

WASHINGTON TOWNSHIP

ORDINANCE NO. 163

AN ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF COIN-OPERATED AMUSEMENT DEVICES IN WASHINGTON TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, PROVIDING FINES AND PENALTIES FOR VIOLATION OF THE SAME, IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF ASSEMBLY OF 1965, P.L. 1257, ACT 511, KNOWN AS "THE LOCAL TAX ENABLING ACT" ADOPTED DECEMBER 31, 1965, AS AMENDED.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, and it is hereby enacted and ordained by the authority of the same:

SECTION 1: Coin-operated amusement devices, for the purposes of this Ordinance, are defined as games of skill played for amusement for which patrons pay a sum of money, and include, but are not limited to, electronically operated video games, electronically operated tennis and shuffleboard, pinball machines, billiards, pool and other similar games of amusement. This definition specifically does not include coin-operated musical devices or juke boxes.

SECTION 2: Commencing with the year 1984, and continuing each and every year thereafter, it shall be unlawful for any person, persons, proprietorships, partnerships, corporations, companies, firms or other entities to have, keep, lease, or maintain for the purposes of operation any coin-operated amusement devices, without first having obtained a proper license therefor from the Secretary of the Township and paying the license fee as hereinafter stated. Such license, once obtained, shall be posted by the licensee at all times at the establishment where such devices are operated by affixing the same in a conspicuous manner so as to be easily seen and

read by all parties or patrons who visit the said premises.

SECTION 3: The application for the aforesaid license shall be filed in writing with the Secretary of the Township on a form provided by the Township and shall state the following:

- (a) The name and address of the applicant, if an individual, and if a proprietorship, partnership, corporation, company, firm or other entity, the principal officers thereof and their addresses;
- (b) The name and address of the owner of the said devices, if it be different from that of the applicant, and the legal relationship between the owner of the said devices and the applicant;
- (c) The address of the premises where the said devices are to be operated, the general nature of the business carried on at such location, the intended hours of operation of the said business and the intended hours of operation of the said devices;
- (d) The trade names, serial numbers, names of the manufacturer and a general description of each device to be so licensed together with the intended total number of such devices to be operated on the premises.

SECTION 4: No license shall be issued under this Ordinance for the operation of any coin-operated amusement device until an annual license fee of Ten (\$10.00) Dollars for each of the first four coin-operated devices, with the fee for each additional device or coin-operated machine to be Twenty (\$20.00) Dollars, is paid to the Secretary of the Township of Washington. The said license fee shall be paid simultaneously with the filing of the aforesaid license application, both of which shall be submitted by the licensee on or before January 31 of each year.

SECTION 5: All license fees shall be paid annually by January 31st of each year and for the first year, i.e. 1984, in which this Ordinance is effective, the license fee for each said device shall be paid by January 31, 1984. On no occasion shall any portion of said license fee be refunded to the licensee in the event that a device is removed during the term of the license.

SECTION 6: In the event any person, licensed under the provisions of this Ordinance, desires, during any portion of the license year, to increase the number of devices to be used or played, or exhibited for use or play in his establishment, he shall surrender his then current license to the Secretary, who shall issue a new license showing the appropriate number of devices licensed thereunder, and serial identification numbers and descriptions of such devices upon payment of the appropriate additional license fee therefor. All licenses shall be issued for specific premises or location, and are not transferable from one premises to another, or from person to person. Any change in the premises or location or licensee, regardless of location, requires a new license application and payment of the appropriate license fee as herein set forth.

SECTION 7: Nothing in this Ordinance shall in any manner be construed to authorize, license or permit any gambling device or machine whatsoever, or any mechanisms that have been judicially determined to be gambling devices, or in any way contrary to law, or that may be declared gambling devices or contrary to law in the future;

and all such machines, gambling devices or mechanisms are prohibited within the Township.

SECTION 8: Every person who makes application for an amusement license and/or is granted an amusement license shall be legally responsible for the following:

- (a) To ensure that the place where such amusement devices are located is operated in a peaceful and orderly manner and not conducted in such a manner as to annoy the public or surrounding neighborhood.
- (b) To ensure that no noise, either from the amusement device or from the patrons or a combination of both, which can be heard solely by the ear, shall be transmitted or heard beyond the premises where the amusement device or devices are located.
- (c) To be truthful on all information requested on the application.
- (d) To inform the Secretary of any change in circumstances, in data or information provided on said application, including, without limitation, change in identity of licensee, any increase in the number of amusement devices, or change in address of the premises where such devices are located, within ten (10) days after such changes have occurred, and the licensee shall further make such new or additional application, and pay the appropriate fees therefor within thirty (30) days from the date of such change or changes.

SECTION 9: The police officers and the Zoning Officer of the Township are hereby authorized and directed, without notice, to make periodic inspections of the amusement devices subject to license hereunder.

SECTION 10: Any person violating any of the provisions of this Ordinance shall, upon summary conviction, be sentenced to pay a fine of not more than Three hundred (\$300.00) Dollars for each and every offense, and in default of payment of the fine and

costs imposed shall be committed to imprisonment for not more than five (5) days. Each and every day that any amusement device, under the terms of this Ordinance, shall be operated and used in violation thereof, shall constitute a separate and distinct offense under this Ordinance and shall be subject to separate and distinct penalties thereunder.

SECTION 11: The provisions of this Ordinance are separable. If any sentence, word, phrase, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, words, phrases, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, word, phrase, clause or section not been included herein.

SECTION 12: This Ordinance shall be effective thirty (30) days after enactment thereof.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington, County of Northampton and State of Pennsylvania, on this 15th day of June 1983.

WASHINGTON TOWNSHIP BOARD OF SUPERVISORS

Paul B. Wagner Chairman
Richard A. Lane
Carl T. Miller

ATTEST:

Barbara J. Hallett
Secretary