

Chapter 118

GAMING AND AMUSEMENT DEVICES

§ 118-1. Legislative declaration.

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§ 118-2. Definitions.

§ 118-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Pelham Manor 5-22-1978 by L.L. No. 6-1978. Amendments noted where applicable.]

§ 118-1. Legislative declaration.

It is hereby declared that the possession, maintenance and operation in the Village of Pelham Manor of gaming devices as herein defined are detrimental to the public health, morals, safety and general welfare of the people of the village, and that such gaming devices encourage and foster gambling among adults and children and tend to cause juvenile delinquency and corrupt the morals of children. The necessity for legislative intervention by the enactment of the provisions of this chapter is hereby declared as a matter of legislative determination.

§ 118-2. Definitions. [Amended 12-27-1982 by L.L. No. 3-1982; 2-24-2014 by L.L. No. 1-2014]

Whenever used in this chapter, the following terms shall have the following meanings:

AMUSEMENT DEVICE — Any:

- A. Machine or apparatus, whether manually, mechanically, electrically or otherwise operated, and whether or not affixed or attached to or installed in any premises or place, in or upon which a game involving any element of skill may be played by one or more persons, singly or collectively, and which is caused to operate or may be operated as a result of the insertion of any piece of money or coin or the insertion of any object for which a fee, charge or other consideration is imposed directly or indirectly, whether affording the opportunity of additional chances or free plays or not, that rewards the player or players with merchandise prizes or tickets, tokens, or other noncash representations of value redeemable for merchandise prizes, provided that:
- (1) The award of merchandise prizes or tickets, tokens or other noncash representations of value is based solely on the players achieving the object of the game or player's score;
 - (2) The average wholesale value of the prizes awarded in lieu of, or in exchange for, tickets or tokens for a single play of the machine does not exceed \$10; and
 - (3) The redemption value of each ticket, token or other noncash representation of value that may be accumulated by a player or players to redeem prizes of greater value does not exceed the cost of a single play of the machine; and

1. Editor's Note: This ordinance also amended the title of this chapter, which was formerly Gaming Devices.

- B. Any pool, billiard, snooker or similar table, game or device, which may be played by one or more persons, singly or collectively, upon the payment of a fee, charge or other consideration directly or indirectly.

GAMING DEVICE — Any machine or apparatus, whether manually, mechanically, electrically or otherwise operated, and whether or not affixed or attached to or installed in any premises or place, in or upon which machine or apparatus a game involving any element of chance may be played by one or more persons, singly or collectively, and which is caused to operate or may be operated as a result of the insertion of any piece of money or coin or the insertion of any object for which a fee, charge or other consideration is imposed directly or indirectly.

§ 118-3. Gaming devices prohibited. [Amended 2-24-2014 by L.L. No. 1-2014]

- A. It shall be unlawful for any person, by himself or by an employee, to possess or maintain a gaming device or permit the maintenance or operation of any such gaming device in any premises or place in the Village of Pelham Manor.
- B. It shall be unlawful for any person, by himself or by an employee, to possess or maintain an amusement device or permit the maintenance or operation of any such amusement device in any premises or place in the Village of Pelham Manor, except pursuant to a permit issued by the Board of Trustees in accordance with the following terms and conditions:
- (1) The application for an amusement device license shall include:
 - (a) The name and address of the applicant;
 - (b) The identity of the individual or individuals responsible on behalf of the applicant for the application and for compliance with terms of any permit which may be granted pursuant to this chapter, with their addresses and contact information;
 - (c) The place where the amusement device is to be operated;
 - (d) A complete list of the amusement devices proposed to be located on the premises, including the name and general description of each game, its mechanical features, and the name of the manufacturer;
 - (e) A plan showing the location of the devices and all other related uses within the facility; and
 - (f) Any additional information that may be required by the Village Manager or the Chief of Police may determine is reasonably necessary to conduct a proper investigation for purposes of the application.
 - (2) The Board of Trustees may grant a permit to allow the installation of amusement devices in any location where, upon the issuance of the permit, such use would be permitted under the terms of Chapter 210 of this Code and when, in the judgment of the Board of Trustees, the proposed installation is not inconsistent with the health, safety and welfare of the residents of the Village of Pelham Manor.

- (3) If the Board of Trustees grants the permit, it may impose such terms and conditions on the permit as it deems necessary to the public health, safety and welfare, including:
- (a) Minimum and maximum numbers of amusement devices;
 - (b) Provision by the applicant of security equipment, services and personnel reasonably necessary to ensure compliance with law and maintain the public peace and good order, both on and off the premises;
 - (c) Restrictions on the hours of operation of the amusement devices;
 - (d) Limits on the age of persons who may use the amusement devices;
 - (e) Requirements that underage persons be accompanied by a parent or guardian when using the amusement devices;
 - (f) Adoption and implementation of a policy to prevent minors from loitering on or around the premises;
 - (g) Employment of a manager or managers responsible for all aspects of the business operation, including the amusement devices, who will be on site during all hours the premises are open to the public;
 - (h) Maintenance of comprehensive liability insurance coverage in an amount sufficient to protect the public;
 - (i) Payment of an annual license fee per amusement device;
 - (j) Payment of an initial fee, in addition to the annual license fee, reasonably calculated to address any impacts on the community that the Board of Trustees, in its discretion, may reasonably anticipate will be caused by the installation of amusement devices; and
 - (k) Such other and further terms and conditions as may be reasonable in light of the circumstances of the particular application.
- (4) The permit will be valid for a period of one year and may be renewed by the Board of Trustees on the request of the applicant. The applicant must request that the Board of Trustees renew the permit at least 90 days before the permit expires. If the applicant requests a renewal of the permit, then, no later than 60 days prior to the expiration of the permit, the Village Manager will report to the Board of Trustees, after consulting with the Chief of Police, as to whether the operation of the amusement devices has caused an undue burden on the Police Department. The Board of Trustees may renew the permit upon the same conditions as were imposed in the expiring permit or may modify those conditions to address any repeated noncompliance by the applicant with the terms and conditions of the permit. The Board of Trustees will not impose any new condition unless it determines that the new condition is reasonable in light of the circumstances and essential to public safety. The permit may be terminated at any time if the Board of Trustees determines in its reasonable discretion that the applicant has violated

the terms and conditions of its permit or other requirements of law and has failed to cure the violation within a reasonable time after having been given notice.

§ 118-4. Penalties for offenses.

Any person upon conviction of this chapter shall be subject to a penalty of not more than \$100 for the first violation, \$200 for the second violation, and \$500 for each subsequent violation, and to imprisonment not to exceed 30 days for any second or subsequent violation.