

CHAPTER 5.

AMUSEMENTS.

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Article 1. Dances and Dance Halls.¹

Sec. 5-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dancing. Such term shall not apply to exhibitions or performances in which persons paying for admission do not participate.

Public dance hall. Any room, place or space in the town in which dancing is carried on and to which admission can be had by payment of a fee or by the purchase of a ticket

¹ For state law relative to minors attending dances, see R.S., § 2A:170-53.

or token or by payment of a charge for caring or clothing or other property or by remuneration in any other form whatsoever. (1932 Revision, title 8, ch. 3, § 1.)

Sec. 5.2. License² – Required.

No public dance hall shall be conducted, nor shall dancing be taught or permitted in any public dance hall, unless it shall be licensed pursuant to this article and the license therefor be in force and unsuspended. (1932 Revision, title 8, ch. 3, § 2.)

Sec. 5-3. Same – Applications; fee; signatures.

The application for a license under this article shall be made in writing to the town clerk, designating the location of such dance hall and the name of the person intending to conduct the same, accompanied by the license fee, which is hereby fixed at fifty dollars. Upon receipt of such application, the clerk shall submit the same to the town council at the next meeting. The council may, at its discretion, grant or refuse a license. If refused, the fee of fifty dollars shall be returned to the applicant. If the license is granted, it shall be signed by the mayor and attested by the town clerk, and shall designate the name of the person to whom it is issued, the place where the dancing is to be carried on and the time for which such license is issued. (1932 Revision, title 8, ch. 3, § 3.)

Sec. 5-4. Same – Term; posting.

The term of each license issued under this article shall be for one year from the date of its issue. Such license shall be posted at the main entrance of such dance hall. (1932 Revision, title 8, ch. 3, § 5.)

Sec. 5-5. Same – Revocation and suspension.

Any license under this article may be revoked for disorderly or immoral conduct permitted on the licensed premises, or for the violation of any of the provisions of this article or any other ordinance of the town or of any statute. Such license may be temporarily suspended for any of the above reasons by the mayor, until the next ensuing regular meeting of the town council, at which meeting the suspension may be continued for such time as the council shall designate, or the license may be revoked. (1932 Revision, title 8, ch. 3, § 7.)

Sec. 5-6. Hours when dancing permitted; adequate supply of water to be provided.

Dancing in a place licensed under this article shall not be permitted between the hours of 1:00 A.M. and 7:00 A.M. The licensee shall provide, throughout the whole period of dancing, an adequate supply of pure cold water in an accessible place. (1932 Revision, title 8, ch. 3, § 5.)

² For state law authorizing town to license dance halls, see R.S., § 40:52-1.

Sec. 5-7. Sale, etc., of alcoholic beverages prohibited.

No intoxicating liquors shall be sold, served or given away in any public dance hall or in any place in which dancing is advertised to be taught, in which classes in dancing are advertised to be maintained, in which instruction in dancing is give for hire or in any room connected with such dance hall. (1932 Revision, title 8, ch. 3, § 6.)

Sec. 5-8. Compliance with building, fire, etc., regulations.

No license under this article shall be issued or renewed unless the place designated in such license or application for license complies with all the laws, ordinances, rules and provisions of any building, fire or health ordinance or code applicable thereto, and is a safe and proper place for the purpose for which it shall be used, properly ventilated and supplied with sufficient toilet conveniences. (1932 Revision, title 8, ch. 3, § 4.)

Sec. 5-9. Right of access of police, etc.

The mayor and all members of the town council, the chief and all members of the police department, the chief or other officers of the fire department and health department and the building inspector shall have access to any premises licensed under this article at all reasonable times and whenever they are open for dancing, instruction in dancing or for any other purpose. (1932 Revision, title 8, ch. 3, § 8.)

Sec. 5-10. Applicability of article.

This article shall not apply to annual or special balls or dances held by any fraternal or other accredited society or bona fide branch or division thereof, duly organized or incorporated in the town, nor to any entertainment held for a public charity, the net proceeds of which shall go to such charity, nor to any dance given by the pupils of any of the public schools under the auspices or with the permission of the school authorities. (1932 Revision, title 8, ch. 3, § 10.)

Article II. Electrically-Operated Children's Amusement Devices.

Sec. 5-11. License – Required.

The operation of all electrically-operated devices for the amusement of children of the type commonly known and designated “kiddie rides” or similar machines or devices operated, maintained or used in any public or quasi-public place, or in any building, store or other place wherein the public are invited or wherein the public may enter must be licensed by the town council, and shall not be played, operated, maintained or used within the town without first obtaining a license for that purpose. (G.O. No. 830, § 2.)

Sec. 5-12. Same – Application; renewal.

The application for a license to operate any machine or device regulated by this article shall be filed on a form to be furnished by the town clerk, which form shall show the name of the applicant, post-office address, the number of machines or devices to be operated, and such other information as the town council shall deem necessary and proper from time to time. The fee for the license, as provided in this article, shall be payable with the filing of the application, and if this application is rejected, such fee shall be returned to the applicant.

Upon the expiration date of the license initially issued by the town council, the license may be renewed by filing a renewal application form with the town clerk. The town clerk will request inspection of the licensed premises, operation or device by the affected departments in accordance with inspection schedules approved by town council to assure compliance with all town codes on the part of the applicant. Violation of any section of any town code will constitute a basis of denial of the application for renewal. The town clerk shall also request a statement from the tax collector as to the tax records of the applicant. Delinquent taxes shall be noted on the application, and shall constitute a basis of denial of the application for renewal. Delinquent taxes are hereby defined as taxes due from previous years. Upon receipt of departmental reports certifying that the premises, operation or device conforms with all town codes, the town clerk shall issue a renewal of the license for the term specified. The town clerk shall file a monthly report with the town council, listing the renewal licenses issued during the month. The report shall specify the following:

1. The type of license.
2. Licensee.
3. Address of the licensee.
4. The amount of fees received.

The town clerk shall also file a monthly report with the town council, listing the applications for renewal licenses which have been denied and the basis for the denial. (G.O. No. 830, § 3; G.O. No. 943, § 1.)

Sec. 5-13. Same – Term; fee.

The license for the placing, operation, maintenance or use of any machine or device regulated by this article shall be issued to and in the name of both the owner of the machine or device and the proprietor of the premises where the machine or device is to be installed and operated, and shall be issued for one year. The fee for the issuance of a license shall be twenty dollars for each machine or device for each year, payable on filing the application, and in addition, the owner or proprietor shall pay the cost of the two yearly inspections required by this article. (G.O. No. 830, § 5.)

Sec. 5-14. General specifications for machines.

In order to warrant the issuance of a license required by this article, the machine or device and its operation must comply with the current issue of the National Electrical Code, and each unit must be inspected twice a year by the electrical department of the

Fire Underwriters. Any change of unit shall require a new inspection. All operation of such machines or devices shall be within a building and not in the open. In addition, such machine or device must comply with the following subsections of this section, which are hereby deemed necessary for the protection of the public:

- (a) Branch circuit wiring to receptacle shall be 3-#12 gauge conductors, one of which shall be connected to a cold water pipe.
- (b) The receptacle and plug shall be polarized.
- (c) The flexible cord shall be 3-conductor, #14 gauge of heavy duty type, equipped with cord grip fittings, and must not be of undue length.
- (d) The flexible cord shall be connected to ride by means of a cord connector.
- (e) Grounding conductor, grounding all metal parts of ride shall be #14 gauge.
- (f) Internal wiring shall be #16 gauge.
- (g) Wiring for lights shall be installed in metallic raceway.
- (h) Provide bushings for coin box feed.
- (i) Wiring to be protected from mechanical injury.
- (j) Cord connectors shall be used on all boxes.
- (k) On and off switch shall have an approved metal base.
- (l) Open type cleat sockets are not permitted.
- (m) Fiber plates shall be installed in lights.
- (n) Amplifier equipment shall be installed in a metal box.
- (o) All controls, contractors, transformers and connection blocks shall be installed in metal boxes.
- (p) Motors exceeding six amperes shall be installed on a separate circuit.
- (q) Micro switch shall be installed in a metal box.
- (r) All exposed dead and unused wires and fitting shall be removed.
- (s) Each unit shall be numbered on the outside in a conspicuous location.

(G.O. No. 830, § 4.)

Sec. 5-15. Compliance with article.

Any person who shall permit the installation or operation of any machine or device regulated by this article which has not been duly licensed or shall not comply with the safety factors set forth in this article shall be deemed guilty of a violation of this chapter.

(G.O. No. 830, § 6.)

Article III. Automatic Amusement Devices.

Sec. 5-16. Findings and purpose.

The mayor and council find and declare as follows:

- (a) There presently exists within the Town of Westfield a significant number of amusement games and devices which are expected to increase in numbers in the future.
- (b) Such games and amusement devices have been demonstrated to attract large numbers of young people with the expected increase in number of machines, the likelihood of crowding and congestion is likely to continue and increase.

(c) The present location machines may be inappropriate for young people because of this crowding, and because of lack of ventilation, excessive noise, lack of proper ingress and egress, and the inability to provide supervision when necessary.

(d) Experience has demonstrated that such facilities where young people congregate in large numbers create problems not only in the facility itself because of the aforesaid reasons, but also on the public right-of-way adjacent thereto, because of bicycles left on the sidewalk and street and large numbers of young people standing on the sidewalk both of which block and obstruct movement by other members of the public.

(e) Reasonable regulation of the licensees of such machines, their location within the premises, the space surrounding them, the methods of ingress and egress from the place of business, conditions of permitted operation and of adult supervision will help to ensure that recreational activity involving amusement games is carried out in a safe and wholesome environment for the benefit of the young people of the town and without undue hardship to the business community and the general public.

(f) The enactment of this article is necessary and appropriate for the protection of the public health, safety, and welfare of the residents of the Town of Westfield.

(G.O. No. 567, § 1; G.O. No. 1302, § 1; G.O. No. 1347, § I.)

Sec. 5-17. Definitions.

Definitions of the terms used in this article are as follows:

(a) "Amusement games or devices" shall mean any machine, contrivance or device from which upon the insertion of a coin, slug, token, plate, disc, key, or similar instrument into a slot, crevice or other opening in the machine or by the payment of any price, operates or may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score shall include without limitation, and not be limited to, such devices as marble machines, pin ball machines, skill ball, mechanical games, video games, electronic games or operations or transactions similar thereto by whatever names they may be called.

(b) "Distributor" shall mean any natural person, partnership, firm, association, corporation or any other business entity which leases, rents or places under any kind of arrangement within the Town of Westfield one or more amusement games or devices in premises or in locations owned or controlled by another.

(c) "Operator" shall mean any natural person, partnership, firm, association, corporation, or any other business entity which owns or controls premises or location within the Town of Westfield in which any amusement or entertainment machine or device is displayed for public patronage, or is placed or kept for the public.

(d) "Licensed premises" shall mean the entire premises including, without limitation, the interior and exterior of all buildings, auxiliary buildings, structures, or appurtenant structures, walks, alleys, drives and parking facilities owned or controlled by the operator and/or owner operator.

(e) "Net floor area" as defined in this chapter means the gross floor area of the licensees' premises less deductions for counter space areas, storage areas, display cases, the amusement devices themselves, shelving areas, aisles, bathrooms, office space, stairwells and stairs and other areas which are not intended or held out for public use. The

building inspector shall determine the amount of net floor area in square feet in each prospective licensed premises subject to this article.

(f) "Aisles" shall mean a space provided in a building or structure between objects resting on the floor or between such object or objects and a wall partition, column or other fixed part of the building or structure, designed to permit persons on foot to walk or move from one place to another in the building. For purposes of this ordinance, such aisle need only be three feet in width between such objects or between an object and a fixed part of the building or structure. Any additional space actually provided in a building or structure is not to be considered as part of the aisle and need not be deducted from the gross floor area to determine net floor area. (G.O. No. 567, § 4; G.O. No. 618, § 1; G.O. No. 943, § 1; G.O. No. 1302, § 1, G.O. No. 1347, § 1; G.O. No. 1354, §§ I, II.)

Sec. 5-18. License required to conduct business.

(a) Distributors license. No natural person, partnership, firm, association, corporation or any other business entity shall lease, rent or place under any kind of arrangement any one or more amusement games or devices as defined herein within the Town of Westfield in premises or locations owned or controlled by another without first having obtained a license to so distribute from the Town of Westfield after written application therefor, in accordance with the terms of this article for each such machine, game or device. This license shall be known as a distributor's license.

(b) Operator's license. No natural person, partnership, firm, association, corporation, or any other business entity which owns or controls premises or locations within the Town of Westfield shall install, maintain, operate or possess in any store, premises, location, or building where any business of any nature or character is conducted or any other place wherein the public may enter, any amusement games or devices as defined herein without having first obtained a license to so install, maintain, operate or possess from the Town of Westfield after written application therefor, in accordance with the terms of this article for each such machine, game or device. This license shall be known as an operator's license and shall not only apply to the machine or game so licensed, but also to the premises wherein they are located. (G.O. No. 567, § 3; G.O. No. 618, § 1; G.O. No. 1302, § 1; G.O. No. 1347, § 1.)

Sec. 5-19. Requirements for issuing such licenses.

(a) An application properly completed with all information required by this article supplied.

(b) The appropriate licensing fee paid in advance by cash or certified check.

(c) Compliance of the premises sought to be licensed with the requirements of this article for such premises.

(d) Continued compliance with all requirements of this article.

(e) Certification by the police chief or his designated representative that he has made an investigation of the applicant and premises sought to be licensed by such applicant, and finds compliance with this article and all ordinances and laws required to be enforced by him and that there is no evidence that the applicant has been convicted of

a crime involving moral turpitude, sale or possession of a controlled dangerous substance or gambling related offenses.

(f) Certification by the fire chief or his designated representative that he has made a thorough inspection of the premises and finds compliance with this article and all ordinances and laws required to be enforced by him.

(g) Certification by the building inspector or his designated representative that he has made a thorough inspection of the premises and finds compliance with this article and all ordinances and laws required to be enforced by him.

(h) Adoption by the town council of the Town of Westfield of a resolution granting such license upon compliance with this article and the aforesaid requirements. (G.O. No. 567, § 5; G.O. No. 1302, § 1; G.O. No. 1347, § 1.)

Sec. 5-20. Physical requirements for licensed premises.

(a) Not more than one amusement or entertainment machine or device as defined in this article shall be permitted for each one hundred square feet of net floor area or fraction thereof as the same is defined herein. The building inspector shall determine the number of square feet of net floor area in each prospective licensed premises which is subject to this article and certify to the town council the net floor area available for such machines and the maximum number permitted.

(b) Each premises shall have one means of egress which shall comply with all requirements of the BOCA Basic Building Code and any and all other code requirements imposed by the State of New Jersey.

(c) Particular emphasis shall be placed upon obstruction to exits and free flow of pedestrian traffic to, by, through and around said machines or devices. Location in accordance with the above criteria shall be subject to specific approval by the appropriate fire prevention authorities of the Town of Westfield and the specific approval of the police department of the Town of Westfield.

(d) There shall be at least one foot of open space between each machine and between a machine and an adjacent wall or partition.

(e) Machines or devices shall not be located so that persons using same or observing their use are adjacent to a window or plate glass closer to the floor than five feet.

(f) There shall be adequate ventilation and bathroom facilities provided for the expected number of patrons and observers of the machines.
(G.O. No. 567, § 6, G.O. No. 1302, § 1; G.O. No. 1347, § 1; G.O. No. 1354, § III.)

Sec. 5-21. Duties of town officials.

(a) At the time of the initial application or annual renewal thereof, the chief of police or his designated representative shall make or cause to be made an inspection of the premises described in the application of the type of machine applied for, shall attach to the application upon completion of his inspection and investigation his report in writing which shall state the nature and type of machine or device, the place where and when it is operated or maintained, the name of the proprietor of the store or premises at or in which the machine or device is to be operated or maintained, the name and address of

the owner of the particular machine or device, the recommendations of the chief of police and any other pertinent information the chief of police deems necessary. He shall file his report with the town clerk and a copy with the fire chief and building inspector. He shall also determine compliance with all other applicable laws or ordinances required to be enforced by him. He shall also cause a review to be made of the applicant's criminal record, if any, and shall vote and report any violation of the Town Code or conviction of a crime involving moral turpitude, sale or possession of a controlled dangerous substance or gambling related offenses. During such time as the license is in effect subsequent to the initial application and each annual renewal, the chief of police or his designated representative shall inspect the premises at least once per month to ensure continued compliance.

(b) At the time of the initial application or annual renewal thereof, the chief of the fire department or his designated representative shall make or cause to be made an inspection of the premises described in the application, with reference to fire safety generally and the requirements of section 5-20 of this article. He shall also determine compliance with all other applicable laws or ordinances required to be enforced by him. Upon completion of the inspection, the chief of the fire department or his designated representative shall issue a written report with all findings, violations of laws or ordinances, if any, and his recommendations and shall file said report with the town clerk and shall file a copy of said report with the chief of police and building inspector. During such time as the license is in effect subsequent to the initial application and each annual renewal, the fire chief or his designated representative shall inspect the premises at least once per month to ensure continued compliance and the safety of the patrons of the licensed premises.

(c) At the time of the initial application or annual renewal thereof, the building inspector or his designated representative shall inspect the proposed premises and measure the proposed licensed premises and determine the net floor area in accordance with this article. Upon completion of this measurement, he shall issue a written report with his findings which shall include the maximum number of machines for which this premises may be licensed and shall file said report with the town clerk, chief of police and chief of the fire department. He shall also determine compliance with section 5-20 of this article and all other applicable laws or ordinances required to be enforced by him. During such time as the license is in effect, subsequent to the initial application and each annual renewal, the building inspector or his designated representative shall inspect the premises at least once per month to ensure continued compliance. (G.O. No. 567, § 7; G.O. No. 1302, § 1; G.O. No. 1347, § 1).

Sec. 5-22. General conditions and requirements for operation of licensed premises.

(a) The licensee shall not permit any machine to emit loud and disturbing noises and shall at all time control the sound so as not to cause disturbance to persons in the vicinity of the machine. The machine shall not be placed so that the sound is disturbing to the public in the streets, or to other persons occupying buildings in the immediate vicinity.

(b) The police department upon complaint shall be the sole judge as to whether or not the machine is causing an annoyance to others, in accordance with the ordinances of the Town of Westfield governing noise. If after investigation of such complaint by the police department the machine is found to be disturbing the peace and good order of the neighborhood, the police shall request the Town of Westfield to revoke the license and in that event shall rebate to the licensee a proportionate share of the license fee, and thereafter such machine shall be removed from the premises.

(c) The licensee at any time may substitute one machine for a similar machine without additional license fee, provided, however, that he shall first apply to the town clerk of the Town of Westfield for permission to make such exchange and shall submit a signed letter stating what machines and serial numbers are to be removed and what machines and serial numbers are to be substituted therefor. A copy of the same letter shall be attached to the license.

(d) The person operating the premises where the machine is located shall be liable and responsible for the proper operation thereof, regardless of whether or not he/she is the actual owner of the machine, or has rented the same, but this shall not in any way release the actual owner of the machine or device from liability or responsibility for violation of this article or any ordinance of the Town of Westfield.

(e) Every license shall apply only to the machine and the person to whom issued and for the premises and location stated in the application and shall not be transferable unless the transfer is first approved by the mayor and council by resolution, as provided herein, and only after compliance by the proposed licensee with all requirements of this article which shall include an appropriate application.

(f) The operator shall not permit, suffer to allow any person to bet or gamble in any form or manner on the licensed premises and shall prevent any immoral or illegal conduct or activity from occurring.

(g) No person on the license premises shall have illegally in his possession, or under his control to offer to another, any controlled dangerous substance, nor shall the operator and/or owner-operator permit, suffer or allow such person on the licensed premises.

(h) No operator shall permit the operation of any amusement or entertainment machine or device between the hours of 0200 and 0900 hours.

(i) No operator shall permit, suffer or allow the unlawful sale or consumption of alcoholic beverages upon the licensed premises.

(j) The operator shall at all times maintain good order upon the licensed premises and shall not permit, suffer or allow any disturbance, congestion or loitering upon the licensed premises, and shall be required to provide a security guard on the premises for any such times as the machines or devices are in operation. Such security guard shall have no other duties but the supervision of those using the machines and any other persons gathered to observe the play on such machines, including those outside the premises. Such security guard shall be over twenty-one years of age and shall be in a uniform sufficient to identify that he is a security guard.

(k) No person shall by threats, promises or intimidation seek to control or direct the placement or removal of any machine or device or amusement or entertainment machine or device from the premises or location within the Town of Westfield, and any such

threat, promises or intimidation shall be reported immediately to the police department. (G.O. No. 567, § 8; G.O. No. 1302, § 1; G.O. No. 1347, § 1.)

Sec. 5-23. Application for license.

Application for an operator's and/or distributor's license shall be in writing, addressed to the town clerk and be filed in duplicate with the town clerk of the Town of Westfield. Such application shall set forth the following information:

- (a) Full name and address of applicant.
- (b) If applicant is an individual, the age, date and place of birth of applicant.
- (c) If applicant is a firm, partnership or association, the names and addresses, ages and places of birth of all member of the firm, partnership or association.
- (d) If the applicant if a corporation, the names and addresses, ages and places of birth of all officers and directors, and the names and addresses of all stockholders of said corporation owning ten percent or more of all the issued and outstanding capital stock of said corporation.
- (e) Prior criminal record, if any, of each applicant, of any jurisdiction.
- (f) Full description of all amusement games, coin-operated amusement games, machines and amusement machines and devices, including serial number, if any, name of manufacturer, place of manufacture and year of manufacture.
- (g) Place where the machines or devices are to be displayed and business is to be conducted or carried on.
- (h) Exact location of the machines or devices in the business premises as indicated on the floor plan, drawn to scale, which shall show all permanent or semi-permanent fixtures, shelves, etc., as established in the place of business, and said location of said machines or devices shall be such that it shall not interfere with the safe use of the premises by the patrons thereof. The application must contain the total number of square feet to which the applicant customarily invites or permits the public to occupy and use.
- (i) The name and address of the registered agent of the applicant or person upon whom service or process is authorized to be made. The aforesaid registered agent or person upon whom service of process is authorized shall be a resident of the State of New Jersey.
- (j) If the applicant is a corporation, there shall be included a corporate resolution in proper form authorizing the execution of the license application on behalf of the corporation.
- (k) Each application shall contain a certification, under oath, made by the applicant that the information contained in the application and all attachments thereto is complete, accurate and truthful to the best of his knowledge and belief.
- (l) Each application shall be accompanied by a deposit in cash or certified check to cover the annual license fee for one year in the amount hereinafter provided.
- (m) If the application is for more than five machines to be located on a single premises, all the aforesaid personal information must also be supplied for the proposed security guard. Such information must also be supplied for each replacement security guard prior to his employment in such premises.

The town clerk shall request a review of the applicant's criminal record, if any, and that of any proposed security guard by the police department. Violation of any section of

the Town Code or conviction of one or both of the applicants or the proposed security guard of a crime involving moral turpitude, possession or sale of a controlled dangerous substance or gambling related offenses, will constitute a basis for denial or the application or renewal thereof. Such conviction shall also bar any replacement security guard from being employed by such operator. (G.O. No. 1347, § 1)

Sec. 5-24. License fees; expiration of license.

(a) The annual fee for a distributor of any amusement game, machine or device shall be one hundred dollars for each machine licensed.

(b) The annual fee for an operator of any amusement game, machine or device, which shall include the premises where the game or games are located, shall be five hundred dollars for the first machine or device licensed and four hundred dollars for each additional machine licensed.

(c) A town decal will be provided and shall be attached in plain view on the amusement machine or device for which it was issued. Full fees shall be paid at every license application filing. There shall be no pro-rating of established fees and no refunds if a machine or machines are removed from a premises.

(d) All licenses shall be for a period of one year and shall expire one year from the date of issuance.

(e) All fees are to be paid by cash or certified check made payable to the town of Westfield. (G.O. No. 1347, § 1.)

Sec. 5-25. Re-issue of licenses after first application.

Upon expiration of the license first issued by the town council, the license may be renewed by the town clerk if all the requirements of this article are satisfied, without subsequent town council approval. The town clerk shall require the same review and inspection as with the initial application, and if the clerk is satisfied that the criteria set forth herein are complied with, shall issue a renewal license. An applicant for a renewal license which has been denied by the clerk may appeal such denial to the town council. (G.O. No. 1347, § 1.)

Sec. 5-26. Display of license.

(a) The license for the premises and each machine thereon shall at all times be publicly posted and displayed conspicuously in the immediate vicinity of the machines referred to therein. The license shall disclose the name of the manufacturer, serial number, name and post office address of the licensee, the name and post office address of the actual owner, and the name and post office address of the distributor, if any, of the machine or device, the amount of the license fee, and the amount of money required to operate the machine, the number of machines or devices the licensee is permitted to operate on the premises; and in addition thereto, any facts which may from time to time be required to be stated on the license, and shall briefly state that the machine or device has been licensed by the Town of Westfield for operation in the specific location where the machine or device is placed. (G.O. No. 1347, § 1.)

(b) The decal issued by the town clerk shall at all times be affixed to the machine or game.
(G.O. No. 1347, § 1.)

Sec. 5-27. Transferability.

Upon application to the town council, the council may, in their discretion, transfer a license from one premises to another or one licensee to another so long as the applicant has complied with all provisions of this ordinance. (G.O. No. 1347, § 1.)

Sec. 5-28. Revocation of license.

Every license issued hereunder is subject to revocation by the town council should the licensee, distributor and/or operator, distribute or operate any device or any amusement or entertainment machine or device contrary to the provisions of this article or any other law, ordinance, rule or regulation or fail to cooperate fully with any enforcement officer or agency. Any material misstatement or omission in the license application or in any information submitted therewith or the failure to notify the town clerk in writing of any changes by addition or deletion or amendment to the application or information during the term of any license or renewal shall constitute sufficient ground for revocation of the license. Such revocation shall be by the town council after a hearing. The licensee shall be given ten days notice of the hearing and such notice shall state the grounds therefor. At such hearing the licensee may submit relevant information in his own behalf and cross examine witnesses. (G.O. No. 1347, § 1.)

Sec. 5-29. Use of machines for gambling prohibited.³

No person shall use or permit to be used any of the machines or devices licensed under this article for the purpose of gambling. (G.O. No. 1347, § 1.)

Sec. 5-30. Seizure of machines or devices.

If the chief of police shall have probable cause to believe any device or any amusement or entertainment machine or device is used for gambling, such machine or device may be seized by the police department and impounded, and may be considered as contraband by law. (G.O. No. 1347, § 1.)

Sec. 5-31. Exempt groups and organizations.

All the provisions of this article requiring a distributor's and/or operator's license shall also apply to any church, fraternal or veterans' organization or other religious or charitable non-profit organization or governmental department or agency which operates any amusement or entertainment machine or device exclusively for the use of its members and the guests of such members and on premises owned or controlled by it;

³ As to gambling generally, see § 14-8 of this Code.

provided that upon application to the town council, the town council by resolution, may in its sole discretion, waive one-half the fees required by this article.

Sec. 5-32. Penalty.

Any person violating any provision of this article or failing to comply therewith shall be punished by imprisonment in the county jail or in any place provided by the Town of Westfield for the detention or prisoners for any term not exceeding ninety days, or by a fine not exceeding five hundred dollars or by both such imprisonment and such fine, and a separate offense shall be deemed committed on each day during or on which the violation or failure to comply occurs or continues. Upon conviction no licensee shall thereafter transact the business of distributing or operating amusement machines or devices in the Town of Westfield. (G.O. No. 1347, § 1.)

Article IV. Bowling Alleys.⁴

Sec. 5-33. License – Required.

No person shall open or conduct any public bowling alley within the town unless he shall have first obtained a license for such purpose. (1932 Revision, title 8, ch. 4, § 1; G.O. No. 1347, § II.)

Sec. 5-34. Same – Application; term; fees; renewal.

The town council may, at its discretion, grant a license to any person to conduct a bowling alley within the town for a term not exceeding one year from the date of such license, upon the presentation of a written application, signed by the applicant, setting forth the place or premises where he will maintain such bowling alley, which application shall have the endorsement in writing of at least ten reputable citizens and freeholders of the town. The fee to be paid for such license shall be at the rate of ten dollars per year for one alley and five dollars per year for each additional alley.

Upon the expiration date of the license initially issued by the town council, the license may be renewed by filing a renewal application form with the town clerk. The town clerk will request inspection of the licensed premises, operation or device by the affected departments in accordance with inspection schedules approved by the town council to assure compliance with all town codes on the part of the applicant. Violation of any section of any town code will constitute a basis of denial of the application for renewal. The town clerk shall also request a statement from the tax collector as to the tax records of the applicant. Delinquent taxes shall be noted on the application, and shall constitute a basis of denial of the application for renewal. Delinquent taxes are hereby defined as taxes due from previous years. Upon receipt of departmental reports certifying that the premises, operation or device conforms with all town codes, the town clerk shall issue a renewal of the license for the term as specified. The town clerk shall file a monthly report with the town council, listing the renewal licenses issued during the month. The report shall specify the following:

⁴ For state law authorizing town to license bowling alleys, see R.S., § 40:52-1.

1. The type of license.
2. Licensee.
3. Address of the licensee.
4. The amount of fees waived.

The town clerk shall also file a monthly report with the town council, listing the applications for renewal licenses which have been denied and the basis for the denial. (1932 Revision, title 8, ch. 4, § 2; G.O. No. 943, § 1; G.O. No. 1347, § II.)

Sec. 5-35. Same – New applications after original application rejected; disposition of fees; signatures.

Whenever the town council shall reject or refuse to grant the application for a license, the applicant whose application has been rejected shall not apply again for such license at any time within one year thereafter.

Before any license so granted shall be delivered to the applicant, the license fee shall be paid to the town clerk, who shall pay the same to the town treasurer.

All licenses granted under this article shall be signed by the mayor and town clerk. (1932 Revision, title 8, ch. 4, § 3; G.O. No. 1347, § II.)

Article V. Billiard Saloons.⁵

Sec. 5-36. Definitions.

The keeping of any table upon which billiards, the game called pool, or any other similar game is allowed to be publicly played shall constitute the keeping of a billiard saloon under this article. (1932 Revision, title 8, ch. 3, § 5; G.O. No. 1347, § II.)

Sec. 5-37. License – Required.

No person shall open or keep any public billiard saloon within the town unless such person shall have first obtained a license for such purpose. (1932 Revision, title 8, ch. 5, § 1; G.O. No. 1347, § II.)

Sec. 5-38. Same – Application; term; fees; renewal.

The town council may, at its discretion, grant a license to any person to keep a public billiard saloon within the town for any term not exceeding one year from the date of such license, upon the presentation of a written application therefor, signed by the applicant, setting forth the place or premises where he will keep his table, and the number and kind of tables which he proposes to use. Such application shall have the endorsement in writing of at least ten reputable citizens and freeholders of the town. The fees to be paid for such license shall be ten dollars for one table and five dollars for each additional table.

⁵ For state law authorizing town to license billiard saloons, see R.S., § 40:52-1.

Upon expiration date of the license initially issued by the town council, the license may be renewed by filing a renewal application form with the town clerk. The town clerk will request inspection of the licensed premises, operation or device by the affected departments in accordance with inspection schedules approved by the town council to assure compliance with all town codes on the part of the applicant. Violation of any section of any town code will constitute a basis of denial of the application for renewal. The town clerk shall also request a statement from the tax collector as to the tax records of the applicant. Delinquent taxes shall be noted on the application, and shall constitute a basis of denial of the application for renewal. Delinquent taxes are hereby defined as taxes due from previous years. Upon receipt of departmental reports certifying that the premises, operation or device conforms with all town codes, the town clerk shall issue a renewal of the license for the terms as specified. The town clerk shall file a monthly report with the town council, listing the renewal licenses issued during the month. The report shall specify the following:

1. The type of license.
2. Licensee.
3. Address of the licensee.
4. The amount of fees collected.

The town clerk shall also file a monthly report with the town council, listing the applications for renewal licenses which have been denied and the basis for the denial. (1932 Revision, title 8, ch. 5, § 2; G.O. No. 943, § 1; G.O. No. 1347, § II.)

Sec. 5-39. Same – New applications after rejection of original application; disposition of fees; signatures.

Whenever the town council shall reject or refuse to grant the application of any person for a license, such person shall not apply again for such license at any time within one year thereafter.

Before any license so granted shall be delivered to the applicant for the same, the license fee shall be paid to the town clerk, who shall pay the same to the town treasurer.

All licenses granted under this article shall be signed by the mayor and town clerk. (1932 Revision, title 8, ch. 5, § 3; G.O. No. 1347, § II.)

Sec. 5-40. Hours of operation.

Every person who may be granted a license under this article shall close his billiard saloon at 1:00 A.M. and remain closed until 6:00 A.M. the same day, except that on Saturdays, the same shall be closed at 12:00 Midnight and shall remain closed until 6:00 A.M. of the following Monday; provided, that the mayor or chairman of the police committee may grant permission to any licensee to keep his saloon open after hours on any particular named day except Sundays. (1932 Revision, title 8, ch. 5, § 4; G.O. No. 1347, § II.)

Article VI. Public Performances, Shows and Exhibitions.⁶

Sec. 5-41. License – Required.

No person shall, exhibit or cause to be shown or exhibited in any place in the town for any gain, price or reward, any beasts, animals or menagerie or any such like shows or exhibitions or any circus or exhibit any feats of activity or agility or any wrestling, boxing or sparring contest, match or exhibition or any traveling theatrical performance, or any such live show or exhibition without first obtaining a license to do so.

No owner, occupant or other person having or possessing the care of any house, building, room or lot of land within the town shall suffer or permit any such show, exhibition or performance mentioned in this section to be exhibited, acted, shown or performed for any price, gain or reward in his building or room or in or upon any lot of land, unless such owner, occupant or parties causing such show, performance or exhibition shall first obtain a written license to do so. (1932 Revision, title 8, ch. 6, §§ 1, 2; G.O. No. 1347, § II.)

Sec. 5-42. Same – Issuance; signatures; contents

Licenses for the purposes set out in this article, upon payment of the prescribed license fee, shall be granted by the town council, and shall be under the seal of the town, signed by the mayor and attested by the town clerk. In the absence of the mayor from town, the license may be signed by the chairman of the finance committee. Every license shall specify the place of such exhibition or performance and the time or number of days during which the license shall be valid. (1932 Revision, title 8, ch. 6, § 3; G.O. No. 1347, § II.)

Sec. 5-43. Same – Fees.

The following shall be the license fees to be paid to the town clerk by applicants for licenses under this article, upon receiving the license:

(a) For exhibiting any circus, menagerie or collection of wild beasts or animals or any like show or exhibition; the sum of one hundred dollars for one day and the sum of fifty dollars for each day thereafter.

(b) For a merry-go-round, carousel or musical instrument of similar nature; the sum of fifty dollars for each week or portion of a week.

(c) For the exhibiting of games, tricks, jugglery, sleight-of-hand or other feats of dexterity or any like shows of exhibition whatsoever; the sum of five dollar for the first and the sum of four dollars for each subsequent exhibition.

(d) For a theatrical, dramatic, operatic, vaudeville or moving picture performance; the sum of five dollars for the first and four dollars for each subsequent performance; except, that the town council may, by resolution, grant a license or any place for any such performances as are mentioned in this paragraph for a period of not exceeding one year.

⁶ For state law authorizing town to regulate the use of and to license theatres, see N.J.S.A. §§ 40:48-1, 40:52-1.

For state law as to boxing and wrestling exhibitions, see R.S. §§ 5:2-1 to 5:2-20.

The yearly license fee in such case shall be at the rate of twenty dollars per year for each one hundred seats of seating capacity where only moving pictures are exhibited, with an additional charge of one hundred dollars per year if vaudeville acts or specialties are exhibited in connection with moving pictures.

(e) For a license to conduct wrestling, boxing or sparring contests, matches or exhibitions; twenty-five dollars per year.

(f) Upon application duly made, the town council may, in its discretion, waive any of the fees herein set forth, when it shall determine that the applicant is a recognized civic or nonprofit organization active in the town, and that the licensed activity is in furtherance of a public purpose and is in the best interests and will be to the benefit of the citizens of the town. (1932 Revision, title 8, ch. 6, § 4; G.O. No. 1169, § 1; G.O. No. 1347, § II.)

Article VII. Miniature Golf Courses.

Sec. 5-44. License – Required.

No person shall maintain or operate any miniature golf course or any game of similar nature on any lot or in any building within the town without first obtaining a license for that purpose. (G.O. No. 480, § 1; G.O. No. 1347, § II.)

Sec. 5-45. Same – Fee; expiration date.

The fee for a license required by this article shall be fifty dollars per annum; except, that for a miniature golf course of more than eighteen holes, there shall be an additional charge of twenty-five dollars for each additional unit of nine holes or fraction thereof. Every such license shall expire on the first day of June in each year. (G.O. No. 480, § 2; G.O. No. 1347, § II.)

Sec. 5-46. Same – Revocation.

The town council shall have the right to revoke any license issued under this article for any violation of this article. (G.O. No. 480, § 6; G.O. No. 1347, § II.)

Sec. 5-47. Hours of operation.

The business of operating any miniature golf course or any game of similar nature on any lot or in any building within the town shall be closed at 12:00 Midnight of each day and shall remain closed until 7:00 A.M. the following morning, and shall not be open for business on the first day of the week commonly called Sunday. (G.O. No. 480, § 3; G.O. No. 1347, § II.)

Sec. 5-48. Loud noises and profanity prohibited; obstruction of sidewalks.

No person operating or maintaining any business referred to in this article shall permit shouting or the use of indecent or profane language or any other disturbance on or

in the premises occupied, and shall not obstruct any public sidewalk adjacent to the premises so occupied, or permit such sidewalk to be obstructed. (G.O. No. 480, § 4; G.O. No. 1347, § II.)