

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2022-3

AN ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, TO AMEND CHAPTER 70 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED “AMUSEMENT DEVICES”, CHAPTER 130-40 ESTABLISHING PERMITTED USES WITHIN THE PVD ZONING DISTRICT, AND SECTION 110 -70 ESTABLISHING CERTAIN FEES

WHEREAS, the Township Committee of the Township of Chesterfield has initiated numerous efforts to facilitate the success of the commercial/retail area in the Township’s “Receiving Area”, but one of the buildings remains completely vacant, and the owner/developer of same has requested the Township to consider allowing space within the buildings at 95 and 105 Saddle Way to be used for a family entertainment and amusement center; and

WHEREAS, the Township Committee has reviewed the request, has evaluated a similar facility in Freehold Township, Monmouth County, and believes that a family amusement and entertainment center would be beneficial not only to the success of this commercial/retail area of the Township, but would be beneficial to the community as a whole; and

WHEREAS, the Township Committee deems it appropriate to amend various ordinances of the Township to facilitate the utilization of the existing vacant spaces at 95 and 105 Saddle Way, with a use that fits within the character of the area, but will be available to residents customers and users inside and outside of Chesterfield.

NOW THEREFORE, BE IT ORDAINED AND ENACTED as follows:

Article I. Amended Sections

A. Chapter 70, “ Amusement Devices” is hereby amended in the following subsections:

Section 70-4 is amended at the introductory paragraph to read as follows:

“All license applicants must be at least 18 years of age and shall submit, in writing, to the Township Clerk of the Township of Chesterfield, the application form prescribed by the Legalized Games of Chance Control Commission, which shall include at least the following information:

B. Section 70-5. “Location of Devices on Premises” is hereby amended at subparagraph B(1) to change the distance of “10 feet” to “3 feet”; and to delete subparagraph (2).

C. Section 70-6. “License fee; issuance and display of license” is hereby amended at subparagraph B to read as follows:

“Commercial amusement devices. A fee of as set forth in § **110-70** shall be charged for each commercial amusement device located on the premises for any portion of a calendar year beginning January 1 and ending December 31. For each device or block of devices so licensed and for which a fee is paid, the Township Clerk shall issue an annual license, which licenses must be maintained on the premises and made readily available to members of the public and enforcing officials.”

D. Section 70-7 “Investigation of Applicant” is hereby amended to be entitled “Investigation of Applicant/Control and Supervision” and to add the following sentence at the end of the existing text:

“The Township Committee shall have and exercise control and supervision over all amusement games operated or conducted under such licenses issued pursuant to this ordinance, with all of the powers authorized and granted to it under the Amusement Games Licensing Law, and all amendments and supplements thereto and regulations promulgated thereunder.”

E. Section 70-10. “Renewal of licenses: procedure for objections.” Is hereby amended at subparagraph B to read as follows:

“Commercial amusement device and vending machine license. The annual fee for each device or machine shall be due and payable on or before January 10 of the calendar year in which said devices or machines are operated. A fee for any additional devices or machines shall be payable when said devices or machines are brought to the operator's premises, and there shall be no refund or credit

given for any machines removed from the premises during any portion of the calendar year. The fee shall not apply to machines which replace a previously licensed machine.

- F. Section 70-11. “Regulation of Use of Devices and Premises” is hereby amended to delete subparagraphs A and C and E; and to amend existing subparagraph “G” as follows and to re-alphabetize the remaining subparagraphs accordingly.

“G” is revised to read as follows: Every commercial amusement device and vending machine required to be licensed under this chapter shall have permanently affixed thereto an individual identification number or serial number, which number shall not be transferable from one machine to another. The identification number and serial number shall both be in a position such that they may be readily reviewed and compared by members of the public and enforcing officials.

- G. Chapter 130 of the Code is hereby amended at Section 130-40 “use regulations” by adding the following new permitted commercial use at Section 130-40(A)(3)(a)(vii): [vii] Family Entertainment and Amusement Centers, as otherwise authorized by license of the governing body.”

- H. Section 110-70.B of the Code of the Township of Chesterfield is hereby amended to read as follows: For each commercial amusement device located on the premises for any portion of a calendar year beginning January 1 and ending December 31, the fee for 1 – 5 devices shall be \$50 per device per annum, the fee for 6 – 50 devices shall be \$25 per device per annum, the fee for greater than 50 devices shall be \$10 per device per annum.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: February 24, 2022

Adopted: March 30, 2022

RECORD OF VOTE													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Blazic	X						Blazic	X					X
Koetas-Dale	X					X	Koetas-Dale				X		
Russo	X						Russo	X				X	
Liedtka	X				X		Liedtka	X					
Panfili	X						Panfili	X					
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													

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