

ORDINANCE NO. 83

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA, REGULATING AND LICENSING THE LOCATION AND OPERATION OF COIN AND MONEY OPERATED AMUSEMENT, CHANCE OR SKILL MACHINES AND DEVICES, EXCLUDING MUSICAL DEVICES; PRESCRIBING THE FORM OF LICENSE APPLICATION AND FEES; AUTHORIZING INSPECTIONS AND ESTABLISHING RESTRICTIONS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of the Township of South Huntingdon, as follows:

Section 1. General Scope. The subject matter of this ordinance is regulation, licensing and establishment of fees for the operation of machines or devices operated as games of skill, chance or amusement by patrons who pay money to use said machines or devices in the Township of South Huntingdon. These coin or money operated machines and devices include, but are not limited to, pinball machines, electronically operated shuffleboard, bowling, video games, electronically operated tennis, billiards, and other games of amusement, chance or skill. These games of amusement do not include any coin or money operated musical devices.

Section 2. License Required. It is the purpose of this ordinance that after the effective date hereof, it shall be unlawful for any person, persons, corporations, companies, or firms to have, keep, lease or maintain for purposes of operation any the aforementioned coin or money operated amusement, chance or skill machines or devices without first having obtained the proper license from the Township of South Huntingdon.

This ordinance shall apply only to any place or premise where two (2) or more of these coin or money operated machines or devices are located.

Any license issued by the Township of South Huntingdon pursuant to the provisions of this ordinance shall be posted at all times by affixing same in a conspicuous place so as to be easily seen and read by all parties who visit the premise wherein the machines are operated.

Section 3. License Application. The application for the aforementioned license shall be filed in writing with the Secretary of the Township of South Huntingdon on a form to be provided by the Township of South Huntingdon and shall specify:

1. The name and address of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses;
2. The name and address of the owner of the machines or devices or the person, firm, corporation, partnership or association who leases or distributes the same for the purpose of operation by another if such person, firm, corporation, partnership or association is different from the applicant;
3. The address of the premises where the licensed machines or devices are to be operated, together with general nature of the business carried on at such place;
4. The trade name(s), serial numbers, names of the manufacturer, and the number of machines or devices to be licensed along with the general description of the machines or devices to be licensed; and
5. The fee that is paid and the effective dates of the application, which shall be for a calendar year of part thereof in the event that a license is obtained during a calendar year.

Section 4. License Fee. No license shall be issued under this ordinance for any coin or money operated amusement, chance or skill machines or devices until the annual fee shall have been paid to the Township of South Huntingdon. This annual license fee shall be set pursuant to a Resolution by the Township of South Huntingdon for each machine or device located on the premises. For purposes of yearly renewal, the fee shall be paid on or before January 31 of each year for that calendar year.

However, should any device(s) or machine(s) be installed or located at any place or premises after July 1 of any year and application is made after that date, then the license fee of that machine(s) shall be one-half (1/2) of fifty percent (50%) of the annual license fee provided for in this section.

This license shall be transferable from one applicant to another. A new owner, proprietor, or operator shall be required to secure a new license and pay the fees thereof. However, he shall not be required to pay a new, or different license fee when one machine is replaced by another as long as the total number of machines remains the same, and as long as an application is filed with the Township within ten (10) days of the change in machines or devices.

Section 5. Restrictions. There shall be no more than twenty (20) machines or devices of any type or types permitted to be operated, maintained, or in use in any one (1) place, location or premises.

It shall be prohibited to license, maintain, place or operate machines as described in this ordinance at any location within three hundred (300) feet of an entrance to any house of worship, public school or public playground. The three hundred (300) feet distance shall be measured along the street line from such entrance to nearest property line upon which such machines or devices are located.

It shall be prohibited to offer any prize, money or any other award other than additional games awarded by the machine or device to any person playing such machine or device; furthermore, it shall be prohibited to permit any said machine or device to be used for any gambling purpose.

Section 6. Inspections. The Ordinance officer of the Township of South Huntingdon, or any other duly authorized official of the Township, shall make periodic inspections of all premises where machines or devices are located or operated for the purpose of enforcing this ordinance.

Section 7. Violations and Penalties. Any person, firm or corporation who violates any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

Section 9. Severability. If any sentence, clause, section, part 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, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of South Huntingdon that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Effective Date. This ordinance shall become effective on the 1st day May, 2002.

ORDAINED AND ENACTED BY SOUTH HUNTINGDON TOWNSHIP this 28th day of March, 2002.

Township of South Huntingdon

By: Scott Painter
Chairman

ATTEST: Cindy Thorne
Secretary

Secretary