

**City of South Portland
Office of the City Clerk
P.O. Box 9422
South Portland, ME 04116-9422
207-767-7628**

Coin-Operated Game Machines Application

From: _____ to June 30, 20__

Ch.14, §401-§500

Type of License:

Coin-Operated Game Machine: Those machines including but not limited to so-called pinball, video or electronic games which, upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game or amusement, whether or not registering a score. (Jukeboxes are excluded).

| |
|--|
| Fee: \$130.00 per machine License Fee: _____ Processing Fee: \$20.00 Total: __\$_____ |
|--|

Circle One: Individual Corporation LLC Partnership

Attach attested copies of the Articles of Incorporation and Bylaws, (new applications only) or Articles of Association and Bylaws

Parent Company Name (If applicable): _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Contact Person: _____

South Portland Business Name: _____ Telephone: _____

South Portland Business Address: _____ Owner of Business: _____

Address of Business Owner: _____

Owner of Premises: _____ Address of Premises Owner: _____

Name and Address of Manager at Establishment: _____

Emergency Contact: _____

Number of machines to be licensed: _____

Number of machines licensed last year: _____ Are machines visible from the street? _____

Location of machines in business: _____

Days of operation: _____ Hours: _____

Continued on back...

Has applicant, owner, officer, manager or partner been convicted of any violation of the law, other than minor traffic violations, of any state of the United States within the past 5 years? _____ If yes, state particulars and disposition: _____

Applicant by signature below agrees to abide by all laws, orders, ordinances, rules and regulations covering the above license and any misstatements of material facts will result in refusal of license or revocation of license if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises and applicant will be paid prior to issuance of license.

Authorized Signature

Print Name and Title

***Background Check Fee: \$25.00/per name
(New Applicants ONLY)**

***New Applicants:** Distance from the premises to the nearest school or church (Measured from the main entrance of licensed premises by the ordinary course of travel): _____
Distance from the premise to the nearest area zoned residential (Measured from the edge of the residential zoning boundary line): _____

NOTE: A background check and public hearing are required on all new licenses. Notices will also be sent to all property owners within 500' of the proposed location at the applicant's expense.

Municipal Use Only

Date of Application: _____ Date Paid: _____ Receipt #: _____

New*: _____ **Renewal:** _____ **Map and Lot #:** _____ **RE Taxes Paid:** _____

Personal Property Taxes: Acct. #: _____ Paid: _____

Building Inspector (New Only)

Approved _____
Disapproved _____
Comment _____

Fire Chief

Approved _____
Disapproved _____
Comment _____

City Clerk

Approved _____
Disapproved _____
Comment _____

Police Chief

Approved _____
Disapproved _____
Comment _____

CODE OF ORDINANCES – CHAPTER 14
ARTICLE X. COIN OPERATED GAME MACHINES ORDINANCE*

Sec. 14-401. Title.

This article shall be known as the "City of South Portland Coin Operated Games Machine Regulatory Ordinance" and may be referred to by short title as the "Coin Operated Game Machine Ordinance."

Sec. 14-402. Council findings and purposes.

The City Council finds that the location of coin operated games machines, as defined herein, can create problems for pedestrian and vehicular traffic; may create public safety problems with the congregation of minors; may result in late hours and noisy conditions to the detriment of surrounding residentially zoned properties, churches and schools; and subject minors and the neighborhood to secondary effects associated with gambling. Consequently, the City Council determines that the regulation of coin operated game machines as defined herein, by the issuance of annual licenses is necessary to promote the health, safety and general welfare of the citizens of South Portland.

Sec. 14-403. Definitions.

Coin operated game machines: Those machines normally denominated as such including, but not limited to, so-called pinball, video, coin operated or electronic games which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game or amusement, whether or not registering a score. This definition shall include those machines which would otherwise come within the meaning of this term except that they have been manufactured or modified to be operated by remote control. This definition does not include jukeboxes.

Person: Any individual, firm, corporation, association, partnership or organization.

Sec. 14-404. License required.

No person shall keep, maintain, operate, lease or otherwise establish a coin-operated machine or machines, as defined herein, in any premises, building, apartment, or place without having first obtained a nontransferable license from the City for each such machine and paying the applicable fee therefor as specified in the Schedule of License, Permit and Application Fees established by City Council order. The City Council shall grant the initial license(s) and the City Clerk shall grant the renewal license(s) only if it or he/she finds the applicant is in strict compliance with the requirements of this Article, the provisions contained in Sections 14-7 and 14-8, and all other requirements of law. A copy of the license shall be posted in a conspicuous manner near the pinball machines.

No initial license shall be issued until the matter has first been noticed for public hearing, and a public hearing thereon has been held by the City Council. No license shall be issued for any premises within two hundred fifty (250) feet of any school, church or any area zoned residential under the terms of the City's zoning ordinance; provided, however, that based upon a showing by the applicant that relaxation of the distance restriction contained in this section would not be detrimental to the public health, safety and general welfare and would not be inconsistent with the general purpose of this Article as stated in Section 14-402, the City Council may waive said restriction; provided, further, at least five (5) affirmative votes shall be required for such a waiver. The two hundred fifty (250) foot distance shall be measured from the main entrance of the licensed premises and from the main entrance of any church or school by the ordinary course of travel and from the edge of the residential zoning boundary line.

Notwithstanding any other provisions of this Article to the contrary, no public hearing shall be required nor shall notices be sent to neighboring property owners for license renewals by the City Clerk of establishments with the same or decreased number unless required by the City Council or requested by the applicant; provided, however, license renewals shall require publishing a notice in a newspaper of general circulation in the City.

Sec. 14-405. Notice of hearing.

The City Clerk shall give public notice of the public hearing on initial coin-operated machine applications by publishing a notice in a newspaper of general circulation in the City indicating the time and place of the public hearing, the nature of the matter to be heard, and the address or location of the property on which the coin-operated machine(s) is to be located. Notices shall also be sent to the owners of all property located within five hundred (500) feet of said property. For the purpose of this section, the owners of property shall be considered to be the parties listed by the assessor's department of the City of South Portland as those against whom municipal real estate taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing nor invalidate any action of the City Council on such application.

Notwithstanding any other provisions of this Article to the contrary, no public hearing shall be required nor shall notices be sent to neighboring property owners for license renewals by the City Clerk of establishments with the same or decreased number unless required by the City Council or requested by the applicant; provided, however, license renewals shall require publishing a notice in a newspaper of general circulation in the City.

Sec. 14-406. Application and information.

Every applicant for a pinball machine license shall:

- (a) Complete and file an application on a form prescribed by the City Clerk;
- (b) Deposit the prescribed license fee in advance with the City Clerk;
- (c) Submit the completed application to the City Clerk, together with proof of corporate or other business entity status and evidence of authority to conduct business in the State of Maine, as well as a list of all officers and directors; and
- (d) Pay the required processing fee and the costs of publishing and mailing notices as specified in the Schedule of License, Permit and Application Fees established by City Council order.

Any material misstatement or omission on the application shall be grounds for denial, suspension or revocation of the license.

Sec. 14-407. Qualifications of officers.

No applicant nor any owner, officer, manager or partner of an applicant shall have been convicted of a crime now classified as a class A, B or C crime, a crime involving moral turpitude, nor of violating any of the gambling, drug or prohibitive liquor laws of either the United States or the State of Maine or any other state within the five (5) years immediately preceding the date of application. Failure to provide any release necessary to perform a background investigation to determine compliance with this section shall be grounds for denial of the application.

Sec. 14-408. Investigation of applicant.

- (a) Upon receipt of each application for a coin operated game machine license or notice of any change to the building in which the machine is located, the Building Inspector shall verify that the premises at which the coin operated game machine is to be located complies with all applicable ordinances of the City of South Portland including, but not limited to, the building code,

electrical code, plumbing code and zoning ordinance and shall sign the application if the applicant complies with all applicable ordinance requirements. If the Building Inspector does not approve the application, s/he shall state the reason(s) in writing on the application.

Cross reference(s)--Buildings, Ch. 5; electricity, Ch. 7; plumbing, Ch. 20; zoning, Ch.27.

- (b) Upon receipt of each application for a coin operated game machine license or notice of any change to the building, officers or business organization of the licensee, the City Clerk shall review the application and other documents and determine whether such documents comply with all of the requirements of this Article;
- (c) Upon receipt of each application for a coin operated game machine license or notice of any change to the building in which the machine is located, the Fire Chief or his/her designee shall inspect the proposed location to determine if all City ordinances concerning fire and safety have been satisfied and sign the application if the applicant complies with all applicable ordinance requirements. If the Fire Chief does not approve the application, s/he shall state the reason(s) in writing on the application.
- (d) Upon receipt of each initial application for a coin operated game machine license or notice of any change to the building in which the machine is located, the Police Chief or his/her designee shall conduct a background investigation and shall sign the application if the applicant complies with all applicable ordinance requirements. If the Police Chief does not approve the application, s/he shall state the reason(s) in writing on the application. After the initial background investigation, the Police Chief shall notify the City Clerk of any relevant changes or new information regarding the applicant.

For initial applications all reports required under this section shall be filed with the City Clerk who shall forward them to the City Council.

Sec. 14-409. Repealed.

Sec. 14-410. Maximum number of machines.

There shall be no more than five (5) machines at a single business premises; provided, however, that based upon a showing by the applicant that an increase in the maximum number of pinball machines at a single business premises would not be detrimental to the public health, safety and general welfare and would not be inconsistent with the purposes of this Article as stated in Section 14-402, the City Council may increase the maximum number of pinball machines on a case by case basis; provided, further, at least five (5) affirmative votes shall be required for any such waiver.

Sec. 14-411. Denial, suspension or revocation of license.

A license to operate coin operated game machines may be denied by the City Council or City Clerk for either violation of, or failure to comply with, any of the provisions of this article or with the provisions of any other applicable ordinance of the City of South Portland or other law.

A license to operate coin operated game machines may be suspended by the City Clerk where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this Article, or with the provisions of any other applicable ordinance or law. Upon suspension of the license to operate a coin operated game machine by the City Clerk, a public hearing before the City Council shall be placed on the agenda for the next City Council meeting that is at least seven (7) calendar days from the date of the suspension. The license shall remain suspended until the City Council hearing and decision. After a public hearing, the City Council may continue the suspension of the license or may revoke the license where there is a risk to

public health or safety or for any violation of or failure to comply with any of the provisions of this Article, or with the provisions of any other applicable ordinance or law.

Any denial, suspension or revocation shall be in writing and shall include notification of the right to and procedure for appeal.

If any license application is denied or license revoked, the applicant/licensee may not reapply for a period of three (3) months. This prohibition or reapplication shall also apply to the spouse, parent, child, or other close relation by blood or marriage or a corporation, association or business entity directly related to the prior applicant/licensee.

Sec. 14-412. Appeals.

An appeal from license denial by the City Clerk may be taken to the City Council within thirty (30) days. An appeal from any final decision of the City Council may be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Sec. 14-413. Penalty.

In addition to any other enforcement action which the City Council may take, violation of any provision of this Article shall be a civil offense and a fine not exceeding five hundred dollars (\$500.00) may be imposed. Each day that a violation continues shall be treated as a separate offense.

Secs. 14-414--14-500. Reserved.