

AMUSEMENTS

Chapter 2 B Local Law # 1 1983

A Local Law to establish fees, licensing, controls, rules, regulations and penalties of violations for both the principal and accessory use of amusement games in the Village of Hilton.

ARTICLE I: GAME ROOMS

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(HISTORY: Adopted, Hilton Village Board: Article I, 1-3-83 as L. L. No. 1, 1983. Amendments noted where applicable.)

GENERAL REFERENCES - Bingo and Games of Chance- See Chapter 3

ARTICLE I : Game Rooms (Adopted 1-3-83 as L.L. No. 1, 1983)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

2B-1 Purpose

The purpose of this local law is to control the establishment of game rooms by licensing in order to determine whether premises containing game rooms comply with all fire, health, sanitary and building codes and laws and other applicable state and local laws, ordinances and regulations and to adopt rules and regulations governing the occupancy and use of such game rooms.

2B-2 Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

AMUSEMENT GAME - Any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game of skill by the insertion of a piece of money, coin, token or other article or by paying money to have it activated. This definition does not include:

- A. A jukebox.
- B. Bowling lanes.
- C. Any device maintained within a private residence for use of the occupants thereof and their guests.
- D. Any device, the possession or use of which is prohibited by law.
- E. Pool tables.

AMUSEMENT GAME ROOM - A room or place used exclusively for and containing more than four (4) amusement games and meeting the specifications prescribed by this local law.

PERSON - One (1) or more individuals, a corporation, partnership, association, trust, firm, trustee, receiver or assignee or any other legal entity.

PREMISES - Any room, building or place to which the general public has access or to which individuals have access with the permission of the person in control thereof.

VILLAGE - The Village of Hilton.

2B-3 Restriction on number of games

No person shall place or permit to be placed upon any premises owned by him or under his control as manager, proprietor, lessee or otherwise more than four (4) amusement games, unless he shall have established an amusement game room in accordance with the provisions of this local law.

2B-4 License required

No person shall operate an amusement game room in the village unless the person is licensed to do so pursuant to the provisions of this local law.

2B-5 Application for license

- A. Each application for a license hereunder shall be filed with the Village Clerk, in duplicate, and shall specify:
 - (1) The name, address and telephone number of the applicant and, if a firm, corporation, partnership or association, the principal officers thereof and their addresses and telephone numbers.
 - (2) The address of the premises where the game room is to be operated, together with

the character of the business carried on at such premises if used other than exclusively as an amusement game room.

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2B-5 Application for license (continued)

- A. (3) The name and address of the registered agent, if any, of the applicant upon whom service of process is authorized to be made.
- (4) The name, address and telephone number of the manager, if any, of the applicant, who shall be in charge of the applicant's amusement game room in the Village of Hilton.
- (5) The floor area of the amusement game room and the number of amusement games which the applicant proposes to place in the amusement game room.
- B. Except as provided in the New York Correction Law, Article 23-A, no license shall be issued for an amusement game room if the owner thereof or the applicant thereof has pleaded guilty to or been convicted of any crime.
- C. The application shall contain a certification, under oath, made by the applicant or a principal officer thereof, if the applicant is other than a natural person, that the information contained in the application is complete, accurate and truthful to the best of his/her knowledge and belief.
- D. If the establishment of the amusement game room necessitates construction, reconstruction, alteration or remodeling of premises so that a building permit is required therefor, the application shall not be submitted until such time as the permit is obtained by the applicant. If a site plan approval is a prerequisite to the issuance of the building permit under Chapter 24, Zoning, Article V, Site Plan Approval, of the Hilton Code, the site plan review shall be completed prior to the submission of the license application. Site plan approval, action and report of the Village Planning Board on final site plan shall be submitted to the Village Administrator.

2B-6 License fees; expiration and renewal of license; exemptions from fee

- A. The annual license fee for each proprietor shall be fifty dollars (\$50.00). No additional fees shall be payable for game machines.
- B. The license year shall be from June 1 to May 31 of each year, and all licenses shall expire on the 31st day of May of each year.
- C. The license fee shall be payable annually in advance and shall accompany the application for a license. Where the application is submitted on or subsequent to December 1 of any year, the applicant shall pay a license fee of twenty-five dollars (\$25.00).
- D. The license may be renewed by the licensee by payment to the Village Clerk of the fee in effect at the time of renewal.
- E. There shall be no fee for nonprofit organizations.

2B-7 Forwarding of application to Building Inspector; compliance with other standards

- A. The Village Clerk shall, within three (3) working days of receipt thereof, forward a copy of

the application to the Building Inspector for review and report.

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2B-7 Forwarding of application to Building Inspector; compliance with other standards

B. No license shall be granted unless the premises in which the amusement game room is to be situate meets all requirements of fire, housing, building, sanitary, electrical and plumbing codes of the village and any other applicable village or state laws, rules and regulations, ordinances or local laws.

2B-8 Review of application; issuance or denial

- A.** The Building Inspector shall review the application and, with the advice and assistance of such other village personnel as may be necessary, inspect the premises to ascertain whether the premises comply with all applicable fire, housing, building, sanitary, electrical and plumbing codes, state or local. The inspection and review shall be completed within fourteen (14) working days after the date of the receipt of the copy of the application by the Building Inspector or within seven (7) working days of the final completion of any construction, alteration or remodeling of a premises authorized by a building permit after, if necessary, site plan review. Within six (6) working days after completion of the inspection and review, the Building Inspector shall, by letter to the Village Clerk and a copy to the applicant, make his recommendations for or against issuing a permit with his reasons set forth. The denial of such license shall be subject to review by certiorari.
- B.** Within five (5) working days of the receipt of said letter by the Village Clerk, the license, if authorized, shall be issued by the Village Clerk.
- C.** If the license is denied, twenty-five percent (25%) of the paid license fee shall be returned to the applicant, the balance going to offset the costs of the application review.
- D.** Denial shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.

2B-9 Display of license; transferability

- A.** The license shall be posted in a conspicuous place in the amusement game room.
- B.** All licenses shall be nonassignable and nontransferable.

2B-10 Restrictions on use and operation

- A.** The license shall not permit any individual to bet or gamble on the premises in which the amusement game room is situated.
- B.** The licensee shall, at all times, maintain good order and shall not permit any disturbance, congestion or loitering within or outside the premises in which the amusement game room is situate.
- C.** No game room shall be without sanitary facilities as required by local or state law or contain any fire, safety or health hazard prohibited by local or state law.
- D.** No licensee shall refuse to cooperate fully with the Village Clerk, any law enforcement officer or agency or the Village Building Inspector.

- E. Possession or consumption of alcoholic beverages, except upon premises licensed for on-premises possession or consumption is prohibited.

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2B-10 Restrictions on use and operation (continued)

- F. The owner or operator of an amusement game room shall not allow it to be open or used unless it is under the control and supervision of a person at least twenty-one (21) years of age, who shall ensure that it is operated in compliance with these regulations.
- G. No cash awards shall be offered or given in any contest, tournament, league or individual play on any amusement game.
- H. Hours of operation.
 - (1) No operation before 12:00 noon on Sunday.
 - (2) No operation during school hours.
 - (3) No minors allowed after 9:00 p.m. Sunday through Thursday; 11:00 p.m. Friday and Saturday.

2B-11 Effect on existing game rooms

If any person shall have on a premise under his control more than four (4) amusement games on the effective date of this local law, the person shall apply for a game room license within thirty (30) days after such effective date. The utilization of the amusement game by such person shall be permissible without a license, pending a final determination by the Building Inspector on the application in accordance with the procedures prescribed in this local law.

2B-12 Enforcement officials designated

The Village Administrator and the Building Inspector for the Village are authorized to enforce the provisions of this Local Law.

2B-13 Revocation of license; hearing

- A. Every license issued hereunder is subject to revocation by the Village Board for the violation of any of the provisions of this local law. Any material misstated or omitted in the license application shall constitute grounds for revocation. The revocation shall occur only after a hearing before the Village Board.
- B. The licensee shall be given ten (10) days notice of the date of such hearing, and such notice shall state the grounds therefore. At such hearing, the licensee may submit pertinent information on his own behalf. The Village Board shall render its decision in writing within ten (10) days of the date of the hearing. A copy thereof shall be served on the licensee. If the decision is to revoke the license, the licensee shall forthwith cease the operation of amusement games on the premises.

2B-14 Penalties for offenses; filing of complaints; civil action

- A. Violations. Any person or persons, firm or corporation violating any of the provisions of this local law shall be guilty of an offense punishable by a fine of not less than fifty dollars

(\$50.00) but not to exceed two hundred fifty dollars (\$250.00) or by imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment. Each week's continuous violation shall constitute a separate additional violation. The Village Board shall have such other remedies as are allowable by law.

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2B-14 Penalties for offenses; filing of complaints; civil action (continued)

- B.** Complaints. Any individual may file a complaint. Such complaint shall be in writing and shall be filed with the Village Administrator. Such complaint shall be immediately investigated and a written report thereon filed with the Village Board within thirty (30) days. The Village Board may, by majority vote, order a hearing as provided in 2B-13 above.
- C.** Civil action. In addition, the Village Board may authorize the institution of any appropriate civil action, including an action for injunction, for the purpose of enforcing this local law.

2B-15 Exemptions from provisions

This local law shall not have application to the possession or operation of amusement games by nonprofit corporations, associations or groups unless the amusement games are available for use by the general public. Additionally, this local law shall not have application to all premises holding a valid New York State liquor license where there is on-premises consumption of alcoholic beverages.

2B-16 Severability; modification of fees; adoption of rules and regulations

- A.** If any section or provision of this local law shall at any time be declared to be unconstitutional, it is the expressed legislative intent that no other section or provision hereof be thereby affected.
- B.** The Village Board may, from time to time, on public notice, modify the fees herein established.
- C.** The Village Board may hereafter adopt rules and regulations to govern the operation and control of amusement games and the issuance of licenses to provide for the orderly operation of amusement centers and to ensure the public safety, peace and tranquility of the neighborhood where the centers are located.

2B-17 When effective

This Local Law shall become effective upon filing with the Secretary of State.