

AMUSEMENT DEVICES

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

Jukebox – Any music-vending machine, contrivance or device which, upon insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of music or similar amusement.

Mechanical, Electronic or Video Amusement Device – includes any mechanical, electronic or video amusement device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, may be operated or used as a game, entertainment or amusement, whether or not registering a score and whether or not a prize is offered. It shall include but shall not be limited to such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical bowling machines, photo-electronic shooting or target machines, electronic video games, air hockey tables, football games and all games, operations or transactions similar thereto, under whatever name they may be designated or described. It shall not include devices or machines, the primary purpose of which is to dispense merchandise, such as candy, cigarettes or other tangible personal property.

Person – Includes any natural person, association, partnership, firm or corporation, company, utility or organization of any kind.

Proprietor – Any person, firm, corporation, partnership, association, entity or club who, as the owner, leaseholder, or proprietor, has under his, her or its control any establishment, place or premises in or at which any mechanical, electronic or video amusement device is placed or kept for use or play or on exhibit for the purpose of use or play. In addition to aforesaid, the above-designated definition of “proprietor” shall include any lawful, separate business entity which engages in its primary operation the use of the aforesaid devices.

License.

- A. License required. From and after the effective date thereof, no person or proprietor may offer for use or play within the Borough any jukebox or mechanical, electronic or video amusement device without first having procured a license therefore from the Borough Council.

B. License fees.

- 1) The license fee for each proprietor, as herein defined, shall be fifty dollars (\$50.) per year for each jukebox and one hundred dollars (\$100.) per year for each mechanical, electronic or video amusement device used or played or exhibited for use or play. Fees shall be due and payable on or before January 31 of each succeeding calendar year.
- 2) The proper license fee shall accompany each application for a license.

C. Expiration and renewal of license. Licenses issued under this chapter expire on January 31 of each year. Application for renewal accompanied by the required annual fee, shall be submitted in the month of January and may consist of a signed verification of the original application contents, so long as there have been no changes.

D. Transfer of license restricted. License shall apply to the operator and location to which issued, and transfer from one operator to another or from one jukebox or mechanical or electronic or video amusement device to another is prohibited except upon approval of Borough Council given after submission of an amended application and payment of the fee specified.

Application for license, investigation; issuance or denial; restrictions; conditions.

A. Application for license. Any person or proprietor desiring to procure a license for a mechanical, electronic or video amusement device or a jukebox shall, in writing, on a form provided by the Borough, apply to Borough Council.

1. Each application shall be kept on file with the Borough Secretary and shall specify:
 - a) The name and address of the applicant and, if a firm, corporation, partnership or association, the principal officers thereof and their addresses.
 - b) The address of the premises where the licensed jukebox or mechanical, electronic or video amusement device is to be operated, together with the character of the business carried on at such place
 - c) The trade name and general description of the jukebox or mechanical, electronic, or video amusement device to be licensed, the name of the manufacturer and the serial number of said mechanical, electronic or video amusement device or jukebox.

- d) The number and character and type of mechanical, electronic or video amusement devices or jukeboxes as have been previously installed on and after the effective date of this chapter.
 - e) A plan of the premises, showing the location or locations where a jukebox or mechanical, electronic or video amusement device or similar device or machine is to be displayed or maintained, as well as the location or locations of the supervision of the establishment. No device may be within ten (10) feet of any doorway.
 2. All applications must be signed by the applicant.
 3. When increasing the total number or replacing unit for any reason, the proper license fee shall accompany each application.
- B. Investigation. The application for a license hereunder shall first be referred by the Borough Secretary to the Borough Council, who shall make or cause to be made such investigation as it deems necessary. After said investigation is completed, a recommendation for approval or denial of said application will be made to the Borough Council.
- C. Issuance or denial. If the application is approved by borough Council, the license shall be issued by the Secretary and the fee shall be remitted to the Borough Treasurer. If the application is denied, the fee shall be returned to the applicant. Issuance or denial of an application shall be made within sixty (60) days of the date said application is received by Borough Council.
- D. Restrictions.
 1. Issuance to persons or proprietors convicted of a crime is restricted. Except as provided by Pennsylvania law, no license shall be issued to or held by any person who has been convicted of a crime or by any corporation, partnership or association, a member, officer, director or holder of ten percent (10%) or more of the stock of which has been convicted of any crime.
 2. No license shall be approved for any applicant unless he, she and/or they shall be twenty-one (21) years of age.
 3. Four (4) or fewer mechanical, electronic or video amusement devices or jukeboxes in any premises are hereby deemed to be an accessory use and permitted as an accessory use in the Business District. Any premises upon which more than four (4) mechanical, electronic or video amusement devices or jukeboxes are on display or maintained are hereby deemed to be “places of amusement” and are subject to the zoning laws of the Borough.

- E. Establishing of conditions. In approving a license, the Borough Council may establish conditions to promote and protect the health, safety and general welfare of the borough and its inhabitants.

Gambling and gambling devices prohibited.

Gambling and gambling devices are prohibited. Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling, game and/or device whatsoever, including but not limited to card games, not any machine or mechanism that has judicially been determined to be a gambling device or to be in any way contrary to any present or future laws of the Commonwealth of Pennsylvania.

Attachment of license to device.

Upon payment of the proper license fee and approval of the license application, as set down in this chapter, the Borough Secretary shall be authorized to issue a license form for each jukebox or mechanical, electronic or video amusement device so licensed, which license shall be attached and fastened to the respective device so that the same may be readily observable and readable.

Sealing of unlicensed devices.

An officer of the Borough Police Department, so designated by the Borough Council, may put a seal upon any of said mechanical, electronic or video amusement devices or jukeboxes for which no license fee has been paid; and when the proper license fee has been paid for such sealed mechanical, electronic or video amusement device or jukebox under seal as aforesaid, the person or proprietor in charge of the place where said mechanical, electronic or video amusement device or jukebox is kept or located shall be responsible for and subject to any fines for any unlawful use thereof, as provided below.

Maintenance of order.

The person or proprietor in charge of the place or premises where any jukebox or mechanical, electronic or video amusement device is kept or located shall maintain good order on or about the place or premises in which any jukebox or mechanical, electronic or video amusement device is kept or located, which shall include but shall not be limited to the following:

- A. Fighting and rowdy behavior.
- B. Possession or consumption of alcoholic beverages.
- C. Gambling of any type

- D. The use of marijuana or any controlled substance, possession of which is prohibited by the Pennsylvania Controlled Substance, Drugs, Device and Cosmetic Act.

Hours of operation.

No jukebox or mechanical, electronic or video amusement device may be operated between the hours of 10:00 p.m. and 9:00 a.m. on any day, under any circumstances.

Pool tables unlawful.

Any table with cushions and/or pockets upon which games of pool and/or billiards in any form are played, upon payment of a price, whether or not operated by the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, are herein deemed to be unlawful.

Violations and penalties.

- A. Any person or proprietor who shall violate any of the provisions of this chapter, upon his, her or their first conviction thereof, may be sentenced to pay a fine of not less than three hundred (\$300.) dollars and costs of prosecution and, upon his, her or their second and all subsequent convictions thereof, may be sentenced to pay a fine of not less than six hundred (\$600.) dollars and costs of prosecution.
- B. After the Borough Police Department has responded to the third complaint pertaining to disturbances related to the operation of such device at any licensed premises, the Borough Council will have the right to review the complaints, and if a substantial cause of the complaints is the operator's failure to properly supervise the premises, Council will have the right to suspend or revoke the license.
- C. In default of the payment of such fines and costs he, she and/or they may be imprisoned in the County Prison for not more than thirty (30) days for the first conviction and sixty (60) days for each subsequent conviction.
- D. Each and every day that any jukebox or mechanical, electronic or video amusement device, under the terms of this chapter, shall be operated and/or used in violation thereof shall constitute a distinct offense under this chapter and shall be subject to separate and distinct penalties.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHS**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.

