

MECHANICAL AMUSEMENT DEVICE ORDINANCE

An ordinance requiring a yearly license for each mechanical, electronic, or video amusement device with the Borough and used to generate a profit. Said ordinance also establishes a fee for each license based upon the type or types of machines located on the premises of an applicant.

Be it ordained and enacted by the Borough Council of the Borough of Montrose, County of Susquehanna and Commonwealth of Pennsylvania:

1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

JUKEBOX - Includes any device for the rendition of music upon insertion of a coin, slug, token, plate, or disc.

MECHANICAL, ELECTRONIC, OR VIDEO AMUSEMENT DEVICE - Includes any device which, for the use thereof, requires the payment of a fee, or any device which, upon insertion of a coin, slug, token, plate, or disc, may be operated for use as a game or entertainment, whether or not registering a score, provided that the term "mechanical, electronic, or video device" shall not include any gambling device or any mechanism which has been judicially determined to be a gambling device. Said devices include, but are not limited to pinball machines, pool tables, bowling machines and "video games".

PERSON - Includes any natural person, association, partnership, firm, or corporation.

2. License required.

From and after the date hereof, no person may, for profit, offer for amusement or enjoyment within the Borough of Montrose, any mechanical, electronic, or video amusement device or jukebox music device without first having procured a license therefor from the Permit Officer. The primary responsibility for procuring said license shall be with the owner of said machine. Non profit groups, associations, and corporations are exempted.

3. Application for license; investigation, issuance.

Any person desiring to procure a license for a mechanical, electronic, or video amusement device or jukebox shall apply therefor, in writing, to said Borough Permit Officer. Such application shall set forth the name of the applicant and owner, the address at which such device is to be located and the number, and character, and type of devices to be installed. All applications are to be signed by the applicant. The Permit Officer or any other person designated by the Borough Council may investigate the facts set forth in the application. After the investigation, if any, is completed, a license may be issued.

4. Gambling devices prohibited; transferability.

A. Nothing in this ordinance shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any machine

or 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 law of the Commonwealth of Pennsylvania.

- B. A license may be transferred from one applicant or owner to a new applicant or owner but not from one location to another.

5. Fees

- A. License fees for each mechanical or electronic amusement device and jukeboxes shall be as follows:

- 1. Video game - One hundred dollars (\$100.) per year each.
- 2. Jukebox - No charge.
- 3. Pinball machines, pool tables, bowling machines and all other devices not specifically specified - Twenty Five (\$25.) dollars per year each.

- B. The license fees heretofore mentioned shall not be prorated, and shall be good for one year from date of issue.

6. License form to be displayed near machine.

Upon payment of a license fee provided by this ordinance, the Permit Officer of the Borough of Montrose shall issue a license form for the machines so licensed, which said license shall be displayed so that the same may be clearly observable and readable.

7. Sealing of unlicensed machines.

The Police of the Borough of Montrose or any other officer of the Borough of Montrose so designated by the Borough Council may put a seal upon any of said mechanical, electronic, or video devices or jukeboxes for which no license fee has been paid; and when the proper license fee has not been paid for such sealed mechanical, electronic, or video device or jukebox if under seal as aforesaid, the owner, proprietor, manager, or person in charge of the place where said mechanical, electronic, or video device or jukebox is located shall be responsible for any unlawful use therefor while such is unlicensed.

8. Violations and penalties.

Any person violating any of the provisions of this ordinance shall, upon summary conviction before any District Magistrate of Susquehanna County, be subject to a fine of not more than three hundred dollars (\$300.) for each and every offense and/or may be sentenced and committed to the county jail for not more than thirty (30) days. Each and every day that any mechanical, electronic, or video game device or jukebox under the terms of this ordinance shall be operated and used in violation therefor shall constitute a separate and distinct offense under this ordinance and shall be subject to separate and distinct penalties thereon.

9. Repealer.

Any ordinance or part of an ordinance or resolution conflicting with the provisions of this ordinance be and the same is hereby repealed so far as the same affects this ordinance.

ORDAINED AND ENACTED by the Council for the Borough of Montrose this _____ day of _____, 1984.

BOROUGH OF MONTROSE

BY _____
President of Council

Attest:

Secretary

Examined and Approved this _____ day of _____, 1984.

_____, Mayor