ORDINANCE NO. 914.

Final Publication No. 1984. First Publication in the Cambridge Chronicle on February 15, 1979.

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Nine

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Twelve entitled: "Licenses and Permits" is hereby amended by striking out the present section 12-12 and substituting in place thereof a new section 12-12 entitled: "Regulations for Automatic Amusement Devices", to read as follows:-

Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions. For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required. It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to maintain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted. Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application. Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

City of Cambridge

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this Subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the License Commission.

(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(8) The names and residential addresses of all persons as defined in Section 1-16 of this Code who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(9) Documentation sufficient to prove that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

(e) Age of Applicant. No license shall be issued to any applicant unless he or she shall be over eighteen (18) years of age, and provide proof of United States citizenship or legal residence status as an alien.

This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or other business entity.

City of Cambridge

(f) Consideration of Application. The License Commission shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the License Commission of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The License Commission shall grant a license under the provisions of this ordinance unless it specifically finds and states in writing within thirty days from the date of said public hearing that (1) the applicant is not a person of good moral character or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order or general welfare by:

(a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or

(b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located or

(c) unreasonably increasing the level of noise in the area in which the premises are located or

(d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the city.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(g) License Fee. Every applicant, before being granted a license shall pay $20.00 as the annual license fee for the privilige of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on December 31 of each year. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license.

City of Cambridge

(h) Display of License.

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may be transferred from one device or devices to another similar device or devices upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer and the filing of a $2.00 fee.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d, e, and f of this ordinance.

(i) Revocation of License. Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) Seizure and Destruction of Device. If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be

used as a gambling devices, said exhibitor be found guilty; such device or devices shall be destroyed by the police, upon proper order by the Court.

(k) Prohibitions.

(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accommodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth therein.

City of Cambridge

(4) It shall be unlawful and a violation of this ordinance for any business establishment to erect and maintain for play by members of the public, more than one (1) Automatic Amusement Device for each five hundred (500) square feet of gross floor area of said business establishment.

For the purposes of this subsection, gross floor area shall be defined as the sum, in square feet, of the gross horizontal areas of all of the floors of a building, as measured from the exterior walls separating two buildings. Gross floor area shall include:

a) elevator shafts and stairwells on each floor;

b) attic space, whether finished or unfinished, not excluded in (4) below;

c) interior balconies, mezzanines, and

d) basement and cellar areas not excluded in (2) below.

Gross floor area shall not include:

1) areas used for parking garages, accessory parking, or off street loading purposes;

2) basement and cellar areas devoted exclusively to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

4) attic space and other areas for elevator machinery or mechanical equipment necessary for the operation of the building.

(5) It shall be unlawful for any licensee or permit holder to operate any establishment without an attendant on the premises; that is, at least one employee in attendance at all times.

(6) It shall be unlawful for a licensee to allow any person under the age of seventeen (17) years to play an automatic amusement device during the hours of 8:30 A. M. to 3:00 P. M. when schools are in session.

City of Cambridge

(l) Rules and Regulations of Commission. The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The License Commission may also require from time to time the furnishing of reports concerning the ownership if such devices or other interest therein, receipts for the use of such devices and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) Penalty. Any person, firm or corporation violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $200.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(n) Repeal of Conflicting Ordinance. All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(o) Separability of Provisions. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) Effective Date. The ordinance shall be in full force and effect sixty (60) days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this ordinance shall take effect on the date of passage.

In City Council March 26, 1979.

Passed to be ordained as amended by a yea and nay vote:- Yeas 7; Nays 1; Absent 0; Present 1.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

ORDINANCE NO. 914.

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City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Nine

AN ORDINANCE

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Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Twelve entitled: "Licenses and Permits" is hereby amended by striking out the present section 12-12 and substituting in place thereof a new section 12-12 entitled: "Regulations for Automatic Amusement Devices", to read as follows:-

Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions. For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required. It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to maintain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted. Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application. Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

City of Cambridge

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this Subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the License Commission.

(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(8) The names and residential addresses of all persons as defined in Section 1-16 of this Code who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(9) Documentation sufficient to prove that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

(e) Age of Applicant . No license shall be issued to any applicant unless he or she shall be over eighteen (18) years of age, and provide proof of United States citizenship or legal residence status as an alien.

This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or other business entity.

City of Cambridge

(f) Consideration of Application. The License Commission shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the License Commission of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The License Commission shall grant a license under the provisions of this ordinance unless it specifically finds and states in writing within thirty days from the date of said public hearing that (1) the applicant is not a person of good moral character or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order or general welfare by:

(a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or

(b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located or

(c) unreasonably increasing the level of noise in the area in which the premises are located or

(d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the city.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(g) License Fee. Every applicant, before being granted a license shall pay $20.00 as the annual license fee for the privilige of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on December 31 of each year. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license.

City of Cambridge

(h) Display of License.

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may be transferred from one device or devices to another similar device or devices upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer and the filing of a $2.00 fee.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d, e, and f of this ordinance.

(i) Revocation of License. Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) Seizure and Destruction of Device. If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be

used as a gambling devices, said exhibitor be found guilty; such device or devices shall be destroyed by the police, upon proper order by the Court.

(k) Prohibitions.

(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accommodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth therein.

City of Cambridge

(4) It shall be unlawful and a violation of this ordinance for any business establishment to erect and maintain for play by members of the public, more than one (1) Automatic Amusement Device for each five hundred (500) square feet of gross floor area of said business establishment.

For the purposes of this subsection, gross floor area shall be defined as the sum, in square feet, of the gross horizontal areas of all of the floors of a building, as measured from the exterior walls separating two buildings. Gross floor area shall include:

a) elevator shafts and stairwells on each floor;

b) attic space, whether finished or unfinished, not excluded in (4) below;

c) interior balconies, mezzanines, and

d) basement and cellar areas not excluded in (2) below.

Gross floor area shall not include:

1) areas used for parking garages, accessory parking, or off street loading purposes;

2) basement and cellar areas devoted exclusively to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

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(5) It shall be unlawful for any licensee or permit holder to operate any establishment without an attendant on the premises; that is, at least one employee in attendance at all times.

(6) It shall be unlawful for a licensee to allow any person under the age of seventeen (17) years to play an automatic amusement device during the hours of 8:30 A. M. to 3:00 P. M. when schools are in session.

City of Cambridge

(l) Rules and Regulations of Commission. The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The License Commission may also require from time to time the furnishing of reports concerning the ownership if such devices or other interest therein, receipts for the use of such devices and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) Penalty. Any person, firm or corporation violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $200.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(n) Repeal of Conflicting Ordinance. All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(o) Separability of Provisions. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) Effective Date. The ordinance shall be in full force and effect sixty (60) days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this ordinance shall take effect on the date of passage.

In City Council March 26, 1979.

Passed to be ordained as amended by a yea and nay vote:- Yeas 7; Nays 1; Absent 0; Present 1.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

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be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

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(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

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(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

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City of Cambridge

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(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

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City of Cambridge

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(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may be transferred from one device or devices to another similar device or devices upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer and the filing of a $2.00 fee.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d, e, and f of this ordinance.

(i) Revocation of License. Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) Seizure and Destruction of Device. If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be

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(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accommodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth therein.

City of Cambridge

(4) It shall be unlawful and a violation of this ordinance for any business establishment to erect and maintain for play by by members of the public, more than one (1) Automatic Amusement Device for each five hundred (500) square feet of gross floor area of said business establishment.

For the purposes of this subsection, gross floor area shall be defined as the sum, in square feet, of the gross horizontal areas of all of the floors of a building, as measured from the exterior walls separating two buildings. Gross floor area shall include:

a) elevator shafts and stairwells on each floor;

b) attic space, whether finished or unfinished, not excluded in (4) below;

c) interior balconies, mezzanines, and

d) basement and cellar areas not excluded in (2) below.

Gross floor area shall not include:

1) areas used for parking garages, accessory parking, or off street loading purposes;

2) basement and cellar areas devoted exclusively to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

4) attic space and other areas for elevator machinery or mechanical equipment necessary for the operation of the building.

(5) It shall be unlawful for any licensee or permit holder to operate any establishment without an attendant on the premises; that is, at least one employee in attendance at all times.

(6) It shall be unlawful for a licensee to allow any person under the age of seventeen (17) years to play an automatic amusement device during the hours of 8:30 A. M. to 3:00 P. M. when schools are in session.

City of Cambridge

(l) Rules and Regulations of Commission. The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The License Commission may also require from time to time the furnishing of reports concerning the ownership if such devices or other interest therein, receipts for the use of such devices and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) Penalty. Any person, firm or corporation violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $200.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(n) Repeal of Conflicting Ordinance. All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(o) Separability of Provisions. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) Effective Date. The ordinance shall be in full force and effect sixty (60) days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this ordinance shall take effect on the date of passage.

In City Council March 26, 1979.

Passed to be ordained as amended by a yea and nay vote:- Yeas 7; Nays 1; Absent 0; Present 1.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

ORDINANCE NO. 914.

Final Publication No. 1984. First Publication in the Cambridge Chronicle on February 15, 1979.

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Nine

First Draft - See Amended Draft

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Twelve entitled: "Licenses and Permits" is hereby amended by striking out the present section 12-12 and substituting in place thereof a new section 12-12 entitled: "Regulations for Automatic Amusement Devices", to read as follows:-

Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions. For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required. It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to maintain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted. Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application. Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this Subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the License Commission.

(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(8) The names and residential addresses of all persons as defined in Section 1-16 of this Code who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(9) Documentation sufficient to prove that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

(e) Age of Applicant) No license shall be issued to any applicant unless he or she shall be over eighteen (18) years of age, and provide proof of United States citizenship or legal residence status as an alien.

This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or other business entity.

(f) Consideration of Application) The License Commission shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the License Commission of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The License Commission shall grant a license under the provisions of this ordinance unless it specifically finds and states in writing within thirty days from the date of said public hearing that (1) the applicant is not a person of good moral character or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order, or general welfare by:

a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or

b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located or

c) unreasonably increasing the level of noise in the area in which the premises are located or

d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the City.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(g) License Fee) Every applicant, before being granted a license shall pay $20.00 as the annual license fee for the privilege of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on December 31 of each year. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license.

(h) Display of License)

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may [~~not~~] be transferred from one device or devices to another similar device or devices [~~except~~] upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer AND THE FILING OF A $2.00 FEE.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d,e, and f of this ordinance.

(i) Revocation of License) Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) Seizure and Destruction of Device) If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gambling devices, said exhibitor be found guilty, such device or devices shall be destroyed by the police, UPON APPROPRIATE COURT ORDER.

(k) Prohibitions)

(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under ~~eighteen (18) years~~ THE LEGAL DRINKING of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so

licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accomodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth therein.

(4) It shall be unlawful and a violation of this ordinance for any business establishment to erect and maintain for play by members of the public, more than one (1) Automatic Amusement Device for each five hundred (500) square feet of gross floor area of said business establishment.

For the purposes of this subsection, gross floor area shall be defined as the sum, in square feet, of the gross horizontal areas

of all of the floors of a building, as measured from the exterior walls separating two buildings. Gross floor area shall include:

a) elevator shafts and stairwells on each floor;

b) attic space, whether finished or unfinished, not excluded in (4) below;

c) interior balconies, mezzanines, and

d) basement and cellar areas not excluded in (2) below.

Gross floor area shall not include:

1) areas used for parking garages, accessory parking, or off-street loading purposes;

2) basement and cellar areas devoted exclusively to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

3) open or lattice-enclosed exterior fire escapes; and

4) attic space and other areas for elevator machinery or mechanical equipment necessary for the operation of the building.

in sent K-5 & K-6

(1) Rules and Regulations of Commission) The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The License Commission may also require from time to time the furnishing of reports concerning the ownership if such devices or other interest therein, receipts for the use of such devices and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) Penalty) Any person, firm or corporation violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $200.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(n) Repeal of Conflicting Ordinance) All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(o) Separability of Provisions) It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) Effective Date) This ordinance shall be in full force and effect ~~thirty~~ Sixty days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this ordinance shall take effect on the date of passage.

In City Council

Passed to be ordained by a yea and nay vote:- Yeas ; Nays ; Absent

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

FIRST PUBLICATION NO. 1980.

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Twelve entitled: "Licenses and Permits" is hereby amended by striking out the present section 12-12 and substituting in place thereof a new section 12-12 entitled: "Regulations for Automatic Amusement Devices", to read as follows:

Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions) For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required) It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to mantain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted) Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application) Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this Subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the License Commission.

(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(8) The names and residential addresses of all persons as defined in Section 1-16 of this Code who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(9) Documentation sufficient to prove that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

(e) Age of Applicant) No license shall be issued to any applicant unless he or she shall be over eighteen (18) years of age, and provide proof of United States citizenship or legal residence status as an alien.

This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or other business entity.

(f) Consideration of Application) The License Commission shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the License Commission of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The License Commission shall grant a license under the provisions of this ordinance unless it specifically finds and states in writing within thirty days from the date of said public hearing that (1) the applicant is not a person of good moral character or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order, or general welfare by:

a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or

b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located or

c) unreasonably increasing the level of noise in the area in which the premises are located or

d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the City.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(g) License Fee) Every applicant, before being granted a license shall pay $20.00 as the annual license fee for the privilege of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on December 31 of each year. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license.

(h) Display of License)

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may not be transferred from one device or devices to another similar device or devices except upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d,e, and f of this ordinance.

(i) Revocation of License) Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) Seizure and Destruction of Device) If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gambling devices, said exhibitor be found guilty, such device or devices shall be destroyed by the police.

(k) Prohibitions)

(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so

licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accomodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth therein.

(4) It shall be unlawful and a violation of this ordinance for any business establishment to erect and maintain for play by members of the public, more than one (1) Automatic Amusement Device for each five hundred (500) square feet of gross floor area of said business establishment.

For the purposes of this subsection, gross floor area shall be defined as the sum, in square feet, of the gross horizontal areas

of all of the floors of a building, as measured from the exterior walls separating two buildings. Gross floor area shall include:

a) elevator shafts and stairwells on each floor;

b) attic space, whether finished or unfinished, not excluded in (4) below;

c) interior balconies, mezzanines, and

d) basement and cellar areas not excluded in (2) below.

Gross floor area shall not include:

1) areas used for parking garages, accessory parking, or off-street loading purposes;

2) basement and cellar areas devoted exclusively to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

3) open or lattice-enclosed exterior fire escapes; and

4) attic space and other areas for elevator machinery or mechanical equipment necessary for the operation of the building.

(1) Rules and Regulations of Commission) The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The License Commission may also require from time to time the furnishing of reports concerning the ownership if such devices or other interest therein, receipts for the use of such devices and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) Penalty) Any person, firm or corporation violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $200.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(n) Repeal of Conflicting Ordinance) All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(o) Separability of Provisions) It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) Effective Date) This ordinance shall be in full force and effect thirty days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this ordinance shall take effect on the date of passage.

Passed to a second reading at the City Council meeting of February 12, 1979 and on or after February 26, 1979 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.

C. C. 106 C. Crane Amendment #1 Rough Draft

City of Cambridge

MASSACHUSETTS

In City Council 3/26/ 1979

#1 Amendment Legal Drinking Age

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay		✓		
Mr. Frisoli	✓ 2			~~✓~~ 1
Ms. Graham		✓		
Ms. Preusser		✓		
Mr. Sullivan	✓			
Mr. Vellucci				✓
Mr. Wylie		✓		
Mayor Danehy		✓		
	~~2~~	~~5~~		~~2~~
	3	5		1

Amendment Failed

See 12-12 Paragraph Legal Drinking Age 18 years

C. C. 106

#2 L. Crane

City of Cambridge

MASSACHUSETTS

In City Council 8/26 1979

Delete Section 4

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay		✓		
Mr. Frisoli	✓			
Ms. Graham		✓		
Ms. Preusser		✓		
Mr. Sullivan	✓			
Mr. Vellucci		✓		
Mr. Wylie		✓		
Mayor Danehy		✓		

3 6 0

Section 4 - Par. 4 - Page 7

C. C. 106 #3 12-5

City of Cambridge

MASSACHUSETTS

In City Council 3/26 1979

C. Crane — Require attendant at all times —

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli	✓			
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan	✓			
Mr. Vellucci			✓	
Mr. Wylie	✓			
Mayor Danehy	✓			

— 8 0 1 Carried —

To open any est w/o attendant and attend elsewhere at least one employee

To operate any establishment without all attendant

C. C. 106

#4 K-6

City of Cambridge

MASSACHUSETTS

4

In City Council 3/26 1979

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli		✓		
Ms. Graham	✓ (2)	←		✓ (1)
Ms. Preusser		✓		
Mr. Sullivan	✓			
Mr. Vellucci	(2) ✓ ←	(1) ✓		
Mr. Wylie	✓			
Mayor Danehy	✓			
	7	2	0	0

A personal impact on 2 pond secondary school

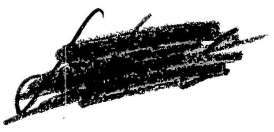
School

It shall be unlawful
whatever for licensee or permittee
allow under age 7 to play an
auto - devices or pinball 8 to 3 30
Mon thru Fri

It shall be unlawful for a licensee or holder of a permit

7-3
in Brown file
school dup

cc 18 [redacted]



1640

C. C. 106

#5 C Frisoli Section E Page

City of Cambridge

Lobsec A thru D

MASSACHUSETTS

Motion to Recess

In City Council _____ 197

	YEA	NAY	ABSENT	PRESENT
Mr. Crane		✓		
Mr. Duehay		✓		
Mr. Frisoli	✓			
Ms. Graham		✓		
Ms. Preusser		✓		
Mr. Sullivan	✓			
Mr. Vellucci		✓		
Mr. Wylie		✓		
Mayor Danehy		✓		
	2	7	0	

Motion Passed -

C. C. 106

6

C Frisoli

City of Cambridge

MASSACHUSETTS

In City Council 3/26/ 1979

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay		✓		
Mr. Frisoli	✓			
Ms. Graham		✓		
Ms. Preusser		✓		
Mr. Sullivan	✓			
Mr. Vellucci		✓		
Mr. Wylie	✓			
Mayor Danehy	✓			
	5	4	0	

Effective date 60 days Page last Section R-Page 9

C. C. 106

#2

Page 6 Section I

City of Cambridge

MASSACHUSETTS

In City Council 3/26 1979

Re Seizure and Destruction of Device last

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli	✓			
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan	✓			
Mr. Vellucci		✓		
Mr. Wylie	✓			
Mayor Danehy	✓			
	8	1	0	

Upon proper order by the Court

Amendment Enacted

C. C. 106

#8

City of Cambridge

MASSACHUSETTS

In City Council 3/26 1979

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli	✓			
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan	✓			
Mr. Vellucci		✓		
Mr. Wylie	✓			
Mayor Danehy	✓			
	8	1	0	

C. C. 106

9.

500 FOOT RESTRICTION

City of Cambridge

MASSACHUSETTS

Page 7 Motion to Strike by Sullivan-

In City Council 2/26 1979

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay		✓		
Mr. Frisoli	✓			
Ms. Graham	✓ (2)			✓ (1)
Ms. Preusser		✓		
Mr. Sullivan	✓			
Mr. Vellucci		✓		
Mr. Wylie		✓		
Mayor Danehy		✓		
	4	5	0	

Failed

C. C. 106

250 K-4

10

City of Cambridge

MASSACHUSETTS

In City Council 3/26/ 1979

L-Crane- Amendment for 250 foot restriction

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay		✓		
Mr. Frisoli	✓			
Ms. Graham	✓			
Ms. Preusser		✓		
Mr. Sullivan	✓			
Mr. Vellucci		✓		
Mr. Wylie		✓		
Mayor Danehy		✓		
	4	5	0	

C. C. 106

Vote on Ordinance as Amended

11

City of Cambridge

MASSACHUSETTS

#2 Unfinished Business

In City Council 3/26/ 1979

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli	✓			✓
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan		✓		
Mr. Vellucci	✓			
Mr. Wylie	✓			
Mayor Danehy	✓			
	7	1		1

lDSR
RPS

Ordinance as Amended

— Passed to be Ordained —

C. C. 106

2 Hearing of Business

City of Cambridge

MASSACHUSETTS

In City Council 2/13 1979

Close to 2nd Reading

	YEA	NAY	ABSENT	PRESENT
Mr. Crane				
Mr. Duehay				
Mr. Frisoli				
Ms. Graham				
Ms. Preusser				
Mr. Sullivan				
Mr. Vellucci				
Mr. Wylie				
Mayor Danehy				

By voice vote

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

Revised 12/9/79

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Twelve entitled: "Licenses and Permits" is hereby amended by striking out the present section 12-12 and substituting in place thereof a new section 12-12 entitled: "Regulations for Automatic Amusement Devices", to read as follows:

Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions) For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required) It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to mantain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted) Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application) Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this Subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the License Commission.

(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(8) The names and residential addresses of all persons as defined in Section 1-16 of this Code who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(9) Documentation sufficient to prove that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

(e) Age of Applicant) No license shall be issued to any applicant unless he or she shall be over eighteen (18) years of age, and provide proof of United States citizenship or legal residence status as an alien.

This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or other business entity.

(f) Consideration of Application) The License Commission shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the License Commission of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The License Commission shall grant a license under the provisions of this ordinance unless it specifically finds and states in writing within thirty days from the date of said public hearing that (1) the applicant is not a person of good moral character or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order, or general welfare by:

a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or

b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located or

c) unreasonably increasing the level of noise in the area in which the premises are located or

d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the City.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(g) License Fee) Every applicant, before being granted a license shall pay $20.00 as the annual license fee for the privilege of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on December 31 of each year. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license.

(h) Display of License)

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may not be transferred from one device or devices to another similar device or devices except upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d,e, and f of this ordinance.

(i) Revocation of License) Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) Seizure and Destruction of Device) If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gambling devices, said exhibitor be found guilty, such device or devices shall be destroyed by the police.

(k) Prohibitions)

(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so

licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accomodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth therein.

(4) It shall be unlawful and a violation of this ordinance for any business establishment to erect and maintain for play by members of the public, more than one (1) Automatic Amusement Device for each five hundred (500) square feet of gross floor area of said business establishment.

For the purposes of this subsection, gross floor area shall be defined as the sum, in square feet, of the gross horizontal areas

of all of the floors of a building, as measured from the exterior walls separating two buildings. Gross floor area shall include:

a) elevator shafts and stairwells on each floor;

b) attic space, whether finished or unfinished, not excluded in (4) below;

c) interior balconies, mezzanines, and

d) basement and cellar areas not excluded in (2) below.

Gross floor area shall not include:

1) areas used for parking garages, accessory parking, or off-street loading purposes;

2) basement and cellar areas devoted exclusively to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

3) open or lattice-enclosed exterior fire escapes; and

4) attic space and other areas for elevator machinery or mechanical equipment necessary for the operation of the building.

(1) Rules and Regulations of Commission) The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The License Commission may also require from time to time the furnishing of reports concerning the ownership if such devices or other interest therein, receipts for the use of such devices and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) Penalty) Any person, firm or corporation violating any of the provisions of this ordinance in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $200.00 for each offense. Every day that the offense continues shall be consicered a separate violation.

(n) Repeal of Conflicting Ordinance) All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(o) Separability of Provisions) It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) Effective Date) This ordinance shall be in full force and effect thirty days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this ordinance shall take effect on the date of passage.

Dated: January 29, 1979

RECEIVED BY
OFFICE OF CITY CLERK
JAN 29 4 15 PM '79
CAMBRIDGE, MASS.

C. C. 106

City of Cambridge

HEARING NOTICE

The Cambridge City Council Committee on Ordinances will conduct a public hearing on Monday, October 16, 1978 in the City Council Chamber, City Hall beginning at the following time:

6:00 P. M. The Committee will discuss a proposed amendment to the General Ordinances relative to the regulation of massage parlors.

6:30 P. M. The Committee will discuss a proposed amendment to the General Ordinances relative to the regulation of automatic amusement devices.

All interested individuals are invited to attend at this time.

For the Committee,

Councillor Lawrence W. Frisoli
Chairman

2nd Proposal latest — Revision —

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Twelve entitled: "Licenses and Permits" is hereby amended by striking out the present section 12-12 and substituting in place thereof a new section 12-12 entitled: "Regulations for Automatic Amusement Devices", to read as follows:

Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions) For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, marble games, diggers, grab machines, baseball or football machine games, target machines and horse racing machines.

Conforms to Statute

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required) It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to mantain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted) Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application) Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this Subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the License Commission.

(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(e) Age of Applicant) No license shall be issued to any applicant unless he or she shall be over eighteen (18) years of age and a citizen of the United States. This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or the business entity.

(f) Consideration of Application) The License Commission shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the License Commission of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The License Commission shall grant a license under the provisions of this ordinance unless it specifically finds and states in writing within forty-five days from the date of said public hearing that (1) the applicant is not a person of good moral character or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order, or general welfare by:

a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or

b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located or

c) unreasonably increasing the level of noise in the area in which the premises are located or

d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the City.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(g) License Fee) Every applicant, before being granted a license shall pay as the annual license fee for the privilege of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on December 31 of each year. A license shall not be transferrable from person to person nor

place to place, and shall be usable only at the place and by the person designated in the license.

(h) Display of License)

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may not be transferred from one device or devices to another similar device or devices except upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d,e, and f of this ordinance.

(i) Revocation of License) Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of

witnesses in his defense.

(j) Seizure and Destruction of Device) If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gambling devices, said exhibitor be found guilty, such device or devices shall be destroyed by the police.

(k) Prohibitions)

(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) (this subsection is reserved for provisions governing number of devices permitted in business premises. Precise requirements are being reviewed for legality.)

(l) Rules and Regulations of Commission) The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a

Addendum

(k) Prohibitions)

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accomodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth therein.

Addendum

(k) Prohibitions)

(2) All Automatic Amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device, wall, or partition. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

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NEW VERSION

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

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Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions) For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, marble games, diggers, grab machines, baseball or football machine games, target machines and horse racing machines.

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required) It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to mantain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted) Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application) Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial number(s).

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this Subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the License Commission.

(6) An approved Certificate of Occupancy issued by the Building Department for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the City Electrical inspector, verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(e) Age of Applicant) No license shall be issued to any applicant unless he or she shall be over eighteen (18) years of age and a citizen of the United States. This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association, or the business entity.

(f) Consideration of Application) The License Commission shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the License Commission of a properly completed application as set forth in sections (d) and (e) above, to consider said application.

The License Commission shall grant a license under the provisions of this ordinance unless it specifically finds and states in writing within forty-five days from the date of said public hearing that (1) the applicant is not a person of good moral character or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order, or general welfare by:

a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or

b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located or

c) unreasonably increasing the level of noise in the area in which the premises are located or

d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the City.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

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place to place, and shall be usable only at the place and by the person designated in the license.

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(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may not be transferred from one device or devices to another similar device or devices except upon application to the License Commission to such effect and the giving of a description and the serial numbers of the devices involved in the transfer.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon reapplication to the License Commission in accordance with the provisions of Sections d,e, and f of this ordinance.

(i) Revocation of License) Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of

witnesses in his defense.

(j) Seizure and Destruction of Device) If the Chief of Police shall have reason to believe any mechanical amusement device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gambling devices, said exhibitor be found guilty, such device or devices shall be destroyed by the police.

(k) Prohibitions)

(1) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed a sign warning persons under eighteen years of age of this prohibition.

(2) (this subsection is reserved for provisions governing number of devices permitted in business premises. Precise requirements are being reviewed for legality.)

(l) Rules and Regulations of Commission) The License Commission shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or ordinances, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a

nuisance or to insure adequate safety and security for patrons or the affected public. The License Commission may also require from time to time the furnishing of reports concerning the ownership if such devices or other interest therein, receipts for the use of such devices and any other information which it may deem pertinent concerning such devices and their use and operation.

(m) Penalty) Any person, firm or corporation violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $500.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(n) Repeal of Conflicting Ordinance) All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(o) Separability of Provisions) It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(p) Effective Date) This ordinance shall be in full force and effect upon the date of passage.

Original Version
See Amended Ordinance

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Eight

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Twelve entitled: "Licenses and Permits" is hereby amended by striking out the present section 12-12 and substituting in place thereof a new section 12-12 entitled: "Regulations for Automatic Amusement Devices", to read as follows:

Sec. 12-12. Regulations for Automatic Amusement Devices.

(a) Definitions) For the purposes of this Section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus in released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, including, but not exclusively, such devices as are commonly known as pinball machines, marble games, diggers, grab machines, baseball or football machine games, target machines and horse racing machines.

For the purposes of this Section, a "person" shall have the same definition as set forth in Section 1-16 of this Code.

(b) License Required) It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to maintain, operate or permit to

be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license or licenses from the License Commission, pursuant the provisions of this Ordinance.

(c) Gambling Devices Not Permitted) Nothing in this ordinance 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, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(d) Application) Application for such license shall be made out in duplicate and submitted to the License Commission upon a form to be supplied by the License Commission for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1), above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine to be covered by the license, mechanical features, name of manufacturer, serial number.

No license shall be issued to any applicant unless he shall be over twenty one (21) years of age and a citizen of the United States.

(e) Inspection) The License Commission shall refer one copy of said application to the City Electrical Inspector.

(1) The Electrical Inspector shall inspect all wiring and connections to the machine, and shall determine if the same complies with the Commonwealth of Massachusetts State Building Code. Findings of the Electrical Inspector shall be immediately communicated in writing to the License Commission. No license shall be issued to any applicant unless first approved for proper wiring by the Electrical Inspector.

(f) Investigation by License Commission and Hearing)

(1) The License Commission shall investigate and ascertain if the applicant is a person of good moral character. It shall also hold a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within sixty five days after the filing of an application to which all interested parties may attend. Failure by the License Commission to take final action upon an application within ninety days following the date of public hearing on said application shall be deemed to be a grant of the application for said license.

(2) In rendering its decision to grant or deny said application, the License Commission shall take into consideration the moral character of the applicant and shall further ascertain if the proposed locus of said device would be compatible with, and in the best interest of the public health, safety, morals and general welfare of the inhabitants of the community potentially affected thereby.

(g) License Fee) Every applicant, before being granted a license shall pay $250.00 as the annual license fee for the privilege

of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire one year from the date of issuance. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license.

(h) Display of License)

(1) The license or licenses 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.

(2) Such license may be transferred from one machine or device to another similar machine upon application to the License Commission to such effect and the giving of a description and the serial number of the new machine or device. Not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

(3) If the licensee shall move his place of business to another location within the City of Cambridge, the license may be transferred to such new location only upon application to the License Commission, giving the street and number of the new location. The new location shall be approved by the License Commission in the same manner as provided in subsections (f) and (g) of this ordinance.

(i) Revocation of License) Every license issued under this ordinance 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 automatic amusement device contrary to the provisions of this ordinance, the ordinances of the City of Cambridge, or the laws of the Commonwealth of Massachusetts. Said license may be revoked by the License Commission 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 days' notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(j) Seizure and Destruction of Machine) If the Chief of Police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded and if upon trial of the exhibitor for allowing it to be used as a gambling device said exhibitor be found guilty, such machine shall be destroyed by the police.

(k) Prohibitions) No person holding a license under this ordinance nor any employee or agent of such person shall permit persons under eighteen (18) years of age to play or operate any automatic amusement device so licensed. The licensee shall post permanently and conspicuously at the location of the machine so licensed a sign warning persons under eighteen years of age of this prohibition.

(l) Penalty) Any person, firm, corporation violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than $50.00 nor more than $500.00 200.00 for each offense.

(m) Repeal of Conflicting Ordinance) All existing ordinances of the City of Cambridge are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

(n) Separability of Provisions) It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

(o) Effective Date) This ordinance shall be in full force and effect one day from and after its passage, approval and publication.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 876-6800

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

October 2, 1978

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 9 of October 2, 1978, enclosed is a proposed ordinance to regulate coin operated amusement devices.

I am also enclosing an amendment to the zoning ordinance which would require a special permit prior to a certificate of occupancy being issued by the Building Department for an amusement center.

Very truly yours,

James L. Sullivan
City Manager

JLS/b

Agenda #10

O-14

RE: Awaiting Report No. 9 re: proposed ordinance to regulate coin operated amusement devices.

Copy sent to PB 11/1/78 (dl)

Passed to be ordained as amended 3/26/79.

In City Council,

October 2, 1978

11/2/78
Referred to Comm. on Ordinances and on Planning Board Zoning Change

-Also included-
10/16/78 Hearing held
No Action Taken-
Revised Copy will be
drawn by Solicitor -
10/23/78 No Action Taken