

ORDINANCE NO. 2024- 19

**ORDINANCE AUTHORIZING THE ISSUANCE  
OF LICENSES FOR AMUSEMENT GAMES AND  
FIXING ANNUAL LICENSE FEES IN ACCORDANCE  
WITH N.J.A.C. 13:3-1.5(a)(2)**

**WHEREAS**, N.J.A.C. 13:3-1.5 authorizes a municipality to issue licenses for amusement games provided an Ordinance is adopted fixing an annual fee, not subject to proration, for licenses to be issued after considering factors including the number of days or period during which the licensee shall be authorized to operate, the number of specific kinds of games to be conducted and the number of persons who may become players of the game at any one time and such license shall not be for a period greater than one (1) year; and

**WHEREAS**, City Council finds it to be in the best interest of the City to allow amusement games at bowling alleys that comply with N.J.A.C. 13:3-1.7 should said premises hold an alcoholic beverage license and meets the requirements of N.J.A.C. 13:3-1.13 and further subject to the requirements of Title 13, Chapter 3 of the Administrative Code of the State of New Jersey and the Code of the City of Vineland.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Vineland that Chapter 391 of the Code of the City of Vineland shall be amended as follows:

1. Chapter 391 shall be retitled as follows:

**Chapter 391 Games of Chance and Amusement Games**

2. Chapter 391 shall be amended with the addition of the following Article II

**Article II Amusement Games**

**Section 391-3 Statutory issuing authority;**

- A. Pursuant to N.J.A.C. 13:3-1.13, no license shall be issued unless and until the City Council shall have adopted a resolution specifically stating that the premises to be licensed is a bowling alley whose premises include: at least 16 United States Bowling Congress (USBC) sanctioned bowling lanes; a redemption center that is open all times that the bowling alley is open to the public and at which players may exchange tickets they have won for prizes; and at least 40 permissible amusement games authorized in accordance with N.J.A.C. 13:3-7.9, of which no more than 50 percent are games that allow a player to attempt to win merchandise by manipulating a mechanical claw or crane.
- B. A bowling alley licensed in accordance with subparagraph A herein above, may be permitted to have a plenary retail consumption alcoholic beverage license on the premises.

**Section 391-4 Definitions.**

For all purposes of this article, the following terms have the meanings herein below ascribed to them.

AMUSEMENT GAMES LICENSING LAW N.J.S.A. 5:8-78 through N.J.S.A. 5:8-130 and N.J.A.C. 13:3-1.1 through N.J.A.C. 13:3-6.6, including any amendments thereto duly enacted subsequent to the effective date of this article.

BOWLING ALLEY—For purposes of the consideration for an Amusement Games License, a Bowling Alley shall be defined as a premises that includes: at least 16 United States Bowling Congress (USBC) sanctioned bowling lanes; a redemption center that is open all times that the bowling alley is open to the public and at which players may exchange tickets they have won for prizes; and at least 40 permissible amusement games authorized in accordance with N.J.A.C. 13:3-7.9, of which no more than 50 percent are games that allow a player to attempt to win merchandise by manipulating a mechanical claw or crane.

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CERTIFICATION — A certification of permissibility granted by the Commissioner pursuant to N.J.A.C. 13:3-7.1 et seq.

COMMISSIONER — The Amusement Games Control Commissioner as that office is created and empowered under N.J.S.A. 5:8-78 et seq. and Reorganization Plan No. 004-1992, 24 N.J.R. 4462, November 30, 1992.

PERSON — Any natural person and any legal person, the existence of which is authorized by statute, including but not limited to any corporation, limited liability company and limited or general partnership.

PRINCIPAL — Any natural person exerting actual or beneficial control over any person other than a natural person, even if that control is shared with others. As to corporations, all of the following are principals: (1) any person owning or otherwise controlling at least 5% of the authorized and issued voting stock of the corporation; (2) any director elected by the shareholders; (3) any officer elected by the directors. The principals of a limited liability company are all of its members and managers. The principals of a general partnership are all of its general partners. The principals of a limited partnership are the general partner and all limited partners. Where a person consists of a complex of statutory entities such as subsidiaries, the principals of the ultimate parent and all subsidiary, subordinate or affiliated entities are principals within the meaning of this article.

REDEMPTION AMUSEMENT GAME — A game certified as permissible by the Commissioner, pursuant to the Amusement Games Licensing Law, which is played for amusement or entertainment, which is a game in which the person or player actively participates, in which the outcome is not in the control of the operator or owner of the game and which is so conducted that when and where all of the players are present there occurs, in continuous sequence, the sale of a right to participate, the event which determines whether a player wins or loses and the award of a merchandise prize or nontransferable tokens or tickets which may be accumulated and which are immediately redeemable for a merchandise prize; provided, however, that the following are not redemption amusement games and are not eligible for license under this article: (1) Bingo Games; (2) Draw Raffles (3) Games excluded from the scope of this Article pursuant to Section 391-12 hereof

**Section 391-5 License required to operate redemption amusement games.**

It shall be unlawful for any person to own or operate within the City of Vineland any redemption amusement game without first having obtained a proper license therefor from the City Council. Said license shall be issued only pursuant to this Article and the provisions of the Amusement Games Licensing Law, N.J.A.C. 13:3-1 et seq.

**Section 391-6 Application for license.**

- A. Each applicant for such a license shall file with the City Clerk a written application therefor in duplicate and shall pay the fees provided in this Article. The application shall be in the form prescribed by the Commissioner and shall comply with all application requirements as specifically set forth in the Amusement Games Licensing Law, and this Article.
- B. The Chief of Police may require, as a condition of application, that any applicant (or for applicants other than natural persons, the principals thereof) to be fingerprinted and that the record thereof be submitted with and as a part of such application.
- C. Any fees for fingerprinting or any other investigation shall be paid by the applicant, even though not otherwise stated in this Article.

**Section 391-7 Issuance of license; term; certificate; display.**

- A. Issuance. Upon the applicant's compliance with all applicable requirements of this Article, the City Council shall by resolution authorize the issuance of a license. Said resolution shall specifically recite the finding of the City Council that the premises to be licensed meets the requirements of a bowling

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alley as set forth in Section 391-4 herein above. Promptly following the date of the resolution, the City Clerk shall issue the license certificate or certificates authorized thereby and shall forward to the Commissioner a certified copy of the resolution, a copy of the application, a counterpart original of the license certificate and the license fees payable to the Commissioner as hereinafter provided.

B. License term. Each license issued pursuant to this article shall be for a term of the calendar year which commences on the date of the resolution and expires on December 31 next following such date; provided, however, that the license so issued shall be inoperative unless and until the licensee named therein shall also, within 90 days from the issuance thereof and prior to the conduct or operation of redemption amusement games thereunder, procure and receive from the Commissioner a state license authorizing the licensee holding the City license to operate and conduct certain redemption amusement games according to the terms of such license; and any license issued hereunder shall also be inoperative during any period of suspension or revocation of such state license.

C. License certificate.

(1) The license certificate shall be in the form prescribed by the Commissioner and shall set out on the face thereof:

- (a) The name of the licensee.
- (b) The address of the licensed premises and such further description or limitation upon the licensed premises as may be provided in the application or the said resolution.
- (c) The certification category of the kinds of games licensed and, in the case of arcade games, the number thereof.
- (d) The amount of fee paid.
- (e) A statement of the dates between which and the hours between which such games may be conducted.

(2) Each license certificate shall be issued in triplicate, the original to be delivered to the applicant, with one copy to the Commissioner, as aforesaid, and the remaining copy to be retained by the City Clerk.

D. Display. Each license certificate and all other information required under the Amusement Games Licensing Law to be posted upon licensed premises shall be conspicuously displayed at the place or places where the redemption amusement games are to be conducted, at all times during the conduct thereof.

**Section 391-8. Hearing prior to refusal of license; amendments.**

A. No application for the issuance of a license shall be refused by the City Council until after a hearing is held on due notice to the applicant, at which hearing the applicant shall be entitled to present evidence upon the qualifications of the applicant and the merits of the application.

B. Any license issued under this article may be amended, upon application made to the City Council, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable, if the amendment had been so included.

**Section 391-9. Control and supervision.**

A. Concurrently with the Commissioner and the Commissioner's agents and designees, the Department of Licensing and Inspection shall have and exercise control and supervision over all amusement games held, operated or conducted under such license with all the powers authorized or granted to it under the Amusement Games Licensing Law and all amendments and supplements thereto.

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B. The Department of Licenses and Inspections may inspect or cause to be inspected any place or building in which redemption amusement games are made available for public use and all records that the licensee is required to prepare and maintain under the Amusement Games Licensing Law.

C. Redemption amusement games licensed hereunder shall be available only in plain view of any person or persons who may enter upon any place where such redemption amusement games are made available for play or use by the public; and in no licensed premises shall they be made available selectively to certain persons designated by the licensee or other person; nor shall they be in any way concealed except when out of service for maintenance or repair.

D. Redemption amusement games shall not be operated or otherwise made available to the public for use on any day later than 12:00 a.m. nor earlier than 8:00 a.m.

E. Prizes awarded as the result of play or use of redemption amusement games shall be only merchandise of no greater value than as applicable in accordance with the single game and aggregate limitations from time to time provided under the Amusement Games Licensing Law. Alcoholic beverages, tobacco products, weapons, obscene or indecent pictures, writings or recordings or money shall not be awarded as prizes, and no licensee shall directly, indirectly or by any subterfuge, purchase any merchandise prize, once it has been duly awarded, nor shall licensee exchange the prize for money or money's worth.

F. Every licensee shall comply with such conditions and limitations as the Commissioner may include in any certification.

G. The provisions of the Amusement Games Licensing Law N.J.A.C. Chapter 3, Subchapter 3 and Subchapter 4 by this reference are hereby incorporated as provisions of this Article, as fully as if they were herein at length set out, it being the intention of the City Council that any violation of such sections by a licensee shall be a violation not only of the Amusement Games Licensing Law but also of this Article and that any duties of a licensee as set out in such sections are duties of a licensee under both the Amusement Games Licensing Law and this Article:

**Section 391-10. Violations and penalties; forfeiture of license for certain acts.**

Any licensee or principal thereof who or which shall make any false statement in any application for such license, or shall fail to keep such books and records as required to be kept under the Amusement Games Licensing Law, or shall falsify such books or records, or shall violate any of the provisions of this Article or the Amusement Games Licensing Law or of any of the terms of such license, shall be a disorderly person; and if convicted as such, shall in addition to any other penalties which may be lawfully imposed, forfeit any license issued to it under this article.

**Section 391-11. Separate licenses required; fees.**

A. There shall be issued to an applicant who shall qualify a license for the premises at which the licensee is authorized to hold, operate and conduct such redemption amusement games. The annual license fee for each place shall be \$500.00.

B. A separate license shall be issued for each specific kind of redemption amusement game authorized to be held, operated and conducted on the licensed premises by the licensee. The license fee payable to the City for each specific kind of game certified by the Commissioner pursuant to N.J.A.C. 13:3-7.9, as permissible, shall be as follows:

(1) Games permitted under Category and Certification No. 1: throw games wherein a single player upon payment of fee is furnished a number of balls, hoops, darts or other objects, or uses his own coins to be hand thrown or propelled at, into, or upon targets, with prizes awarded according to results achieved; provided that only one of the above games

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may be licensed under one license; and there is no restriction on the number of units that may comprise the game: \$500.00

(2) Games certified as permissible under Category and Certification No. 2: arcade games wherein a single player upon payment of fee is permitted to play a machine or device to obtain a prize or attain to score upon which a prize is awarded according to results achieved: \$500 plus \$10 per machine for each machine in excess of 50 machines.

(3) Games certified as permissible under Category and Certification No. 4: competitive games wherein several players upon payment of fee are permitted to compete against each other for a prize to be awarded to the player who first achieves the required result, provided that only one of the above games shall be licensed under one license; and there is no restriction on the number of units that may comprise the game: \$500.

(4) Games certified as permissible under Category and Certification No. 8: miscellaneous games wherein a single player upon payment of a fee is entitled to use a physical skill to obtain a predetermined goal for which a prize is awarded: \$500.

C. The required City fee, which shall be an annual fee without proration, shall accompany the license application. In the event that the license is denied or the application therefor is withdrawn, the City shall retain 25% of the application fee as an investigation fee, and the balance shall be returned to the applicant.

D. On application, the applicant shall deposit, with the City Clerk, the applicant's certified check or money order, in an amount equal to the license fees required in accordance with N.J.S.A. 5:8-102 and drawn to the order of the New Jersey Amusement Games Control Commissioner. If the City Council shall, pursuant to Section 391-6 of this Article, authorize the issuance of a license to the applicant, then together with the other items to be forwarded under Section 391-7 the Clerk shall forward the certified check or (as the case may be) money order, to the Commissioner. However, if the City Council shall refuse or decline to authorize the issuance of the license applied for, or if the application shall be withdrawn, then at the time when the City Clerk returns a portion of the required fee as hereinabove provided, the City Clerk shall also return to the applicant the certified check or money order.

**Section 391-12. Scope; prohibited games; exemptions.**

Redemption amusement games certified by the Commissioner as permissible under Certification 3 (non- draw raffle games), Certification 5 (a certain game of chance particularly described in such certification and named therein, "Stop and Go Game"), Certification 6 (guessing games), Certification 7 (ringing a bell) and Certification 9 (a certain game of chance particularly described in such certification and named therein, Pan Game, Crazy Ball and Crazy Block), are prohibited hereby and shall not be operated within the City of Vineland, and no license shall be issued authorizing the same. Nothing in this article shall be deemed to require a license for the award of prizes as the result of successful play at any game which, pursuant to common understanding, is a sport such as baseball, soccer, tennis or golf; or for the distribution without charge of rights to participate in amusements, as promotional inducement to persons to visit a premises licensed hereby; or for the award of the same prize value in respect of the play of any game or device, before or following each use of such device or play of such game and without regard to any particular score or outcome resulting therefrom. Games and game devices, the use or play of which does not result in any person receiving any merchandise, prize, additional right to play or participate without charge or other thing of value, are beyond the scope of this Article. Nothing provided herein shall be construed to state or imply that such games or devices must be licensed under this Article; or that the City does not retain the inherent prerogative to provide by ordinance for the licensing, regulation and supervision of the use of such games and devices. Also beyond the scope of this Article is any carnival, fair or other activity held on an annual or other periodic or scheduled basis by a not-for-profit group or organization wherein amusement devices, structures or amusement rides are installed or used on a temporary basis.

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**BE IT FURTHER ORDAINED** that any Ordinance or portion thereof that is inconsistent herewith shall be void to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that should any portion of this Ordinance be deemed invalid by a court of competent jurisdiction, the balance hereof shall remain in full force and effect.

Passed first reading:

Passed final reading:

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President of Council

Approved by the Mayor:

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Mayor

ATTEST:

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City Clerk