

TOWN OF BERWICK

PINBALL MACHINE ORDINANCE

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 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 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 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 upon a form to be supplied by the Town Manager for that purpose.

Section 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.

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 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 Town Manager prior to the ~~assurance~~ ^{issuance} of the license.

b. No license shall be issued by the Town Manager to any applicant until after the Chief of Police has reported his approval or disapproval to the Town Manager.

Section 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 1 herein:

\$5.00 per machine.

Each license shall expire midnight December 31, of the year in which the license is issued.

Section 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.

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 Town Manager 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 Town of Berwick, the license may be transferred to such new location upon application to the Town Manager, 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 5.

d. A license shall not be transferrable from person to person, and shall be useable only at the place and by the person designated in the license.

Section 8. False Representations. A minor who falsely represents his age for the purpose of operating such mechanical amusement device as outlined on Section 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 9. Prohibitions and Restrictions. No person, firm, corporation or association holding a license under this Ordinance shall permit persons under sixteen (16) years of age to play or operate any mechanical amusement device as defined in Section 1.

Section 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 amusement device contrary to the provisions of this Ordinance, the ordinances of the Town of Berwick or the law of the State of Maine. Said license may be revoked by the Town Manager 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 Manager, the Town Clerk and the Chief of Police.

Section 11. 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 12. Restriction of Games. No machine shall be operated whereby more than Twenty-five Cents (.25) maximum may be inserted, which would constitute a single game.

Section 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 not less than ten dollars (\$10.00) or more than twenty dollars (\$20.00) for each offense.

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

Section 15. Effective Date. This Ordinance shall be in full force and effect upon enactment.

CERTIFIED BY:

Eleanor M. Murphy
Richard W. Curries
John J. Finner
Arthur Allaire Jr
Paul L. Hovey
BOARD OF SELECTMEN/BERWICK, ME.

ATTEST: A true copy of an ordinance entitled "Pinball Machine Ordinance" as certified to me by the Municipal Officers of Berwick, ME., on the twenty-fifth day of February, 1981.

Eileen M. Hooke
Town Clerk

TOWN CLERK'S OFFICE
BERWICK, MAINE
MARCH 30, 1981

This is to certify that at the Annual Meeting, legally called and held on March 14, 1981, at the Berwick Town Hall, the voters of Berwick voted to enact an ordinance entitled "Pinball Machine Ordinance". The effective date of this ordinance was upon enactment. Certifying the above to be true:

ATTEST: Eileen M. Hooke
Eileen M. Hooke
Town Clerk, Berwick, ME

Adopted 3/81