEVICE OR ELECTRONIC AMUSEMENT DEVICE

Shall mean a machine of the type commonly known and designated as bagatelle, baseball, football, or pinball amusement games or similar machines and particularly, but not by way of limitation, any and all coin-operated amusement devices of any and all types and kinds, which, upon the payment of a user fee, including but not limited to coin, slugs, credit card, game card, or membership card used to operate or may be operated for use as a game, contest, amusement or entertainment of any description, or which may be used for any such game, contest, amusement or entertainment, and which contain no automatic payoff device for the return of slugs, money, coins, checks, tokens, or merchandise, or which provide for no such pay-off by any other means or in any other manner whatsoever.

AUTOMATIC, AUTOMATED VENDING MACHINE

Shall mean any method of payment, including, but not limited to coin, slugs, credit cards, membership card or game card, operated machine used for the purpose of selling liquids, candy, food or general merchandise. Up to six coin-operated non-electrical bulk vending machines, located on the same stand, shall be considered to be one machine and require one license. The license fee shall be calculated based on the highest dispensing fee of the bulk vending machines.

AUTOMATIC, AUTOMATED VENDING MACHINE

Shall mean any method of payment, including, but not limited to coin, slugs, credit cards, membership card or game card, used to operate a machine for the purpose of selling liquids, candy, food or general merchandise.

Non-Electric Vending Machines (AKA Gumball Type)

Up to six coin-operated non-electrical bulk vending machines, located on the same stand, shall be considered as one machine and require one license. Annual fee of \$10.00

MECHANICAL MUSIC MACHINE

Shall mean any method of payment, including but not limited to coin, slugs, credit cards, membership cards or game card used to operate a musical machine or device over and through which music by transcription is played.

PERSON

Includes any natural person, association, partnership, firm or corporation, company, utility or organization of any kind.

PROPRIETOR

Any person, firm, corporation, partnership, association, entity or club who, as the owner, leaseholder, or proprietor, has under his, her or its control any establishment, place or premises in or at which any mechanical, electronic or video amusement device is placed or kept for use or play or on exhibit for the purpose of use or play. In addition to aforesaid, the above-designated definition of "proprietor" shall include any lawful, separate business entity which engages in its primary operation the use of the aforesaid devices.

RESTRICTIONS

1. Issuance to person or proprietors convicted of a crime is restricted, except as provided by State of New Jersey law, no license shall be issued to or held by any person who has been convicted of a crime or by any corporation, partnership or association, a member or officer, director or holder of ten percent 10% or more of the stock of which has been convicted of any crime.
2. No license shall be approved for any applicant unless he, she and or they shall be twenty-one (21) years of age.
3. Four (4) or fewer mechanical, electronic or video amusement devices or jukeboxes in any premises are subject to the Zoning laws of the City of Lambertville.
4. Gambling and Gambling devices are prohibited. Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling, game and/or device whatsoever, including but not limited to card games, not any machine or mechanism that has judicially been determined to be a gambling device or to be in any way contrary to any present or future laws of the City of Lambertville, County of Hunterdon or State of New Jersey.
5. Maintenance of order: the person or proprietor in charge of the place or premises where any jukebox or mechanical, automated, electronic or video amusement device is kept or located shall maintain good order on or about the place or premises in which any jukebox or mechanical, automated, electronic or video amusement device is kept or located, which shall include but shall not be limited to the following:
 - a. Possession or consumption of alcoholic beverages without a license issued by the State of New Jersey Alcoholic Beverage Control Commission;
 - b. Gambling of any type
 - c. The use of cannabis products.
6. Hours of Operation
 - a. No jukebox or mechanical, electronic or video amusement device may be operated between the hours of 10:00 p.m. and 9:00 a.m. on any day, under any circumstances.

SOCIAL CLUB

An organization that provides recreational and social opportunities exclusively for its members.

TRANSFER OF LICENSE is prohibited.

§ 5-2.2 License Required.
[1990 Code § 5-2.2]

It shall be unlawful for any person to maintain, operate or use within the City any mechanical coin machine, automatic, automated or electronic amusement device, automatic vending machine, without first having obtained a license from the City or without complying with all provisions concerning the same contained in this section; and the maintaining, operating or using of such mechanical music machines, automatic or electronic amusement devices, automatic vending machines, without first having obtained a license from the City, or without complying with any and all provisions contained in this section, shall constitute a separate violation for each and every day that such machines and devices are maintained, operated or used.

§ 5-2.3 License Fees; License Transfer Not Permitted.
[1990 Code § 5-2.3]

- a. Vending Machines. The annual license fee, per machine or device, for maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines in any one place shall be as follows:
 1. Mechanical Music Machines - \$75 per year per machine (previously \$100.00).
 2. Automatic Amusement Devices - \$75 per year per machine (previously \$100.00).
 3. Automatic Vending Machines - yearly fee: \$40.00
- (a)
- b. The licenses granted pursuant to this section are not transferable.

§ 5-2.4 Application for License.
[1990 Code § 5-2.4]

- a. Application. Every person maintaining, operating or using such mechanical music machines, automatic amusement devices and automatic vending machines, shall, on or before May 1 annually, make application to the City Clerk for a license to maintain, operate or use such machines or devices. The application shall be filed with the City Clerk and shall be accompanied by the license fee required in subsection 5-2.3.
- b. Investigation. The City Clerk shall cause an investigation of each application to be made by the Police Department to determine whether the owner, occupant or tenant of the premises upon which or within these machines or devices are to be maintained, operated or used, is complying with all laws of the State of New Jersey and ordinances of the City of Lambertville relating and pertaining to the preservation and protection of the lives, health, morals and general welfare of the inhabitants of the City; and for the purpose of such investigation, such applicants for licenses shall allow and permit the inspection of any such place or premises at all reasonable hours by any Police Officer of the City of Lambertville. The Police Department shall make a report of their investigation to the City Clerk.
- c. Favorable Report. If the investigation report is favorable, the City Clerk shall issue the licenses. The effective date of each license shall be June 1 annually and such license shall expire on May 31 annually. Every person maintaining, operating or using these machines or devices shall keep said license posted and exhibited, while in force, in some conspicuous part of the premises.
- d. Unfavorable Report. If the investigation report is unfavorable, it shall be the duty of the City Clerk to refuse the issuance of the license in question. This action of the City Clerk may be appealed to the City

Council who shall, after notice and hearing, determine whether the action of the City Clerk shall be affirmed or reversed.

- e. Licenses are not Prorated. When any such machine or device is installed on any premises in the City before or after May 1 in any year, an application for a license for such machine or device must be made immediately and the same procedure must be followed as outlined above in the case of the annual application. In such cases there will be no pro-rating of the annual license fee and any license issued upon such application shall be effective only to the time for the next annual license.
- f. Licensee to Be Proprietor, Tenant or Occupant. All licenses hereunder shall be issued to and in the name of the proprietor, tenant or occupant of the premises where the machine or device is to be installed for the maintenance, operation and use thereof.
- g. Investigation Charge. Whenever any application for a license hereunder is rejected, the City Clerk shall retain for the use of the City 20% of the annual license fee as an investigation charge.

§ 5-2.5 Operation of the Machine Regulated.

[1990 Code § 5-2.5]

The payment of the license fee required by this section, its acceptance by the City, and the issuance of a license to any person, shall not entitle the holder thereof to use any such machine or device so licensed in any manner which would be in violation of any law or ordinance.

§ 5-3 CIRCUSES, SHOWS, AND CARNIVALS.

§ 5-3.1 License Required.

[1990 Code § 5-3.1]

It shall be unlawful for any person whether as principal or agent, clerk or employee, either for himself or any other person, or for anybody corporate or as an officer of any corporation, or otherwise, to commence or carry on any traveling circus, traveling show or carnival, whether under canvas or not in the City without first having procured a license from the City and without complying with the provisions contained in this section or in any other ordinance heretofore or hereafter adopted by the City which is or may be in full force and effect; and the carrying on of any traveling circus, traveling show or carnival, whether under canvas or not, without having first procured a license from the City, or without complying with any and all of the provisions contained in this section, or in any other ordinance adopted by the City which is or may be in full force and effect, shall constitute a separate violation of this section for each and every day that such business is so carried on.

§ 5-3.2 Fees.

[1990 Code § 5-3.2]

The license fees which are fixed for the raising of revenue and for regulation and control, to be paid to the City for the conducting of or engaging in any traveling circus, traveling show or carnival, whether under canvas or not, shall be as follows: \$250 per day.

§ 5-3.3 Issuance of License; Posting.

[1990 Code § 5-3.3]

It shall be the duty of the City Clerk to issue a license under this section for every person liable to pay a license hereunder and to state in each license the amount thereof, the period of time covered thereby, the name of the person, firm or corporation to whom issued, the particular business licensed, and the location or place of business where the same is to be carried on. Every person having a license under the provisions of this section and the carrying on such a licensed business shall keep such license posted and exhibited while in

force, in some conspicuous part of the place of business. No refund shall be made on any license fee paid on account of a cessation of business after such license shall have been issued.

§ 5-3.4 Inspections; Violations.
[1990 Code § 5-3.4]

Every person licensed under this section shall comply with all laws of the State of New Jersey and ordinances of the City relating and pertaining to the preservation and protection of the lives, health, morals and the general welfare of the inhabitants of the City, and, for that purpose, such licensees shall allow and permit inspection of any place licensed under this section at all reasonable hours of the Chief of the Fire Department, the Health Officer and any Police Officer of the City, which officers are hereby authorized and directed and it shall be their duty to make such inspections and report any violation of any laws of the State of New Jersey or of the ordinances of the City of Lambertville relating to the preservation and protection of the lives, health, morals and the general welfare of the inhabitants of the City, to the Mayor and Council, who shall order and direct the officers aforementioned to take such steps that they may deem necessary and lawful to remedy and correct any such violations.

§ 5-4 BILLIARDS, POOL PARLORS AND MOVIE THEATERS.

§ 5-4.1 Licenses Authorized.
[1990 Code § 5-4.1]

The Mayor and Council are hereby authorized to grant licenses to carry on or conduct billiard parlors, pool parlors and movie theaters.

§ 5-4.2 Fees.
[1990 Code § 5-4.2]

The charges for such licenses shall be as follows, for each billiard or pool table, \$25 for the first table per year and \$15 for each additional table per year; for each movie theater \$240 per year.

INTRODUCED FOR FIRST READING: June 1, 2023

AMENDED: June 15, 2023

PUBLIC HEARING AND SECOND READING: June 22, 2023