

**PUBLIC NOTICE
TOWN OF CHARLESTOWN**

Notice is hereby given that the following ordinance was adopted by the Town Council of the Town of Charlestown after a public hearing, duly advertised and posted, held on March 11, 2024.

**ORDINANCE NO. 411
AN ORDINANCE AMENDING CHAPTER 78 Amusement Devices**

Section 1. The Town Council of the Town of Charlestown hereby ordains that Chapter 78 of the Code of Ordinances, Town of Charlestown is amended as follows:

See Exhibit A for a full version of the proposed amendments and for a full understanding of the proposed amendments.

Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to be **added** to the ordinance.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Charlestown's Code of Ordinances.

Section 3. This ordinance shall take effect immediately upon passage.

Attested To By:
Amy Rose Weinreich, CMC Town Clerk

Passed By Town Council On:
March 11, 2024

Advertised in the Westerly Sun: March 18, 2024

Exhibit A

Chapter 78 Amusement Devices ~~Reserved~~

§ 78-1 – 11 Reserved.

§ 78-1 License required:

~~Any person displaying for public patronage or keeping for operation any mechanical and/or electronic amusement device(s) as herein defined shall be required to obtain a license from the town for each and every such machine.~~

§ 78-2 Definitions:

~~As used in this chapter, unless the context otherwise indicates, the following terms shall have the respective meanings ascribed to them:~~

MECHANICAL AND/OR ELECTRONIC AMUSEMENT DEVICE(S)

~~Any machine which, upon the insertion of a coin, slug, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical and/or electronic grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.~~

PERSON

~~Includes a corporation, firm, partnership, association, organization, club, society, body corporate or politic, or any other group acting as a unit, as well as a natural person, including the following: any person who owns any such machine, the person in whose place of business any such machine is placed for use by the public and any person having control over such machine.~~

§ 78-3 Gambling devices:

~~Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law.~~

§ 78-4 Application for license:

~~Application for such license shall be made to the Town Council upon a form to be supplied by the Town Clerk for that purpose. The application shall contain the following information:~~

- ~~A. — Name, address and date of birth of applicant.~~
- ~~B. — Prior arrests and convictions of applicant, if any.~~
- ~~C. — Place where machine or device is to be displayed or operated and the business conducted at that place.~~
- ~~D. — Name and address of the owner of the machine or device.~~
- ~~E. — Description of machine to be covered by the license, mechanical/electronic features, name of manufacturer, serial number and such additional information as may be required from time to time.~~

§ 78-5 Age of applicant:

~~No license shall be issued to any applicant unless he shall be over twenty one (21) years of age.~~

§ 78-6 Investigation of applicant by Police Chief.

Application for such license shall be made out in duplicate, and one (1) copy shall be referred to the Chief of Police. The Chief of Police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character and either recommend approval or disapproval of the application.

§ 78-7 License fees.

Every applicant, upon being granted a license for the privilege of operating or maintaining for operation any mechanical and/or electronic amusement devices as defined herein, shall pay an annual fee to be set by ordinance by the Town Council per machine for up to three (3) such machines, and the fee for each additional machine shall be as set by ordinance of the Town Council.

§ 78-8 Posting of license.

The license herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

§ 78-9 Transferability.

Such license may be transferred from one (1) machine or device to another similar machine upon application to the Town Council to such effect and the giving of a description and the serial number of the new machine or device. Not more than one (1) machine shall be operated under one (1) license, and the applicant or licensee shall be required to secure a license for each machine displayed or operated by him. If the licensee shall move his place of business to another location within the town, the license may be transferred to such new location within the town, the license may be transferred to such new location upon application to the Town Council, giving the street and number of the new location. The new location shall be investigated by the Chief of Police in the same manner as provided in § 78-6 above.

§ 78-10 Revocation.

Every license issued under this chapter is subject to the right which is hereby expressly reserved to revoke the same should the licensee, directly or indirectly, permit the operation of any mechanical/electronic device contrary to the provisions of this chapter, other ordinances of the town or the laws of the state, including the use of such device by any minor under the age of eighteen (18) years. Said license may be revoked by the Town Council after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten (10) days' notice of the hearing shall be given the licensee. At such hearing, the licensee and his attorney may present and submit evidence and witnesses in his defense.

§ 78-11 Penalties for offenses. [1]

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished, for each violation, by a fine of not more than five hundred dollars (\$500.) or by imprisonment for not more than thirty (30) days. The continuation of a violation of any provision of this chapter shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.