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# Chapter 65

## Amusement Devices

**[HISTORY: Adopted by the City Council of the City of Saratoga Springs 6-4-1996. Amendments noted where applicable.]**

### GENERAL REFERENCES

Curfew — See Ch. **96**.

Entertainment — See Ch. **109**.

Games of chance — See Ch. **123**.

Peace and good order — See Ch. **162**.

Zoning — See Ch. **240**.

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### § 65-1 Definitions.

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

#### **COIN-CONTROLLED AMUSEMENT DEVICE**

Any mechanical or electronic device used or designed to be operated for amusement or recreation by the insertion of a coin, by the payment of money or by the payment of any other consideration, except for coin-controlled mechanical or electronic music machines of the type commonly known as "jukeboxes."

#### **DISTRIBUTE**

One or more individuals, a partnership, a company, an association of persons or a corporation who or which allows or permits a coin-operated amusement device owned by another to be placed, distributed or located in his place of business under his control.

#### **OPERATOR**

One or more individuals, a partnership, a company, an association of persons or a corporation who or which owns, places, distributes or locates in any place, other than his own place of business, a coin-controlled amusement device.

#### **OWNER**

Any one or more individuals, a partnership, a company, an association of persons or a corporation who or which actually owns and has title to any coin-controlled amusement device and who or which receives all the profits from the operation of such device or machine used and operated in his own place of business.

#### **PERSON**

One or more individuals, a partnership, a company, an association of persons or a corporation.

### § 65-2 Approval and license required.

A. Notwithstanding any other provision of this chapter, no person shall place or deliver for use or permit the use of any coin-controlled amusement device upon any premises in the City of Saratoga Springs

until:

- (1) The location of the establishment or premises where the devices shall be located shall have been approved by the Commissioner of Public Safety and the Commissioner of Accounts.
  - (2) A license in accordance with this section to use or permit the use of such device upon any premises within said City has been obtained from the Commissioner of Accounts by the owner or operator of such device.
- B. No license shall be granted for any establishment or premises where such device is to be operated if located within 500 feet of the lot lines of a public or private school, unless otherwise approved by the Commissioner of Accounts.

**§ 65-3 Application for license.**

- A. The owner or distributor of any such coin-controlled amusement device who desires to distribute or place any such device for use shall make application to the Commissioner of Accounts for such permission upon blanks to be furnished by him, giving the following information:
- (1) The name and address of the owner or distributor and such additional information as the Commissioner of Accounts may require.
  - (2) The location of the establishment where the device or devices are to be located, the business name of the establishment (if applicable) and the number of devices to be located at that establishment.
  - (3) The name and residence of the person having responsible charge of the premises upon which the device is proposed to be located for use and the location of said premises by street and number.
- B. The Commissioner of Accounts may require such further information as he may deem reasonably necessary. In addition, the Commissioner of Accounts shall have the authority to require a fire inspection in appropriate cases where such inspection would not otherwise be required.

**§ 65-4 Issuance of license.**

The Commissioner of Accounts, upon the receipt of any such application, may issue a license to the applicant to place and permit the use upon the premises designated in the application of the coin-controlled amusement device described therein, in the manner therein specified and in accordance with the provisions of this chapter.

**§ 65-5 Fees; expiration of license.**

- A. The Commissioner of Accounts shall not issue a license hereunder until the [sum of \$30]fee for each licensed device shall have been paid to the City of Saratoga Springs for each device up to and including 10 in number. If more than 10 machines or devices are to be licensed, then the total fee shall [to] be [paid-shall be \$300]calculated, plus an additional surcharge [\$25] per device licensed for said premises after number 10. For licenses issued after July 1 in any year, the license fees shall be 50% of those heretofore stated in this subsection.
- B. All licenses issued under this chapter shall expire on the 31st day of December next succeeding the date of their issuance.
- C. (Reserved)
- D. Fees shall be established from time to time by the City Council for the licensure of Amusement Devices. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's webpage.

E. Payment of the applicable fees under this section shall be due upon filing or renewal of the application.

**§ 65-6 Amendment of licenses.**

A licensee may, at any time, apply to the Commissioner of Accounts for an amendment to increase or decrease the number of devices in operation at an approved location and/or to add one or more locations to his license. Any application for such an amendment shall be subject to the same review, approval and regulation as the original license and shall be accompanied by any fees required under § 65-5 for any devices added. The Commissioner of Accounts may, in his discretion, require such additional information about the amendment as he may deem reasonably necessary.

**§ 65-7 Revocation of license; hearing.**

- A. The Commissioner of Accounts may revoke any license issued by him under this chapter for violation of any of the sections of this chapter. The Commissioner shall notify the license holder, in writing, of his intent to revoke the license and shall, if requested by the license holder, hold a hearing to determine the propriety of revoking the license. He shall then notify the license holder, in writing, of his determination after the hearing is held.
- B. The Commissioner of Accounts may, at any time, hold a hearing to determine the propriety of issuing or renewing a license under this chapter. He shall notify the applicant, in writing, of his determination after the hearing is held.

**§ 65-8 Penalties for offenses.**

- A. Any operator or owner who violates any of the provisions of this chapter, in addition to the revocation of his license, shall be subject to a fine not to exceed \$500. Each day on which such violation continues shall constitute a separate offense.
- B. Any distributee who, having knowledge that an unlicensed coin-controlled amusement device is in operation in his place of business or any place under his control, allows or permits said device to remain there in operation shall be subject to a fine not to exceed \$500.

**§ 65-9 Seizure of devices.**

In the event that a renewal of license has not been obtained 30 days after expiration or 10 days after an unlicensed device is noted, the Commissioner of Accounts will send a certified letter, return receipt requested, to the owner or operator of said machines and a certified letter, return receipt requested, to the business owner of the premises stating that the device will have to be licensed or removed within 30 days. If there is no response to the certified letter, return receipt requested, advising of unlicensed devices, the City may confiscate said devices and have said devices removed from the premises at the device-owner's expense and stored. If, after 30 days of seizure, the devices are still in storage and unlicensed, the devices may be sold at public auction to the highest bidder.

**§ 65-10 Nonprofit owners.**

The provisions of this chapter shall not apply to an owner which shall be a not-for-profit or educational corporation chartered under the Not-For-Profit Corporation Law of the State of New York or under § 213 of the Education Law of the State of New York.