

**BOROUGH OF WANAQUE, NEW JERSEY**  
**APPLICATION FOR LICENSE TO OPERATE AMUSEMENT MACHINES**

Application is hereby made to the Mayor and Council of the Borough of Wanaque for a license to operate an amusement machine for the year 20\_\_\_\_, in accordance with Ordinance #5-0-92.

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home/Cell Number: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
Business Telephone Number: \_\_\_\_\_  
Name and Address of Registered Agent: \_\_\_\_\_  
Type of Machine: \_\_\_\_\_ Manufacturer: \_\_\_\_\_  
Serial Number of Machine: \_\_\_\_\_  
Distributor's Name: \_\_\_\_\_  
Distributor's Telephone Number: \_\_\_\_\_

**NOTE: APPLICATION MUST BE ACCOMPANIED BY A COPY OF A VALID CERTIFICATE OF OCCUPANCY (C.O.) ISSUED TO THE PRESENT OWNER/OCCUPANT BY THE OFFICE OF CODE ENFORCEMENT OF THE BOROUGH OF WANAQUE.**

A PROPRIETOR'S LICENSE FEE SHALL BE TWO HUNDRED FIFTY DOLLARS (**\$250.00**) PER YEAR. A FEE OF ONE HUNDRED FIFTY DOLLARS (**\$150.00**) PER MACHINE FOR ONE (1) TO FOUR (4) MACHINES OR DEVICES ANNUALLY OR FOR ANY PART OF THAT ANNUAL PERIOD WHICH SHALL COMMENCE JANUARY 1 AND CONCLUDE DECEMBER 31 OF THE CALENDAR YEAR. A FEE OF \$125 PER MACHINE SHALL BE CHARGED FOR (4) TO (10) MACHINES AND \$100 PER MACHINE THEREAFTER. A FEE OF TWENTY-FIVE DOLLARS (**\$25.00**) PER JUKEBOX.

**ARCADES** – SEE ORDINANCE #5-0-92, CHAPTER 49-14. A FEE OF ONE HUNDRED TWENTY FIVE DOLLARS (**\$125.00**) PER MACHINE FOR FOUR (4) TO TEN (10) MACHINES AND ONE HUNDRED (**\$100.00**) PER MACHINE THEREAFTER.

I hereby certify that the above information is correct and true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Applicant)

**Note:** Your sticker must be placed on machine in a prominent place so that the Police Department can readily identify same.

I hereby certify that I have investigated the above applicant and inspected the premises according to Ordinance #5-0-92 and do hereby  approve  disapprove the granting of this license herein applied for.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Chief of Police

I hereby certify that I have investigated the above applicant and inspected the premises according to Ordinance #5-0-92 and do hereby  approve  disapprove the granting of this license herein applied for.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Fire Official

APPROVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WANAQUE, NEW JERSEY, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

**ORDINANCE 5-0-92**  
**CHAPTER 49-4 GENERAL REGULATIONS**

- A. The proprietor shall not permit, suffer, or 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.
- B. No person on the licensed premises shall have illegally in his possession or under his control or offer to another any habit-forming drug, nor shall the proprietor permit, suffer, or allow any such person on the licensed premises.
- C. No proprietor shall permit, suffer, or allow the unlawful sale or consumption of alcoholic beverages on the licensed premises.
- D. No proprietor shall permit the operation of any amusement or entertainment machine or device during the hours when the taverns in the Borough of Wanaque are closed, or between 3:00 A.M. and 7:00 A.M. on week days and between 3:00 a.m. and 11:00 A.M. on Sundays, New Year's Day, except as provided by Section 49-8 of the Code of the Borough of Wanaque.
- E. The proprietor 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.
- F. No device shall be operated in such a manner as to be heard outside.
- G. No song shall be played or words spoken on any device which violates the obscenity law of New Jersey.
- H. No device shall be permitted to cause any unnecessary or unwanted noise or commotion nor otherwise interfere with the public health, welfare and morals.
- I. No proprietor shall offer or permit to be offered any prize or other award to any person playing any device.
- J. No device shall be located in a so-called back room nor in any part of the licensed premises which is not open to the public.
- K. No licensed premises shall be without adequate sanitary facilities nor contain any fire, safety or health hazards.
- L. No licensee nor any of his agents, officers or servants shall by threats, promises or intimidation, seek to control or direct the placement or removal of any device to control the placement of any such device from any location within the Borough of Wanaque, and any such threats, promises or intimidation shall be reported immediately to the Police Department and to the License Inspector.
- K. No licensed premises shall be without adequate sanitary facilities nor contain any fire, safety or health hazards.
- L. No licensee nor any of his agents, officers or servants shall by threats, promises or intimidation, seek to control or direct the placement or removal of any device to control the placement of any such device from any location within the Borough of Wanaque, and any such threats, promises or intimidation shall be reported immediately to the Police Department and to the License Inspector.
- M. No licensee shall neglect, or fail to report promptly, to the Police Department and License Inspector, any violation of any law or ordinance occurring on the licensed premises, nor shall any licensee neglect or fail to report promptly to the Wanaque Borough Clerk any conduct or activity prohibited by this Chapter.
- N. Each licensee, distributor and/or proprietor shall promptly report, in writing, to the Wanaque Borough Clerk, any change or addition or deletion of the information furnished on the license application and all material attached thereto, and this obligation shall be fully met during the term of any license or the renewal thereof.
- O. No licensee shall refuse to cooperate fully with the Wanaque Borough Clerk or any law enforcement officer or agency, nor shall any such licensee, operator and/or owner operator refuse to produce and make available all records relating to the purchase or distribution of such devices. No such licensee and/or operator shall refuse access to its premises to the Wanaque Borough Clerk nor to any member of the Departments of Police, Fire, Health, nor to the Building Inspector, Zoning Officer, or Building Sub-Code Inspector, nor any law enforcement officer or agency.

All Mechanical amusement devices licensed by the Borough of Wanaque must be available at all times during licensure for internal inspection by an authorized representative of the licensing division. No mechanical amusement device shall be fastened, locked or secured in such a fashion that the licensee or person in charge of the licensed premises cannot immediately provide access to the internal components of said machine upon the above request.

- P. No person or business entity shall have more than four (4) amusement and/or entertainment machines or devices as defined in Section 49-I without complying with those restrictions which pertain to arcades.
- Q. No person shall operate an arcade without obtaining a Certificate of Use Occupancy therefor from the Wanaque Planning Board.

## Chapter 49

### AMUSEMENT DEVICES AND VENDING MACHINES

#### GENERAL REFERENCES

Gambling devices prohibited in licensed Zoning — See Ch. 114.  
premises — See Ch. 47.

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#### § 49-1. Definitions.

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

AMUSEMENT AND ENTERTAINMENT MACHINES OR DEVICES — Any machine, contrivance or device which, upon the insertion of a coin, slug, token, disc or key into a slot, crevice or other opening, or by the payment of any price, operates or may be operated by the public generally and shall include, without limitation, such devices as marble machines, pinball machines, mechanical games or machines, skillball, music devices which emit songs, music or similar amusement and shall also mean jukeboxes, pool or billiard tables and bowling alleys.

ARCADE — Any establishment or premises in which more than four amusement and entertainment machines or devices shall be kept, placed or exhibited.

DISTRIBUTOR — Any person who supplies, offers or exhibits for sale, leases, sells or distributes automatic amusement devices to any other person.

PERSON — Any individual, firm, corporation, partnership, association or entity.

PREMISES — Any building, business, store, restaurant, tavern or other place to which the public is invited or may enter.

PROPRIETOR — Any person who owns, leases, rents or operates any premises on or at which any automatic amusement device is kept, placed or exhibited for use or operation by the public.

#### § 49-2. Distributor's license required; procedure.

- A. No person shall supply, offer or exhibit for sale, lease, sell or distribute any automatic amusement device in the Borough of Wanaque without first obtaining a distributor's license.
- B. The application for said license shall be made in duplicate and shall contain the following information:
  - (1) The name, date and place of birth, home address and business address, home telephone number and business telephone number

of the applicant and each of its stockholders, officers and officers and directors holding in excess of 10% of its stock.

- (2) The name and address of the registered agent of the applicant or person upon whom service of process is authorized to be made.
  - (3) The name, date and place of birth, home address and home telephone number of the manager or other authorized agent of the applicant who shall be in charge of or conduct the business of the applicant within the Borough of Wanaque.
  - (4) 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. The application must be accompanied by a certificate of compliance issued by the Wanaque Borough Zoning Officer to the present owner/occupant. **[Amended 10-20-1992 by Ord. No. 14-92-92]**
  - (5) The application shall contain a certification under oath, made by the applicant or its authorized representative, that the information contained in the application and all attachments thereto is complete, accurate and truthful to the best of his knowledge and belief.
- C. The Wanaque Borough Clerk shall promptly forward a copy of the application and accompanying materials to the Chief of the Police Department for investigation, review and report. Such report shall be sent to the Wanaque Borough Clerk, who, in accordance with the standards and requirements set forth herein, may grant the license or refuse the license. If the license is granted, the Wanaque Borough Clerk shall forthwith issue the license upon payment of the licensing fee.
- D. The Wanaque Borough Clerk shall ensure that the license application and all attachments thereto are complete and those persons whose names are required to be disclosed on the application are all persons capable of owning, controlling and/or operating machines or devices within the Borough of Wanaque in a manner consistent with the public safety, morals and general welfare of the community; that those persons whose names are required to be disclosed on the license application can reasonably be expected to own, control, manage or operate the proposed business in accordance with all applicable laws, ordinances, rules and regulations and free from any gambling, illegal or immoral activity and free of unnecessary and unwanted noise or commotion; that no criminal element is in direct or indirect control of management of the business of the applicant; that the granting of the application and issuance of the license will promote a fair and competitive market for the distribution of such devices within the Borough of Wanaque; that the granting of the application and issuance of the license has been done after the applicant has properly executed all agreements and consents required by this chapter and has agreed to conduct its

business in accordance with all requirements of this chapter and all other applicable laws, ordinances, rules and regulations.

- E. No license shall be granted for any mechanical amusement device which is to be used for the purpose of gambling. For the purpose of this chapter, a mechanical amusement device, the operation of which is based in any part on random chance or random assignment of numbers and the operation of which does not require more than minimal skill or hand-eye coordination, shall be presumed to be intended to be utilized for gambling purposes. By way of clarification, but not limitation, mechanical amusement devices used for the purpose of gambling shall be deemed to include the following:
- (1) Mechanical amusement devices known as "joker poker," or any similar mechanical amusement devices displaying playing cards; "keno" or similar mechanical amusement devices displaying a number board where numbers are designated by random; "horse racing"; "roulette"; "dice"; "lucky lines"; "cherry master"; or any similar mechanical amusement devices styled after a slot machine with a rolling display or circular wheel on which are depicted symbols; and "lotto" or lotto-type machines.
  - (2) Any mechanical amusement device which does not have an operable slot or receptacle for the insertion of coin or paper money.
  - (3) Any mechanical amusement device with buttons or controls labeled "double up" or "bet."
  - (4) Any mechanical amusement devices which can be controlled or operated from a remote location by other than the individual operator.
  - (5) Any mechanical amusement device readily capable of being converted by the internal technology of the mechanical amusement device to machines such as set forth in Subsection E(1) above, including but not limited to dual-screen machines.

**§ 49-3. Proprietor's license required; procedure.**

- A. No person shall keep, place or exhibit any automatic amusement device for use or operation by the public on or at any premises in the Borough of Wanaque without first obtaining a proprietor's license for such premises.
- B. Application.
- (1) The application shall contain the following information:
    - (a) The name, date and place of birth, home address and business address, home telephone number and business telephone number of the applicant.

- (b) The name and address of the registered agent of the applicant or person upon whom service of process is authorized to be made.
  - (c) The type, manufacturer and serial number of each device.
  - (d) The name and number of the distributor of each amusement or entertainment machine or device sought to be operated.
- (2) The application must be accompanied by a copy of a valid certificate of occupancy (CO) issued to the present owner/occupant by the Office of Code Enforcement of the Borough of Wanaque.
- C. The Borough Clerk shall promptly forward a copy of the application and accompanying materials to the Chief of the Police Department and the Fire Department for investigation, review and report. Such reports shall be sent to the Wanaque Borough Clerk, who, in accordance with the standards and requirements set forth herein, may grant the license or refuse the license. If the license is granted, the Wanaque Borough Clerk shall forthwith issue the license upon payment of the licensing fee.
- 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 chapter or any ordinance of the Borough of Wanaque.
- E. A proprietor's license shall not be transferred or assigned. Specifically, but not by way of limitation, a proprietor's license shall not run with the premises, nor shall sale of the premises effectuate a transfer of the license.

#### **§ 49-4. General regulations.**

- A. The proprietor shall not permit, suffer or 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.
- B. No person on the licensed premises shall have illegally in his possession or under his control or offer to another any habit-forming drug, nor shall the proprietor permit, suffer or allow any such person on the licensed premises.
- C. No proprietor shall permit, suffer or allow the unlawful sale or consumption of alcoholic beverages on the licensed premises.
- D. No proprietor shall permit the operation of any amusement or entertainment machine or device during the hours when the taverns in the Borough of Wanaque are closed, or between 3:00 a.m. and 7:00 a.m. on weekdays and between 3:00 a.m. and 11:00 a.m. on Sundays and

New Year's Day, except as provided by § 49-11 of the Code of the Borough of Wanaque.

- E. The proprietor 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.
- F. No device shall be operated in such a manner as to be heard outside.
- G. No song shall be played or words spoken on any device which violates the obscenity law of New Jersey.
- H. No device shall be permitted to cause any unnecessary or unwanted noise or commotion nor otherwise interfere with the public health, welfare and morals.
- I. No proprietor shall offer or permit to be offered any prize or other award to any person playing any device.
- J. No device shall be located in a so-called "back room" or in any part of the licensed premises which is not open to the general public.
- K. No licensed premises shall be without adequate sanitary facilities or contain any fire, safety or health hazard.
- L. No licensee nor any of his agents, officers or servants shall, by threats, promises or intimidation, seek to control or direct the placement or removal of any device or to control the placement of any such device from any location within the Borough of Wanaque, and any such threats, promises or intimidation shall be reported immediately to the Police Department and to the License Inspector.
- M. No licensee shall neglect or fail to report promptly to the Police Department and License Inspector any violation of any law or ordinance occurring on the licensed premises, nor shall any licensee neglect or fail to report promptly to the Wanaque Borough Clerk any conduct or activity prohibited by this chapter.
- N. Each licensee, distributor and/or proprietor shall promptly report, in writing, to the Wanaque Borough Clerk any change or addition or deletion of the information furnished on the license application and all material attached thereto, and this obligation shall be fully met during the term of any license or the renewal thereof.
- O. No licensee shall refuse to cooperate fully with the Wanaque Borough Clerk or any law enforcement officer or agency, nor shall any such licensee, operator and/or owner-operator refuse to produce and make available all records relating to the purchase or distribution of such devices. No such licensee and/or operator shall refuse access to its premises to the Wanaque Borough Clerk or to any member of the Departments of Police, Fire or Health or to the Building Inspector, Zoning Officer or Building Subcode Inspector or any law enforcement officer or agency.

- P. All mechanical amusement devices licensed by the Borough of Wanaque must be available at all times during licensure for internal inspection by an authorized representative of the licensing division. No mechanical amusement device shall be fastened, locked or secured in such a fashion that the licensee or person in charge of the licensed premises cannot immediately provide access to the internal components of said machine upon the above request.
- Q. No person or business entity shall have more than four amusement and/or entertainment machines or devices as defined in § 49-1 without complying with those restrictions which pertain to arcades.
- R. No person shall operate an arcade without obtaining a certificate of use occupancy therefor from the Wanaque Planning Board.

#### **§ 49-5. Fees.**

- A. The following annual licensing fees shall be paid to the Borough of Wanaque:
  - (1) A distributor's license fee shall be as follows:
    - (a) A fee of \$250 for one to nine machines per year.
    - (b) A fee of \$750 for 10 or more machines per year.
  - (2) A proprietor's license fee shall be \$250 per year.
  - (3) A fee of \$150 per machine shall be charged for one to four machines or devices annually or for any part of that annual period which shall commence January 1 and conclude December 31 of the calendar year. A fee of \$125 per machine shall be charged for four to 10 machines and \$100 per machine thereafter.
  - (4) A fee of \$25 per jukebox shall be charged annually or for any part of that annual period which shall commence January 1 and conclude December 31 of the calendar year.
- B. All fees due the initial year following enactment shall be prorated on a monthly basis.

#### **§ 49-6. Contents of license; payment of fees; expiration.**

- A. Each license, when issued, shall designate the number, type and serial number of machines or devices operated hereunder.
- B. Each such license shall bear a number, and the number of that license shall be placed in some permanent way upon each machine or device operated or distributed under this chapter.
- C. All license fees shall be paid to the Borough of Wanaque prior to the issuance of the license, and all licenses shall expire on December 31 next succeeding the date of issuance.



**§ 49-7. Display of license; transferability.**

- A. Each license issued shall be posted prominently and conspicuously in the licensed premises.
- B. Any such license may be amended to evidence the transfer from one machine or device to another similar device, upon application to the Wanaque Borough Clerk, giving a description by type, manufacturer and serial number of such other machine or device.
- C. A license shall not be transferable from person to person or place to place. The license shall be valid only for the licensee at the place designated on the license.
- D. A fee in the amount of \$25 shall be paid for each such license transfer to the Wanaque Borough Clerk.

**§ 49-8. Revocation of license; hearing.**

- A. Every license issued hereunder is subject to revocation if any of the following things occur:
  - (1) The violation of any of the provisions of this chapter.
  - (2) Any misstatement or omission in the license application or in any information submitted therewith or the failure to notify, in writing, the Wanaque Borough Clerk of any changes by addition or deletion or amendment to said application or information during the term of said license or renewal.
- B. The determination on revocation shall be made by a license panel of three persons who shall hold a hearing with respect thereto. The panel shall consist of the Business Administrator, the Wanaque Borough Clerk and another person appointed by the Mayor.
- C. Prior to revoking any such license, the licensee shall be given such a hearing, in the event that such a hearing is requested, after notice of the right to such a hearing is given by the Wanaque Borough Clerk. The licensee shall be given 10 days' notice of said hearing, or more, and such notice shall state the ground or grounds therefor. At such hearing, the licensee may submit relevant information on his behalf. The rules of evidence shall not apply to such hearing, but each party shall have the opportunity to present his/her side of the case and to be represented by counsel. Any appeal from the decision of said panel shall be to the Superior Court of New Jersey.

**§ 49-9. Seizure of devices.**

- A. If a police officer of the Police Department, or other law enforcement officer with the authority to act within this jurisdiction, shall have probable cause to believe that any mechanical amusement machine/device is used for gambling, or if a mechanical amusement machine/

device is prohibited pursuant to § 49-2E above, such machine/device may be seized and removed from the premises by the Police Department or its authorized personnel, or other law enforcement officer with the authority to act within this jurisdiction, and impounded and considered contraband. As an alternative to the seizure and removal of the machine/device as a whole, a police officer may remove from the device such internal components as will disable the machine/device. If possible, those removing the machine/device shall provide the person in charge of the premises with a report to be filed with the Police Department, noting any obvious damage to the property. Thereafter, any person aggrieved thereby may demand a hearing, in writing, directed to the Wanaque Borough Clerk.

- B. If a police officer of the Police Department, or other law enforcement officer with the authority to act within this jurisdiction, shall have probable cause to believe that any mechanical amusement machine/device is unlicensed, however, not being used for gambling, nor prohibited pursuant to § 49-2E, then such a machine/device shall not be subject to immediate seizure. In such a case, the police officer shall advise the person in charge of the premises that the license fee for the machine/device must be paid and a license for the machine/device obtained within a three-day period. If such a license is not obtained within the three-day period, a police officer may seize and remove such machine/device from the premises. As an alternative to the seizure and removal of the machine/device as a whole, a police officer may remove from the device such internal components as will disable the machine/device. If possible, those removing the machine/device shall provide the person in charge of the premises with a report to be filed with the Police Department, noting any obvious damage to the property. Thereafter, any person aggrieved thereby may demand a hearing, in writing, directed to the Wanaque Borough Clerk.
- C. After seizure, any person aggrieved may demand a hearing as provided hereinabove and shall be given a hearing within 10 days from the date of such demand. In the event that the panel established in § 49-8B finds that the seizure was justified under the provisions of this chapter, the machine/device shall not be released until proper ownership and/or licensing fees are paid and property presented, together with a removal/storage charge of \$100 per machine/device seized. In the event that only the internal components of the machine/device were seized, the removal/storage charge per machine/device will be \$25. In the event that said panel finds that the seizure was unjustified, the machine/device shall be returned to the person from whom they were seized forthwith, but such person shall have no further remedy against the Borough of Wanaque.
- D. If no person makes a claim to a seized machine/device within 120 days from the date of seizure, said machine/device may be destroyed or otherwise disposed of in accordance with state statute or local ordinance.

**§ 49-10. Exemptions.**

The provisions of this chapter requiring a proprietor's license shall not apply to any church, fraternal or veterans organization, religious or charitable organization or municipal agency which operates any machine or device exclusively for the use of its premises owned or controlled by it. This provision does not exempt any social club from the requirements of this chapter.

**§ 49-11. Hours of operation; location restrictions.**

- A. Amusement devices shall not be operated after 3:00 a.m. and before 7:00 a.m.
- B. Any and all coin-operated machines in excess of three in any one establishment may not be located within 500 feet of the building line of any nearby public school, private school or house of worship. It is the function of this restriction to eliminate the potential of establishments having three or more coin-operated machines for amusement within approximate distance of public schools, private schools and houses of worship, to remove any potential enticement to school students to in any way avoid obligations at the schools or houses of worship while at the same time playing and participating in use of coin-operated machines nearby within the school distances.

**§ 49-12. Applications to be kept on file.**

The owner of any premises in which a license for one or more amusement devices or machines is required shall be required to keep on file each application for a license for amusement and/or entertainment machines or devices. Such information shall be kept on file in an orderly fashion in a location known to all owners of said premises and personnel who are employed in said premises. Upon request by any law enforcement official of the Borough of Wanaque, any owner of said premises or any employee at said premises shall furnish such information to said law enforcement official.

**§ 49-13. Compliance with other provisions.**

Every person seeking licensure hereunder shall comply with all state statutes, municipal ordinances and regulations, Building and Fire Code regulations and Zoning Code<sup>1</sup> requirements, as well as all other statutes and regulations prior to receiving a license or licenses hereunder.

**§ 49-14. Arcades.**

Amusement device arcades shall be subject to the following regulations, which shall be in addition to any other regulations imposed by this chapter:

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1. Editor's Note: See Ch. 67A, Construction Codes, Uniform; Ch. 73, Fire Prevention; and Ch. 114, Zoning.

- A. It is the policy of the Borough of Wanaque to limit arcades throughout the municipality to a total number of locations of 10. Nothing in this provision shall be construed to impair or diminish the rights of any existing arcade, subject to its obligations to comply with the terms of this chapter in general and these provisions where applicable.
- B. An "arcade," within the meaning of this provision, shall be construed to be in any location which has more than four machines in any one given location.
- C. No future arcades will be allowed within 500 feet of the building line of any existing school or house of worship within the municipality.
- D. Prior to consideration for the allowance of an arcade, the applicant must present to the Wanaque Borough Clerk for investigation by the various departments of the Borough of Wanaque, Code Enforcement, Fire Prevention, Police and Fire, a scheme or plan setting forth and showing precisely what provisions are made for off-street parking and compliance in general with any and all zoning ordinances and regulations. The Code Enforcement, Zoning Officer, Fire Prevention and Police and Fire Departments shall respectively investigate such premises and facilities to assure themselves that the proposed compliance with off-street parking and the other provisions of the zoning and planning regulations, as well as any other police and fire regulations, are in compliance.
- E. The following annual licensing fees shall be paid to the Borough of Wanaque:
  - (1) A distributor's license fee shall be as follows:
    - (a) A fee of \$250 for one to nine machines per year.
    - (b) A fee of \$350 for 10 to 19 machines per year.
    - (c) A fee of \$450 for 20 to 29 machines per year.
    - (d) A fee of \$550 for 30 to 39 machines per year.
    - (e) A fee of \$650 for 40 to 49 machines per year.
    - (f) A fee of \$750 for 50 to 59 machines per year.
  - (2) A proprietor's license fee shall be \$250 per year.
  - (3) A fee of \$35 shall be charged per machine for one to four machines or devices annually, or for any part of that annual period which shall commence January 1 and conclude December 31 of the calendar year.
  - (4) A fee of \$25 shall be charged per jukebox annually, or for any part of that annual period which shall commence January 1 and conclude December 31 of the calendar year.

- (5) A fee of \$15 shall be charged for each transfer of a license from one machine or device to another similar device.
- F. In the event that there is a finding by any of the above agencies that the same is not in compliance, the aggrieved applicant shall be allowed a hearing before the Wanaque Borough Council, or a designated group called a "hearing panel" consisting of members less than the full Council, in the event that they are aggrieved by a determination involving an application. The right to a hearing shall be allowed if the aggrieved applicant, within 10 days of the receipt of notification of any denial to such applicant under any of the provisions stated above, shall notify the Wanaque Borough Clerk of his request and demand for a hearing.
- (1) Within 30 days from the time of such request, or as convenient to the parties in the event, circumstances prevent such a hearing, the Wanaque Borough Clerk shall notify all parties and set and fix a date for a hearing concerning the matter, as a result of which the matter can be heard for a final determination.
  - (2) The aggrieved applicant shall be required to furnish a statement of reasons why it feels aggrieved concerning the denial of the application.
  - (3) The person aggrieved shall have the right, upon written request within 15 days, to receive from the Wanaque Borough Clerk any and all police reports, investigation reports or other circumstances which form the basis for the denial for the license in the first place.
  - (4) At the hearing, both parties will be permitted to present evidence, the aggrieved person presenting their evidence first, and the agency denying the license shall present its evidence, whereupon the matter will be decided by the Borough Council or the Board being given direct authority to hear and determine such issues.
  - (5) If the determination is by a Board hearing the matter, the aggrieved shall have the right to have the Wanaque Borough Council review such determination.
- G. Any existing arcades, as well as any and all future arcades to be licensed under this provision, shall, as a precondition to securing a right of license to operate an arcade, make adequate provision to assure the presence of internal security within the premises to assure and allow compliance in full with any and all of the ordinances for the Borough of Wanaque, as well as observance of any and all laws of the State of New Jersey.

#### **§ 49-15. Violations and penalties.**

Any person violating any provision of this chapter or failing to comply therewith may be punished by imprisonment not exceeding 90 days or by a fine not exceeding \$500, or by both imprisonment and fine, and a

separate offense shall be deemed committed on each day during or on which the violation or failure to transact the business of distributing occurs or continues. Upon conviction, no licensee shall thereafter transact the business of distributing or operating within the Borough of Wanaque.

**§ 49-16. Severability.**

Every provision of this chapter shall be severable from every other provision, and the invalidity of any section, paragraph, clause, provision or phrase shall not invalidate the remainder or any portion of the remainder of this chapter.