

AMUSEMENT ARCADE ORDINANCE - ENACTED 03/24/87

ENACTED AT TOWN MEETING

Article 46. Shall an ordinance entitled "Amusement Device" be enacted? Said ordinance to read as follows:

Section 1: Definitions: For the purpose of this ordinance:

a. Amusement Device(s) shall mean any electronic or automatic amusement device or machine, including but not limited to, any video games, pin-ball machines and other coin-operated amusement, entertainment, or games of skill machines, but excluding juke-boxes.

b. Amusement Arcade shall mean to include any establishment maintaining four (4) or more amusement devices on its premises, even if such devices are not the primary business or purpose of such establishment.

c. Person shall mean to include any individual or individuals, firms, partnerships or corporate entities, but excluding City, State, and Federal Government or governmental agencies.

d. For the purpose of this Ordinance, wherever reference is made to distances by footage, measurement of such distances shall be measured linearly along the general line of travel (public street and/or public sidewalk) on which the proposed site is to be located. In the event the public street intersects with another public street within the

distance being measured, the distance measurement shall include the property(s) situated on the intersecting street. Excepting, however, in reference to the distance requirement set forth in Section 2 hereinafter, such distance is to be measured in any direction of the proposed site.

Section 2: No amusement arcade shall be located or established within five hundred (500) feet of any private or public elementary, junior high or senior high school.

Section 3: Any person intending to install, maintain or permit to be placed upon his or its premises more than three (3) amusement devices, must obtain a license to do so from the Board of Selectmen prior to doing so. A written application for license must be filed with the Town Clerk at least three (3) weeks prior to a regularly scheduled Board of Selectmen meeting, setting forth, among other information that may be requested, the name of the applicant seeking the license, a brief description of the place where such devices will be installed, the type and number of such devices. Upon receipt of the application and a filing fee of \$10.00, the Clerk shall then cause a notice of hearing to be held by the Board of Selectmen, at a regularly scheduled Board meeting, to be printed in the local newspaper, at least seven (7) days prior to such hearing date.

If the premises proposed are properly zoned for the use, the Town Clerk must mail written notice of the application for license to each owner of a business and the owner of any residence property located within one hundred fifty (150) feet in either direction from these premises within which the arcade is to be located, specifying the date of the hearing before the Board of Selectmen, at least seven (7) days from the date of such hearing, within which a protest against the approval may be made.

Section 4: Hearing: Upon proper notice having been had, the Board of Selectmen shall inquire of the applicant as to his intent, purpose, supervision and such other matters the Board of Selectmen deems necessary to rule upon the application.

The Board of Selectmen shall have the right to restrict the location of any amusement arcade within the Town of Madawaska even though the zoning ordinances would otherwise permit such operation.

Section 5: Appeal: Any person who is denied a license to operate amusement arcade, or amusement devices, as defined herein, shall have the right to a review of such action under Rule 80B of the Rules of Civil Procedure.

Section 6: License: In granting a license, the Board of Selectmen may impose such conditions and/or restrictions to insure a safe,