

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of LYNDONVILLE, NEW YORK
~~Town~~
Village

Local Law No. 3 of the year 19 91.

A local law REGARDING COIN-OPERATED AMUSEMENT DEVICES
(Insert Title)

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~County~~
~~City~~ of LYNDONVILLE as follows:
~~Town~~
Village

SECTION 1. DEFINITIONS.

As used in this Local law, the following terms shall have the meanings indicated:

AMUSEMENT GAME - Any mechanical, electric or electronic device used or designated to be operated for entertainment or as a game by the insertion of a coin, slug, token, place, disc, key or any other article into any slot, crevice or other opening or by paying money to have it activated. This definition does not include:

- A.) Rides.
- B.) Bowling alleys.
- C.) Any device maintained within a residence for the use of the occupants thereof and their guests.
- D.) Any gambling devices whatsoever or any mechanism that has been traditionally determined to be a gambling device or in any way contrary to law, or that may be contrary to any future laws of the State of New York.
- E.) Jukeboxes.

GAME ROOM - A building or place containing five (5) or more amusement games.

JUKEBOX - Any music-vending machine, contrivance or device which, upon the insertion of a coin, slug, token, place, disc or key into any slot, crevice or other

opening or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

MACHINE - An amusement game.

OWNER - A record owner, contract purchaser, lessee, assignee, bailee, receiver or trustee.

PERSON - One (1) or more individuals, a corporation, partnership, association, trust or firm and any trustee, receiver or assignee.

VILLAGE - The Village of Lyndonville, Orleans County, New York.

SECTION 2. LEGISLATIVE PURPOSE.

It is the use to which such amusement games are put rather than their inherent characteristics that has inspired the enactment of this Local Law. It is known that in other communities such amusement games have encouraged and fostered gambling among adults and children, tend to cause juvenile delinquency, are instruments for gambling in their actual operation and use and are frequently located in the vicinity of schools so that they are frequented by and readily accessible to children who have, in many instances, squandered lunch money, carfare and earnings needed to supplement the family income of such amusement games and have even committed thefts to obtain money with which to play such devices.

SECTION 3. LICENSE REQUIRED; ESTABLISHMENT OF CLASSES.

A.) No person shall maintain or operate a machine in the Village unless it is licensed under this Local Law.

B.) Licenses shall be issued according to the class of the premises where the machine is located.

(1) Class One: A game room.

(2) Class Two: Any other premises where an amusement game is located.

SECTION 4. ARRANGEMENT AND LAYOUT OF PREMISES.

A.) All amusement games and video devices shall be so located within the licensed premises that the screens and the operators are visible from all points within the licensed premises and no partitions, booths or other like enclosures shall enclose the machines or devices or restrict the clear view of the screens and operators thereof from all points within the licensed premises.

B.) Premises to be licensed shall be located on a ground floor or first floor and in facilities that have transparent windows opening onto the abutting streets so that the interior of the premises can be readily viewed from the abutting sidewalks or streets and nothing shall be placed in or upon such windows that will block or restrict in any way the clear view of the interior of the premises from the abutting sidewalks or street.

SECTION 5. APPLICATION FOR LICENSE.

An application for a license shall be made to the Village Clerk on forms containing information prescribed by said Clerk, including:

- A.) The name and address of the applicant, age and place of birth.
- B.) Prior convictions of applicant, if any.
- C.) The place where amusement game or games is to be displayed or operated and a description of any other business conducted at that place.
- D.) A description of the machine to be covered by the license: Setting forth its mechanical or electronic features.

SECTION 6. REFERRAL OF APPLICATION.

Upon receipt of an application for a license, the Village Clerk shall refer it to:

- A.) The Code Enforcement Officer, to determine whether the premises comply with all applicable laws, Local Laws, rules and regulations. For that purpose, the Code Enforcement Officer shall have the right to enter upon and inspect the premises during normal business hours.

B.) The Orleans County Sheriff's Department, to cause an investigation to be made of the background of the owner and the operator of the amusement game(s) or game room.

SECTION 7. AGE LIMITATIONS.

No license shall be issued to any applicant unless he shall be over eighteen (18) years of age.

SECTION 8. ISSUANCE TO PERSONS CONVICTED OF CRIMES RESTRICTED.

Except as provided in the New York Corporation Law, Article 23-A, no license shall be issued to or held by any person who has been convicted of a crime or by any corporation, partnership of association, a member, officer, director or holder of ten (10%) percent or more of the stock of which has been convicted of any crime.

SECTION 9. BOARD REVIEW.

After review of the application has been completed, the Village Clerk shall forward it with his report, together with the recommendations of the Code Enforcement Officer and Chief of Police, if any, to the Village Board for its review and recommendations.

SECTION 10. ESTABLISHMENT OF CONDITIONS.

In approving a license, the Village Board may establish conditions to promote and protect the health, safety and general welfare of the Village and its inhabitants.

SECTION 11. ISSUANCE OF LICENSE; INFORMATION.

After approval by the Village Board, the Village Clerk shall issue a license upon payment of the license fee. The license shall state:

- A.) The number of amusement games permitted in the game room or other premises.
- B.) The maximum number of persons permitted in the licensed premises at any time.
- C.) Any other condition or restrictions imposed by the Village Board.
- D.) The class thereof according to the premises licensed.

SECTION 12. HEARING.

If the Village Board denies the application or approves it with limits or conditions not satisfactory to the applicant and upon written appeal by the applicant within ten (10) days of notification of the Village Board's Decision, the Village Clerk shall schedule a Public Hearing for the first Village Board meeting, for which five (5) days' notice published in the official newspaper can be given and after such Hearing, the Village Board shall reconsider the same and may amend or modify its Decision.

SECTION 13. APPLICATION FEE.

License applications for Class One licenses shall be accompanied by a nonrefundable fee of Fifty Dollars (\$50.00).

SECTION 14. FEE FOR CLASS ONE LICENSE.

The annual fee for a Class One license shall be One Hundred Dollars (\$100.00), plus Ten Dollars (\$10.00) per year for each machine.

SECTION 15. FEE FOR CLASS TWO LICENSE.

The annual fee for a Class Two license shall be Ten Dollars (\$10.00) for each machine.

SECTION 16. MODIFICATION OF FEES.

The fees fixed herein may be modified, from time to time, by resolution of the Village Board.

SECTION 17. ISSUANCE AND DISPLAY OF LICENSE.

A premises license shall be issued for the game room or other license premises and machine licenses shall be issued for each machine in or upon such premises. The license or licenses herein provided for shall be posted permanently or conspicuously at the premises wherein the machine is to be operated or retained to be operated.

SECTION 18. FEE FOR ADDITIONS.

The fee for all authorized addition shall be Ten Dollars (\$10.00) per machine, the term of which shall end upon expiration of the premises license issued. If the additional machines would change the class of license issued, a new application must then be made and as provided herein.

SECTION 19. NUMBER OF GAMES PER LICENSE.

Not more than one (1) game shall be operated under one (1) machine license, and the applicant or licensee shall be required to secure a machine license for each and every game displayed or operated by him.

SECTION 20. COMPLIANCE WITH PROVISIONS.

The operator of any game room shall comply with all provisions of law, rules or regulations relating to the conduct of business and the use and maintenance of the premises.

SECTION 21. NUMBER OF PERSONS ALLOWED ON PREMISES.

The operator of any machine shall not permit a greater number of persons on the premises at any time than the capacity approved by the Village Board as set forth in the license.

SECTION 22. MAINTENANCE OF ORDER.

The operator of any machine shall maintain good order on the premises at all times. The lack of good order on or about the premises in which a machine is located shall include but shall not be limited to the following:

- A.) Fighting and rowdy behavior.
- B.) Possession or consumption of alcoholic beverages, except within premises licensed by the state for on-premises consumption of those beverages.
- C.) Gambling.
- D.) Violations of the New York State Penal Law, including the sale or possession of controlled substances upon the licensed premises.

SECTION 23. HOURS OF OPERATION.

A.) A licensee shall not permit any individual under the age of fourteen (14) to be on the game room premises at anytime unless accompanied by a parent or guardian or person at least eighteen (18) years of age, with the consent of the parent or guardian.

B.) A licensee shall not permit any individual under the age of sixteen (16) years to be on the game room premises between the hours of 8:00 A.M. and 3:00 P.M. on any day upon which classes are being held at any school in the school district in which the game room is located, nor after 11:00 P.M. at anytime unless accompanied by a parent or guardian or person at least eighteen (18) years of age, with the consent of the parent or guardian.

SECTION 24. AGE OF SUPERVISORY PERSONNEL.

The owner or operator of a game room shall not allow it to be open or used unless it is under the control of and supervision of a person at least eighteen (18) years of age who shall ensure that it is operated in compliance with this Local Law.

SECTION 25. ALLOWANCE OF MORE GAMES THAN PERMITTED IN LICENSE PROHIBITED.

The operator of a licensed premises shall not allow more amusement games than the number permitted in the license to be located therein at any time.

SECTION 26. EXPIRATION AND RENEWAL OF LICENSES.

All licenses shall expire on June 1 of the year following the issuance thereof and the fees for such licenses shall be prorated on a monthly basis upon original issuance thereof if the period to be covered by such licenses shall be less than one (1) year. The license shall state the expiration date. Application for renewal of licenses shall be submitted at least thirty (30) days before the expiration of the existing license.

SECTION 27. REVOCATION OF LICENSE.

Every license issued under this Local Law is subject to the right of revocation, which is hereby expressly reserved, to revoke

the same should the licensee, directly or indirectly, permit the operation of any machine contrary to the provisions of this Local Law, other local laws of the Village of Lyndonville or the law of the State of New York. Said license may be revoked by the Village Clerk after written notice to the licensee, which notice shall specify the local law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. At such hearing, the licensee and his attorney may present and submit evidence or witnesses in this defense.

SECTION 28. PENALTIES FOR OFFENSES.

Any person, firm, corporation violating any of the provisions of this Local Law, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00)

SECTION 29. REPEALER.

All existing Local Laws of the Village of Lyndonville are hereby repealed insofar as they may be inconsistent as to the provisions of this Local Law.

SECTION 30. SEVERABILITY.

It is the intention of the Village of Lyndonville that each separate provision of this Local Law shall be deemed independent of all other provisions herein, and it is further the intention of the Village Board, if any, provision of this Local Law be declared, invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 31. WHEN EFFECTIVE.

This Local Law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1991 of the ~~(County)~~(City)(Town)(Village) of Lyndonville, New York was duly passed by the Board of Trustees on May 13, 1991, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 19____, (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was (Elective Chief Executive Officer*) submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was subject to (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1., above.

[Handwritten Signature]

~~Recorder of the County Legislature, City or Town or Village Clerk~~
~~Member of the Legislature~~

(Seal)

Date: May 13, 1991

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

~~COUNTY~~
~~CITY~~ of Lyndonville, New York
~~TOWN~~
Village

Date: May 13, 1991