

SECTION 6.20 AMUSEMENT MACHINES

.1 License Required

No person shall set up or offer for use an amusement device, as defined in Massachusetts General Laws Chapter 140 Section 177A, without having obtained a license therefor from the City Council.

The City Council may grant licenses to operate Amusement Machines upon such terms and conditions as they deem expedient and may, at any time, revoke the same for cause; provided that the Council shall revoke any license upon verified complaint of three violations of the provisions of this ordinance. Licenses shall expire annually on December 31.

~~Any premises on which five or more amusement machines are operated shall be deemed an arcade for purposes of this ordinance. No license shall be granted for an arcade except as an accessory use to a recreational business under Section 12.400.1.10 of the revised ordinances. No premises on which an arcade is operated shall obtain a license for more than 25 amusement machines.~~

~~Any premises on which more than 25 amusement machines are operated shall be deemed a family amusement center for purposes of this ordinance. No license shall be granted to a Family Amusement Center unless the following conditions are met:~~

~~1. A minimum of 50% of all machines licensed hereunder are machines which automatically, upon accomplishment of a predetermined score, delivers to the patron a ticket entitling said patron to redeem said ticket or tickets for prizes;~~

~~2. A minimum of 5% of all machines licensed hereunder shall be rides or amusement devices which require no skill on the part of the operator; provided that juke boxes shall not be considered amusement devices for purposes of this ordinance;~~

~~3. A maximum of 45% of all machines licensed hereunder shall be amusement machines not included in 1 or 2 above.~~

~~No more than one license shall be granted for any premises nor shall any license be granted for more than 70 machines.~~

.2 License Fees

~~Every application for license to operate an amusement machine shall be accompanied by a non refundable application fee of \$100.00 per machine.~~

~~In addition to the \$100.00 fee per machine, there shall be a \$2500 Arcade or Family Amusement Center fee for premises on which more than 10 machines are offered for operation.~~

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The annual fee for an amusement machine license shall be based upon the number of machines offered for operation in accordance with the following schedule:

Amusement Machines 1-25 = \$25 per machine

Amusement Machines 26+ = \$20 per machine

.3 Minimum Standards for Operation of Licensed Amusement Machines

No holder of a license to operate amusement machines shall allow patrons to engage in any of the following behaviors:

- a. loitering in or around the licensed premises;
- b. profane or obscene utterances;
- c. disorderly conduct or excessive noise;
- d. gambling.

~~Every machine, except those which automatically dispense tickets for redemption under a Family Amusement Center License, shall bear on its face, so as to be clearly visible to users, a notice containing the following statement:~~

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Every establishment shall post a sign on the premises, so as to be clearly visible to users, a notice containing the following statement:

This machine is licensed for recreational use only. Any gambling associated with the use of this machine will result in revocation of the license for its operation.

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.4 Penalties for Violation of Ordinance

Penalties for violation of this ordinance, or the terms and conditions of any license issued hereunder, may be imposed by Compliance Officers and members of the Malden Police Department in accordance with the following schedule of fines:

1st offense \$ 50.00

2nd offense \$ 100.00

3rd offense \$ 200.00.

The City Council may, at any time, revoke, suspend or modify a license upon three days written notice and an opportunity for the license holder to be heard. The City Council shall, without a hearing, revoke any license upon receipt of a written notification from a member of the Malden Police Department or a Compliance Officer that a third offense has occurred. For purposes of this ordinance, said written report shall be prima facie evidence that said violation has occurred.