

TOWN OF IRONDEQUOIT

APPLICATION

AMUSEMENT CENTER AND GAMING DEVICE LICENSE

Town Clerk Information

Expiration Date: _____

License Number: _____

Fee: _____

Applicant Information

(please attach list of corporate officers and co-owners names, addresses and dates of birth)

Name: _____

Address: _____

Telephone Number: _____

Date of Birth: _____

Name of Business: _____

Business Address: _____

Business Telephone Number: _____

Have you ever been convicted of or plead guilty to a felony? YES NO

If YES, explain: _____

Vehicle Information (if applicable)

Make _____ Model _____ License plate number _____

Is applicant vehicle owner? YES NO

If NO, then list owner's name and address: _____

Device Information

Name of Device Owner(s): _____

Address of Device Owner(s): _____

Check here if same as Applicant Information:

Location of Device(s): _____

Check here if same as Business Address:

Name(s) and Serial Number (s) of Devices (please attach separate list if necessary):

Months of Operation of Devices: From _____ to _____

The undersigned hereby makes application to the Town of Irondequoit for an Amusement Center and Device License in accordance with the provisions of Chapter 76 of the Code of the Town of Irondequoit and the attached fee schedule. I attest that I have read and understand this chapter.

The applicant understands that quarterly fees for an amusement center and game license shall be paid on a yearly basis and are to be paid at time of this application. **See attached fee schedule.**

The applicant understands that this license is non-transferable.

The undersigned hereby attests that the contents of this application are true and accurate.

Name: _____

Signature: _____

Date: _____

FOR TOWN USE ONLY

Background Check Completed by: _____ Date: _____

Approval by Chief of Police: _____ Date: _____

Approval by Town Clerk: _____ Date: _____

Date Paid: _____

Fee Schedule

- Amusement Center and Gaming Device License Application Fee: **\$50 per quarter**

The following is the quarterly schedule for payment of fees. Please check each quarter and fee that applies to this application.

- January 1 – March 31
 April 1 – June 30
 July 1 – September 30
 October 1 – December 31

Device/Event Fee Amounts to be Paid Per Quarter:

Please check all that apply.

- | | |
|---|-----------|
| <input type="checkbox"/> Amusement Devices, per device | \$ 10.00 |
| <input type="checkbox"/> Bowling Alley, per alley | \$ 5.00 |
| <input type="checkbox"/> Circus, per event* | \$ 250.00 |
| <input type="checkbox"/> Wrestling or Boxing Exhibition or
Match, concerts, plays - per event* | \$ 200.00 |
| <input type="checkbox"/> Any other public amusement not
otherwise described above – per event* | \$ 100.00 |

**One time fees, per event*

TOTAL FEES TO BE PAID: \$ _____

Chapter 76, AMUSEMENT CENTERS AND DEVICES

ARTICLE I, General Provisions

§ 76-1. Title.

This chapter shall be known and may be cited as the "Amusement Center and Device Ordinance of the Town of Irondequoit."

§ 76-2. Terms defined.

As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

AMUSEMENT CENTER – Any premises open to the public and existing for the primary purpose of offering three (3) or more amusement devices for use by customers or patrons thereof, including but not limited to any drinking and/or dining establishments, motion picture hall, billiard or pool room, amusement park, bowling center or miniature golf establishment.

AMUSEMENT DEVICE – Any device controlled or operated by insertion of a coin or similar article into a slot or similar opening for the purpose or use as a game, contest or amusement. This includes, but it is not limited to pinball machines, pool tables and video or electronic devices. It does not include jukeboxes.

PERSON -- Includes any individual, any business enterprise such as a corporation, partnership, association, trust or firm and any trustee or receiver.

§ 76-3. Applicability.

This chapter shall not apply to any amusement device owned and operated solely for the entertainment of the owner and not for private gain.

ARTICLE II, Amusement Centers

§ 76-4. License required.

No person shall maintain or operate an amusement center with three (3) or more gaming devices within the Town of Irondequoit without first having obtained an Amusement Center and Device License.

§ 76-5. License application procedure; inspections; license requirements.

A. An application for an Amusement Center and Device License shall be made to the Town Clerk.

B. Upon receipt of an application for an amusement center license and after approval for compliance with Chapter 235, Zoning, town code enforcement officials shall cause an inspection of the premises to be made to determine whether the applicant is complying with the laws and ordinances which they are charged with enforcing, town code enforcement officials and members of their staff shall have the right to enter upon any premises for which an amusement center license is sought for the purpose of making such an inspection during normal business hours. Further inspections of the premises may be made after a license has been issued to ensure compliance with laws and ordinances relating to amusement centers.

C. Upon receipt of the application for the Amusement Center and Device License, the Chief of Police and/or the Fire Marshal shall cause an inspection to be made of the premises to determine whether public safety problems exist on the premises, and the Chief of Police and/or the Fire Marshal shall cause an investigation to be made of the background of the owner and the operator of the center. The Chief of Police and/or the Fire Marshal and his or her representatives shall have the right to enter upon such premises for the purpose of making such inspections during normal business hours. Further inspections of the premises may be made after a license has been issued to ensure compliance with laws and ordinances relating to amusement centers.

D. Except as provided in New York Correction Law Article 23-A, as amended or changed, no amusement center license shall be issued to any person who has pled guilty to or has been convicted of any felony.

§ 76-6. Prohibited locations.

No Amusement Center and Device License shall be issued for an amusement center located within two hundred (200) feet of a public or private elementary or secondary school, measurements to be made in a straight line between the two (2) closest points on the property lines of the school and the amusement center.

§ 76-7. Rules of operation.

The Town of Irondequoit may promulgate rules and regulations to govern the operation of amusement centers and gaming devices so as to provide for the orderly operation of the centers and to ensure the public health, safety and general welfare and the peace and tranquility of the neighborhood where the centers and devices are located.

§ 76-8. License application information.

The required information to be stated in the application for an Amusement Center and Device License shall include:

- A. The date and place of birth of the applicant.
- B. His or her residence.
- C. The nature of the business in sufficient detail to disclose the nature thereof.
- D. Whether or not the applicant has ever been convicted of any misdemeanor or any felony in any court of competent jurisdiction.
- E. If a vehicle is to be used, applicant must provide license plate number, make and model of vehicle, and whether the applicant is the owner of the vehicle (if not, then provide the name of the owner).
- F. Whether the applicant is an individual, co-partnership or corporation and date and State of incorporation.
- G. How long a license is desired.
- H. Any further information as required by the Town Clerk.

§ 76-9. Affixing of license to vehicle.

In all cases where said trade or occupation is carried on in connection with the use of a vehicle, said license shall be attached to a conspicuous place on each vehicle used therewith.

§ 76-10. Operation; posting of license.

- A. The owner and operator of any amusement center and gaming device shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of business and use and maintenance of the premises.
- B. The owner and operator of any amusement center and gaming device shall comply with all the notices, orders, decisions and rules and regulations made by the Town of Irondequoit governing the occupation and use of said premises.
- C. The owner and operator of any amusement center and gaming device shall cause the Amusement Center and Device License to be posted in a conspicuous place on the premises of the amusement center.

D. The owner and operator of any amusement center and gaming device shall not permit at any time a greater number of persons on the premises than the capacity approved by the Town of Irondequoit.

E. The owner and operator of any amusement center and gaming device shall maintain good order on the premises at all times. The lack of good order on the premises shall include but not be limited to the following:

- (1) Fighting and rowdy behavior.
- (2) Illegal or excessive consumption of alcoholic beverages or drug-related material.
- (3) Gambling.

F. The owner and operator of any amusement center and gaming device shall not allow the amusement center to be opened or operated unless it is under the control and supervision of a person not less than twenty-one (21) years of age who shall ensure that it is operated in compliance with all the regulations of this chapter.

G. Hours.

1. Except for public amusement for drinking and/or dining establishments, motion-picture theaters, billiard or pool rooms, bowling centers, or theatrical performances, the owner and operator of any amusement center shall not open or operate to the public such amusement center later than 12:00 midnight nor earlier than 9:00 a.m. on each and every day of the week, except on Saturday, when he or she may not open or operate such amusement center later than 1:00 a.m. the following Sunday, and that the license shall be issued upon the express condition that the operator thereof shall abide by the hours of operation as herein provided.

2. For single day exceptions to operate earlier than 9:00 a.m., separate application must be made to the Town Clerk at least ten (10) days prior to the requested date. Application must be approved by both the Town Clerk and the Chief of Police. No more than three (3) single day exceptions will be granted in one calendar year.

§ 76-11. Term and nontransferability of license.

Amusement center licenses shall continue in force for the term specified therein, but in no event longer than the 31st day of December following the date said license is issued. Such license shall not be transferable.

ARTICLE III, Amusement Device

§ 76-12. License required.

No owner or lessee of three (3) or more amusement devices shall offer or present for operation in an amusement center within the Town of Irondequoit any amusement device without first having obtained an annual license for each such device from the Town Clerk.

§ 76-13. License application procedure; inspections; license requirements.

A. An application for an Amusement Center and Device License shall be made to the Town Clerk on forms prescribed by the Town Board.

B. Upon receipt of an application for an Amusement Center and Device License, the Chief of Police and/or Fire Marshal shall cause an inspection of the amusement device to be made to determine whether public safety problems exist, and the Chief of Police and/or the Fire Marshal and his or her representatives shall have the right to enter upon any premises where an amusement device is to be located for the purpose of making such an inspection during normal business hours. Further inspections of the premises may be made after a license has been issued to ensure compliance with the laws and ordinances relating to amusement devices.

C. Amusement devices may be added by the owner or operator of the device upon written notice of device name and serial number to the Town Clerk and payment of device fee.

- D. No license shall be issued for an amusement device which is not permitted under state law or which does not function safely and properly.
- E. Except as provided in the New York Correction Law Article 23-A, as amended or changed, no license shall be issued for an amusement device if the owner thereof or the applicant thereof has pled guilty to or been convicted of any felony.

§ 76-14. Tags for amusement devices.

The Town Clerk shall issue to the owner, lessee or operator thereof a license or tag for each amusement device, shall be kept on file with the operator of said amusement devices and contain the following information:

- A. The name of the owner, lessee or operator of the amusement devices.
- B. The name and serial number of such amusement devices.
- C. The name of the owner, lessee or operator of the amusement center where said device is located and the number of licenses issued to said amusement center.

§ 76-15. Term and nontransferability of license.

An Amusement Center and Device License shall continue in force for the term specified therein, but in no event longer than the 31st day of December following the date said license is issued. The license may be transferred from one amusement device to another amusement device upon ten (10) day written notification to the Town Clerk, but not more than one amusement device shall be operated under one license.

§ 76-16. Operation.

- A. No cash awards shall be offered or given in any contest, tournament, league or individual play on any amusement device.
- B. The licensee of any amusement device in an amusement center shall comply with all provisions of federal, state and local laws and ordinances pertaining to such device.
- C. The Town of Irondequoit may from time to time promulgate rules and regulations to govern the operation and control of amusement device in amusement centers to provide for the orderly operation of amusement centers and to ensure the public health, safety and general welfare and the peace and tranquility of the neighborhood where the centers are located.

ARTICLE IV, Administration

§ 76-17. License fees.

- A. Schedule. There shall be paid to the Town Clerk at the time an application is filed for any license under this chapter a fee or fees as set forth in accordance with § 1-18.
- B. Refund. In case a license is not granted, one-half (1/2) of the license fee shall be refunded to the applicant. No other refunds shall be granted.
- C. Quarterly fees for an Amusement Center and Device License shall be paid on a yearly basis and are to be paid at the time of application.

§ 76-18. Denial of license.

- A. The Town Clerk or Chief of Police may deny or revoke a license or deny the renewal of a license to any applicant who has been convicted of a crime or who does not comply with the provisions of this chapter or any rules or regulations promulgated under this chapter or who makes a material misrepresentation on the license application. The Town Clerk shall give a written notification to an applicant of the reasons for the denial or revocation of a license.

B. The Chief of Police shall have the power to investigate and inquire into licensees and applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

§ 76-19. Appeals.

Any person aggrieved by the action of the Town Clerk in the denial of an application for a license, as provided in this chapter, shall have the right to appeal to Town Board of the Town of Irondequoit. Such appeal shall be taken by filing, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the applicant at his or her last known address at least five (5) days prior to the date set for the hearing. The granting, refusal or revocation of a license by the Town Board shall be subject to review by certiorari.

§ 76-20. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of a Class B violation punishable under the provisions of § 1-16. The imposition of all penalties for any violation of this chapter shall not excuse the violation or permit it to continue. The application of the above penalty or penalties or the prosecution for a violation of the provisions of this chapter shall not be held to prevent the enforced removal of conditions prohibited by this chapter.