

ARTICLE 335
Mechanical Amusement Devices

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CROSS REFERENCES
Juke box tax - see BUS. REG. & TAX. Art. 351

335.01 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Person" includes any individual, partnership, unincorporated association or corporation.
- (b) "Distributor" includes any person who shall, either as owner or agent, sell, lease, lend, deliver or furnish to, or place or cause to be placed in the possession of any operator, any mechanical device, machine or apparatus whatsoever other than a juke box, which, upon the insertion of a coin, slug, token, plate or disc, may be operated for use as a game, entertainment or amusement, whether or not registering a score and whether or not a prize is offered.
- (c) "Operator" includes any person who at any time keeps, operates, has in his possession, or holds out to the public in any business establishment, or in any public place within the City, any such mechanical device, machine or apparatus. (1944 Code Ch. 22 §1; Ord. 6-1950 §1.)
- (d) "Mechanical amusement device" includes any manual, electrical or electronic device machine or apparatus whatever, other than a juke box, which upon the insertion of any money metal or paper in nature, slug, token or other monetary substitute, may be operated for use as a game of entertainment, amusement, chance or challenge, whether or not a score is registered, or a prize is offered.

335.02 LICENSE REQUIRED.

No person shall act as an operator or distributor of any such mechanical device without first having obtained a license therefor, as provided in this article. (1944 Code Ch. 22 §2.)

335.03 OPERATOR APPLICATION INFORMATION.

Any person desiring to obtain a license as operator, as provided in Section 335.02 shall apply therefor in writing to the Mayor. The application shall set forth the name and the residence of the applicant together with his present and previous occupation, the length of residence at his present and previous place of residence; the name of the owner of the premises upon which the aforesaid machines are to be used and installed, and if the owner of the premises is not the applicant, the length of time for which the premises have been leased. The application shall also set forth the manufacturer and nature of the machine to be installed and used, and the name of the distributor from whom the machine is to be secured. (1944 Code Ch. 22 §3.)

335.04 DISTRIBUTOR APPLICATION INFORMATION.

Any person desiring to obtain a license as a distributor, as provided in Section 335.02 shall apply therefor in writing to the Mayor. The application shall set forth the name and the residence and place of business of the applicant, together with present and previous occupations and the length of residence at his present and previous place of residence. (1944 Code Ch. 22 §4.)

335.05 SIGNATURE AND OATH OF APPLICANT.

The information required in Sections 335.03 and 335.04 shall be furnished with the signature of the applicant and shall be made under oath before the Mayor, City Clerk or any other person legally authorized. (1944 Code Ch. 22 §5.)

335.06 INVESTIGATION-BY MAYOR; LICENSE NONTRANSFERABLE.

No application shall be granted by the Mayor until a period of seven days have elapsed from the date of the application, during which time he may, at his discretion, investigate the facts set forth in the application. Any license issued under this article, either for operator or distributor, shall be nontransferable to any other person. (1944 Code Ch. 22 §6.)

335.07 GAMBLING DEVICES PROHIBITED.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling devices, 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 Pennsylvania. (1944 Code Ch. 22 §7.)

335.08 MINORS UNDER SIXTEEN.

(EDITOR'S NOTE: Former Section 335.08 was repealed by Ordinance 14-1983, Section 1, passed May 16, 1983.)

335.09 FEE FOR LICENSE AS OPERATOR.

No license shall be issued to an operator until an annual fee therefor has been paid to the City Treasurer of one hundred dollars (\$100.00) for each and every device so installed and used, under the terms of this article, in the City, which amount when paid shall be a license fee until December 31 of each year. However, should any such device be installed after July 1 of any year, and application therefor is made after such date, then the license fee for that particular year shall be fifty dollars (\$50.00) to December 31.
(Ord. 16-1982 §1. Passed 11-3-82.)

335.10 FEE FOR LICENSE AS DISTRIBUTOR,

No license shall be issued to a distributor until an annual fee therefor has been paid to the City Treasurer of two hundred dollars (\$200.00), which amount when paid shall be a license fee until December 31 of each year. However, should any application therefor be made after July 1 of any year, then the license fee for that particular year shall be one hundred dollars (\$100.00) to December 31. (Ord. 6-1979 §2. Passed 6-5-79.)

335.11 LICENSE CARD, DISC OR PLATE ATTACHMENT.

Upon the payment of the license fee for an operator, as provided by this article, the Mayor shall issue a license card, metal disc or plate, setting forth the number of the license-for each machine so licensed, which license card, disc or plate shall be attached and fastened to the respective machine or device so that the same may be clearly observable and readable.
(1944 Code Ch. 22 §10.)

335.99 PENALTY.

(a) Operator. Any operator violating any provision of this article shall, upon conviction be fined not more than one thousand dollars (\$1,000) for each and every offense, and in default of payment thereof shall be imprisoned for not more than ninety (90) days. Every day that any machine or device, under the terms of this article shall be operated and used in violation thereof, shall constitute a separate and distinct offense under this article and shall be subject to a separate and distinct penalty thereunder.

(b) Distributor. Any distributor violating any of the provisions of this article shall, upon conviction be fined not more than one thousand dollars (\$1,000) for each and every offense, and in default of payment thereof shall be imprisoned for not more than ninety days. Every day that any person acts as a distributor without first having obtained a license, as provided by the terms of this article, shall constitute a separate and distinct offense under this article and shall be subject to a separate and distinct penalty thereunder.
(Ord. 1-2009. Passed 1-6-09.)