

## **# 8 – Ordinance on Mechanical Devices**

Adopted March 1969, Article 20

### **SECTION 1. Definitions**

**Mechanical Device:** The term “mechanical device” shall mean any machine, which, upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score, but shall not include juke boxes. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab devices, and all games operations, or transactions similar thereto under whatever name they may be indicated.

**Person, Firm, Corporation, Association:** The terms “person, firm, corporation, or association” as used herein shall include the following: Any person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine.

### **SECTION 2. Gambling Devices Not Permitted**

Nothing in this Ordinance shall in any way be construed to authorize, license, or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be gambling device, or in any way contrary to law.

### **SECTION 3. License Required**

Any person, firm, corporation or association displaying for public patronage any mechanical amusement device as herein defined by Section 1. shall be required to obtain a license. Application for such license shall be made to the Selectmen upon a form to be supplied by the Selectmen for that purpose. No license shall be issued to any applicant unless he shall be eighteen (18) years of age and a citizen of the United States.

### **SECTION 4. Inspection**

The Chief of Police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character and report thereon to the Selectmen prior to the issuance of the license. No license shall be issued by the Selectmen to any applicant until after the Chief of Police has reported his approval to the Selectmen.

## SECTION 5. License Fees

Every applicant before being granted a license shall pay the following fee for the privilege of operation or maintaining for operation a mechanical amusement device as defined in Section 1. herein. \$30.00 per machine. Each license shall expire at midnight, December 31<sup>st</sup> of the year in which said license was issued.

## SECTION 6. Display of License

- a) The license or licenses herein provide for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.
- b) Such license may be transferred from one machine or device to another similar machine, in the same place of business, upon application to the Selectmen to such effect and the giving of a description and the serial number of the new machine or device. Not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him. A license shall not be transferable from person to person.

## SECTION 7. Prohibitions and Restrictions

No person, firm, corporation or association holding a license under this by-law shall permit persons under eighteen (18) years of age to play or operate any mechanical amusement device as defined in Section 1 of this Ordinance.

## SECTION 8. Revocation of License

Every license issued under this Ordinance is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any mechanical amusement device contrary to the provisions of this by-law or the law of the State of New Hampshire. Said license may be revoked by the Selectmen upon recommendation of the Chief of Police and after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given to the licensee. At such hearing the licensee and his attorney may present and submit evidence and witnesses in his defense.

## SECTION 9. Seizure and Destruction of Machine

If the Chief of Police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded and if upon trial of the exhibitor for allowing it to be used as a gambling device, said exhibitor is found guilty, such machine shall be destroyed by the police.

SECTION 10. Penalty

Any persons, firm, corporation violating any provisions of this Ordinance, in addition to the revocation of his or its license, shall be liable to a fine of \$10.00 for each offense.

NOTE: On March 10, 1970, Art. 25, it was voted to increase the fines levied for violation of any Town Ordinance from \$10.00 to \$50.00 as provided in RSA 31:39.