

Chapter 66

AMUSEMENT DEVICES

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[HISTORY: Adopted by the Council of the Borough of Berwick 6-21-1982 by Ord. No. 1157. Amendments noted where applicable.]

GENERAL REFERENCES

Code enforcement and administration — See Ch. 9.

§ 66-1. License requirements.

No person or persons, firm, association, partnership, corporation or any other entity shall have at any time in his, her, its or their possession within the Borough of Berwick any mechanical device, machine or apparatus whatsoever for the playing of games and amusement, being commonly known and referred to as "amusement game machines," upon which games are played or activities conducted through the insertion of a coin, metal disk, slug, token or otherwise activated through exchange of legal tender or other manner, without first having procured a license as provided in this chapter.

§ 66-2. Definitions.

As used in this chapter, the following terms shall have the meaning set forth therein, unless the context indicates to the contrary:

AMUSEMENT GAME — Any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game by the insertion of a piece of money, coin, token or any other article or by payment of money to have it activated. This definition does not include:

- A. A jukebox.
- B. Rides.
- C. Bowling alleys, except coin-operated bowling machines.
- D. Any device maintained within a residence for the use of the occupants thereof and their guests, provided that the same is on a noncommercial basis and in compliance with other ordinances.

- E. Any device, the possession or use of which is prohibited by law.
- F. Any coin-operated machine which solely dispenses food, soda, candy, cigarettes or any other items for personal consumption or use.

OWNER — A record owner, contract purchaser, lessee, assignee, bailee, receiver or trustee.

§ 66-3. Application for license; fee.

- A. Any person or persons, firm, association, partnership, corporation or any other entity required to procure a license as provided in § 66-1 shall apply for a license in writing to the Manager. The application shall be signed by the applicant or applicants and shall set forth the name or names, residence or residences of the person or persons, firm, partnership or corporation or other entity conducting the operations of coin-operated amusement machines and applying for the license, together with the present occupation of the applicant or applicants, length of residence within the borough, previous place of residence and the name and address of the owner of the premises upon which the coin-operated machines are to be installed and used if the owner of the premises is not the applicant, in which event the applicant shall also set forth the length of time for which the premises has been leased.
- B. Application shall further set forth the manufacturer and nature of the machine to be used and installed.
- C. The application for each separate premises upon which a machine or machines are to be installed shall contain a nonrefundable application processing fee of \$50.

§ 66-4. Processing applications; gambling restrictions; annual license fee.

- A. No license shall be granted until a period of seven days has elapsed from the date of receipt of application completed in full and satisfying all of the requirements set forth hereinabove, during which time the Manager may cause investigation of the facts set forth in the application through the Borough Code Enforcement Officer or borough police.¹
- B. No license shall be granted to any person not a citizen of the United States.
- C. Gambling devices not to be licensed. Nothing in this chapter shall be in any way 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.
- D. License fee. No license shall be issued until an annual fee shall have been paid to the borough in the sum of \$35 for each and every device so installed and used under the terms of this chapter in the Borough of Berwick, which amount, when paid, shall be a license fee until December 31 of each year. Should any such device be installed after September 1 of

¹ Editor's Note: See Ch. 9, Code Enforcement and Administration.

any year and an application be made after that date, then, in that event, the license fee for the particular year shall be the sum of \$17.50 until December 31.

§ 66-5. Identification tags on licensed machines.

Upon payment of the license fee provided by the section above, the Manager shall issue a metal disk, tab or tag setting forth the number of the license for each machine so licensed, which disk or plate shall be used and fastened to the machine or device so that it may be clearly identified upon inspection.

§ 66-6. Responsibility to apply for license.

It shall be the responsibility of the owner of the business conducted, or the owner of the premises if no separate entity conducts the business thereon, to apply for an annual license and make payment thereon to the Borough of Berwick by no later than January 31 of each year following the date of initial issuance.

§ 66-7. Right to appeal.

- A. Any person aggrieved by any decision or determination of the Borough of Berwick or any officer, official, agent, employee or board created by the Borough of Berwick of this chapter has a right to appeal such decision or determination to a court of competent jurisdiction within 30 days of receipt of notice of the decision or determination or as otherwise provided by law.
- B. Neither application fee nor license fee for machines at a specific location shall be transferable to another premise except one authorized under this chapter.
- C. All owners or operators of present facilities as existing shall be required to submit application for license and to make payment of the license application fee and license fee for machine within 30 days of the date of adoption of this chapter.

§ 66-8. Violations and penalties.

Any person or persons, firm, partnership, corporation or other entity found guilty of a violation of this chapter, upon conviction thereof for a summary offense before a District Justice, shall be sentenced to pay a fine of not more than \$300 and cost of proceedings, and in default of payment of fine and costs, shall be imprisoned in Columbia County Jail for a term not to exceed 30 days, provided that each day that any machine or device under the terms of this chapter shall be operated and used in violation of this chapter shall constitute a separate and distinct offense under the terms of this chapter and shall be subject to separate and distinct penalties under this section.

