

CHAPTER 14A

PINBALL AND VIDEO GAME MACHINES

Section 14A-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, video games, skill ball, mechanical grab machines, and all games, operations and 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 14A-2 Gambling Devices Not Permitted. Nothing in this Ordinance shall in any way be construed to authorize or license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law.

Section 14A-3 License Required. Any person, firm, corporation or association displaying for public patronage any mechanical amusement device as herein defined by Section 14 A1 shall be required to obtain a license. Application for such license shall be made upon a form to be supplied by the City Clerk for that purpose.

Section 14A-4 Application. The application for such license shall contain the following information:

- (a) Name and address of the applicant, age, date and place of birth.
- (b) Prior convictions of applicant, if any.
- (c) Place where machine or device is to be displayed or operated and the business conducted at that place.
- (d) Description of machine, to be covered by the license, mechanical features, name of manufacturer, serial #.

No license shall be issued to any applicant unless he shall be twenty-one (21) years of age and a citizen of the United States.

Section 14A-5 Inspection. Application for license shall be made out in duplicate, one copy being referred to the Chief of Police.

(a) 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 City Clerk prior to the issuance of the license.

(b) No license shall be issued by the City Clerk to any applicant until after the Chief of Police has reported his approval to the City Clerk.

Section 14A-6 License Fees. Every applicant, before being granted a license shall pay the following license fee for the privilege of operation or maintaining for operation, a mechanical amusement device as defined in Section 14A-1 herein:

\$50.00 per machine.

Each license shall expire Midnight December 31st of the year in which the license is issued.

Section 14A-7 Display of License.

(a) The license or licenses herein provided 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 City Clerk 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.

(c) If the licensee shall move his place of business to another location within the City of Somersworth, the license may be transferred to such new location upon application to the City Clerk, giving the street and number of the new location. The new location shall be approved by the Chief of Police in the same manner as provided in Section 14A.5.

(d) A license shall not be transferrable from person to person, and shall be usable only at the place and by the person designated in the license except as designated in Section 14A-7, paragraphs (b) and (c).

Section 14A-8 False Representations. A minor who falsely

represents his age for the purpose of operating such mechanical amusement device as outlined in Section 14A-1 of this Ordinance shall be fined not more than \$20.00. The owner shall have the right to request said minor to exhibit his birth certificate.

Section 14A-9 Prohibitions and Restrictions. No person, firm or corporation or association holding a license under this ordinance shall permit any person under the age of 16 to play or operate any mechanical or video device as defined in Section 14A-1, under any circumstances during hours when public schools are in session. Persons under the age of 16 may operate devices as defined in Section 14A-1 under two exceptions:

(a) If the person is under the age of 16 and is accompanied by a responsible adult.

(b) If person is between the ages of 12 and 16 and has written permission from parent or guardian authorizing the same as outlined below.

Permission slip must state the person's name, age, address, along with the name and address of parent or guardian. The slip must be signed by parent or guardian with telephone number.

The permission slip must be maintained at the licensee's place of business and be made available to the police at all times.

Section 14A-10 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 license, directly or indirectly, permit the operation of any mechanical or video amusement device contrary to the provisions of this Ordinance, the Ordinances of the City of Somersworth, or the law of the State of New Hampshire. Said license may be revoked by the City Clerk 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. The Board to hear such cases shall consist of the Mayor, the City Clerk and the Chief of Police.

Section 14A-11 Seizure and Destruction of Machine. If the Chief of Police shall have reason to believe any mechanical or video amusement device as defined in paragraph 14A-1 is used as a gambling device, such machine shall become the property of the City of Somersworth.

Section 14A-12 Restriction on Games. No machine shall be operated whereby more than Fifty Cents (\$.50) maximum may be inserted, which would constitute a single game. Amended 8/7/73 and 10/12/82.

Section 14A-13 Penalty. Any person, firm, corporation, violating any of the provisions of this Ordinance, in addition to the revocation of his license, shall be liable to a fine or penalty of Twenty-five Dollars (\$25.00) to One Hundred Dollars (\$100.00).

Section 14A-14 Separability. It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Ordinance be declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 14A-15 Effective Date. This Ordinance shall be in full force and effect on and after January 1st 1967.

Section 14A-16 Purpose. That the arrest and conviction of persons selling narcotic controlled drugs, including marijuana, is in the public interest.

Section 14A-17. That by virtue of RSA Chapter 610, the City Solicitor of the City of Somersworth is hereby authorized to pay a sum not to exceed \$100 for information supplied to him or the Somersworth Police Department, which information results in the arrest and conviction of any person or persons on the charge of selling or holding for sale, a narcotic or controlled drug under RSA 318-B, Section 26.

Section 14A-18. Upon conviction of any person or persons based upon information supplied by an informer, which conviction results in a recordation of a felony under RSA 318B:28, the City Solicitor shall obtain from the City Finance Officer, a sum not to exceed \$100 for payment to the informer, and his presentation to the City Finance Officer shall indicate that he has knowledge that the information supplied by the informer resulted in the arrest and conviction under this chapter, and that he will obtain a receipt from such informer, which receipt shall be kept confidential in permanent files of the City Solicitor.

Section 14A-19. Any information provided, which results in a conviction shall be held confidential. March 14, 1972.

Amended 10/12/82