

ORDINANCE NO. O-5-11

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CITY CODE,
ENTITLED, "AMUSEMENT MACHINES," § 3-2, ENTITLED,
"LICENSING REQUIREMENTS", TO MAKE CORRECTIONS
AND TO REMOVE SPECIFIC TIMING FROM § 3-2(d), ENTITLED,
"LICENSING, REQUIREMENTS"

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg, in
public meeting assembled, that Chapter 3 of the City Code, entitled, "Amusement
Machines" is hereby amended to read as follows:

Chapter 3

AMUSEMENT MACHINES

* * * *

Sec. 3-1. "Coin-operated amusement machine" defined.

"Coin-operated amusement machine," as used in this chapter, shall mean a machine or device, whether mechanical, electrical or electronic, that may be played or operated by the insertion of a coin, slug, token or the payment of a fee by the public and on which games or devices of skill, chance, ability, amusement or entertainment are played, including pinball machines, video game machines and any machine imitating television games; electronic or mechanical, novelty or target games or similar games of amusement, skill or chance, but shall not include automatic vending machines, machines which play music or coin-operated amusement machines maintained for private use in a residence.

Sec. 3-2. Licensing requirements.

(a) No coin-operated amusement machines shall be maintained or operated unless and until the owner, occupant or operator of the premises within which such machines are located shall receive a license for the total number of machines to be operated or maintained on the premises from the city manager and pay the designated license fee as shall be established by resolution of the city council. Where the owner, occupant or operator of the premises is a corporate entity, licenses may be issued only to individuals who are officers of the corporation.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

(b) Application for a coin-operated amusement machine license for the total number of machines operated or maintained on the premises shall be made with the city manager, or his designee, on forms provided for this purpose. All applications for licenses shall state the following:

- (1) The name, address and telephone number of the applicant;
- (2) The name, address and telephone number of the person or entity owning the property upon which the machines are maintained, if other than the applicant;
- (3) The type of ownership of the business where the machine(s) will be located;
- (4) The name under which the business is to be conducted;
- (5) The business address and all telephone numbers where the business is to be conducted;
- (6) A description of the primary use of the property upon which the machine(s) will be located;
- (7) The name and residence address of the manager or other person principally in charge of the business or premises within which the machine(s) will be located;
- (8) The total number of machines to be licensed, their location and hours of operation;
- (9) Receipted bills or other satisfactory evidence that all city taxes, license fees and charges relating to the property, premises and business are paid in full for the current year or for the last year's billing;
- (10) A statement that the applicant will not violate the ordinances and regulations of the city or the conditions of the license and agrees to the entry upon the premises of authorized city employees to inspect for compliance with this chapter and Chapter 24 of this Code (Zoning Ordinance) and ensure and enforce compliance with laws, ordinances and regulations applicable within the city.

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(c) The owner, occupant or operator of the premises within which such machine is located shall, with the submission of any license application, pay a license fee for each machine determined by resolution of the city council.


(d) Licenses shall be renewed annually ~~in the month of January of each year,~~ and the premises upon which such machines are located shall be subject to inspection.

(e) Except in the instance of a sale, transfer or assignment to a co-licensee, spouse or partner in the subject business, no license shall be sold, transferred or assigned, unless approved by the city manager.

(f) Licenses shall be prominently displayed on the wall of the premises in plain view.

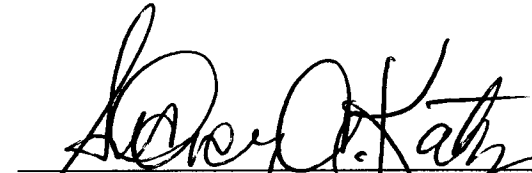
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ADOPTED this 3rd day of October, 2011, by the City Council of Gaithersburg, Maryland.



SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 3rd day of October, 2011. APPROVED by the Mayor of the City of Gaithersburg, Maryland this 3rd day of October, 2011.



SIDNEY A. KATZ, MAYOR

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THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 3rd day of October, 2011, and the same was APPROVED by the Mayor of the City of Gaithersburg on the 3rd day of October, 2011. This Ordinance will become effective on the 24th day of October, 2011.



ANGEL L. JONES, City Manager

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