

Chapter 75

AMUSEMENT DEVICES

ARTICLE I

Mechanical and Electronic Devices

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[HISTORY: Adopted by the Board of Supervisors of the Township of West Deer as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Adult entertainment — See Ch. 65.
Public entertainment — See Ch. 113.
Waiver of fees for tax-exempt organizations — See Ch. 117, Art. I.
Admissions and amusement tax — See Ch. 189, Art. III.

ARTICLE I

Mechanical and Electronic Devices
[Adopted 10-18-2006 by Ord. No. 352¹]**§ 75-1. Title.**

This article shall be known and may be cited as the "West Deer Township Mechanical or Electronic Device Ordinance."

§ 75-2. License required.

No person or persons, firm or corporation shall at any time have in his, her or its possession and/or control within the Township of West Deer any mechanical or electronic device, machine or apparatus whatsoever for the playing of games and amusements, said mechanical devices being known as "pinball machines," on which baseball, football, bowling, shuffleboard and other games are played through the insertion therein of a coin, metal disk or other token whatsoever; any mechanical or electronic device, machine or apparatus whatsoever for the playing of video amusements, said devices being commonly known as "video game machines," which are in fact amusement devices operated by the insertion therein of a coin, metal disk or other token whatsoever and the pulling of a lever or pushing of a button which permits the operator to control a video display terminal for amusement purposes; or any machine or mechanical or electronic device of any nature which sets in motion cylinders or mechanical devices which exhibit different combinations of symbols entitling the operator to free plays, prizes or cash; or any mechanical or electronic device, machine or apparatus whatsoever whereon or whereby music is played for the insertion therein of a coin, metal disk or other token whatsoever, without having first procured and paid for a license therefor, as hereinafter provided.

1. Editor's Note: This ordinance also superseded former Art. I, Mechanical and Electronic Devices adopted 11-10-1983 by Ord. No. 155, as amended.

§ 75-3. License application.

Any person or persons, firm or corporation desiring to procure a license as provided in § 75-2 of this article shall apply therefor in writing to the Secretary of the Township of West Deer or his or her designee. Said application shall set forth the name or names, the residence or residences of the person or persons, firm or corporation so applying to either with the present and previous occupation of the applicant or applicants and the length of residence at the present place of residence, the exact name of the owner of the premises upon which said machine or machines are to be installed, and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises have been leased or otherwise occupied and whether the applicant is a citizen of the United States of America. The applicant shall also set forth the description, kind and nature of the machine or machines to be installed and used. The information required by this section shall be furnished over the signature or signatures of the applicant or applicants and shall be verified by oath or affirmation.

§ 75-4. Restrictions on issuance of license.

No license shall be granted until a period of 10 days shall have elapsed from the date the application is filed with the Secretary of the Township or his or her designee, during which time the Secretary of the Township may, at his or her discretion, investigate the facts set forth in the application; and no license shall be granted to any person not a citizen of the United States of America. The Secretary shall deny a license to any applicant or applicants submitting an application with false or erroneous information.

§ 75-5. Gambling prohibited.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling device whatsoever, or

any mechanism which has been judicially determined to be a gambling device or in any way contrary to law.

§ 75-6. Fees.

- A. No license shall be issued under the provisions of this article for any pinball machine or video arcade game machine, as defined in § 75-2 of this article, until an annual fee therefor shall have been paid for the use of the Township in the sum of \$150. Pool tables are expressly assigned a license fee of \$100. Electronic video poker, cherry master, and other electronic gaming machines are assigned a license fee of \$350. Amounts paid as aforesaid shall be a license fee until December 31 of the year in which said license fee is paid; provided, however, that should any such machine or device be installed after July 1 of any year and application for license therefor be made after said date, then and in that event, the license fee for such machine or device, until December 31 of that particular year shall be the sum of \$250.
- B. No license shall be issued under the provisions of this article for any mechanical or electronic device, machine or apparatus whereon and whereby music is played, as defined in § 75-2 of this article, until an annual fee therefor shall have been paid for the use of the Township in the sum of \$50 which amount paid as aforesaid shall be a license fee until December 31 of the year in which said license fee is paid.

§ 75-7. Issuance, contents and display of license.

Upon payment of the license fee as provided by this article, the Secretary of the Township, or his or her designee, shall issue a permit setting forth the number of the license for each machine so licensed, the date of issue and the kind and nature of the machine so licensed, which permit shall be attached to, or conspicuously displayed in the immediate vicinity of the

machine or device so licensed, in such manner that the same may be at all times clearly observable and readable.

§ 75-8. Inspections.

The Secretary of the Township, or his or her designated representative, shall have the right at all reasonable times to inspect any premises having any such mechanical or electronic device or machine as defined herein, and any person or persons, firm or corporation in possession and/or control of any such premises shall permit such inspection at reasonable times.

§ 75-9. Violations and penalties. ²

Any person or persons, firm or corporation, violating any of the provisions of this article shall, upon conviction thereof before the District Magistrate, Justice of the Peace or other proper judicial body, be fined a sum not to exceed \$300 for each and every offense and, in default of payment thereof, shall be committed to the Allegheny County jail for a period of not more than 30 days. Each and 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 penalty thereunder.

§ 75-10. Continuation of fee.

The license fee herein imposed shall continue in force on a calendar-year basis following December 31, 1983, without annual reenactment until such time as the Board of Supervisors of the Township of West Deer shall change the amount of the license fee or, by appropriate ordinance, repeal the imposition of such annual license fee.

2. Editor's Note: See also Ch. 1, General Provisions, Art. III, Violations and Penalties.

