

MUNICIPALITY OF OHIO TOWNSHIP

ORDINANCE NO. 228

AN ORDINANCE OF THE MUNICIPALITY OF OHIO TOWNSHIP,
COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA,
AMENDING TOWNSHIP ORDINANCE NO. 118, TOWNSHIP CODE, CHAPTER 116,
REQUIRING LICENSES FOR JUKE BOXES, POOL TABLES AS WELL AS VIDEO AND MECHANICAL AMUSEMENT DEVICES, FOR THE PLAYING OF GAMES OR AMUSEMENT; PROVIDING FOR APPLICATIONS FOR LICENSES; REQUIRING VERIFICATION OF INFORMATION; REQUIRING AN ACKNOWLEDGMENT THAT LICENSING DOES NOT SANCTION LICENSEE'S USE OR POSSESSION OF ILLEGAL GAMBLING DEVICES; SETTING FORTH CONDITIONS FOR ISSUANCE OF LICENSES AND CONSTRUCTION OF PROVISIONS; ESTABLISHING ANNUAL LICENSE FEES FOR SAME; REQUIRING DISPLAY OF LICENSES; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL INCONSISTENT ORDINANCES. ARTICLE V

SECTION 1: ENACTING CLAUSE

Be it ordained and enacted by the Board of Supervisors of the
Township of Ohio, and it is hereby ordained and enacted by
the authority of the same, that from and after the effective date
of this Ordinance, the following Ordinance shall be in full force
and effect in the Township of Ohio.

SECTION 2: SHORT TITLE

This Ordinance shall be known as the Township of Ohio
Amusement Tax Ordinance.

SECTION 3: CONFLICT AND REPEALER OF OTHER ORDINANCES

Ordinance No. 118 is hereby repealed as are all
other ordinances or parts of ordinances insofar as they conflict
with the provisions of this Ordinance; however, such repeal shall
not affect any act done or any liability or violation accrued under
any such prior Ordinance herein repealed or superseded and all such

liabilities or violations shall continue and may be enforced in the same manner as if such repeal or supersession had not been made; and any offense or violation committed and any penalty or forfeiture incurred under any such Ordinance herein repealed or superseded, may be prosecuted in the same manner as if this Ordinance had not been approved.

SECTION 4: RULES OF CONSTRUCTION

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the past or present tense shall include the future tense.
- C. Words used in the masculine gender shall include the feminine and neuter.
- D. The word "shall" is always mandatory and is not discretionary.
- E. The word "may" is permissive.
- F. That Ohio Township intends to favor the public interest as against any private interest.
- G. The headings prefixed to sections and other divisions of this Ordinance shall not be considered to control but may be used to aid in the construction thereof.
- H. General words shall be construed to take their meanings and be restricted by preceding particular words.

SECTION 5: DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases, used in this Ordinance or in an Application for License of Amusement Devices, shall have the meaning given to them in this section:

"Amusement Device" means video or mechanical amusement device, juke box or pool table and/or other electronic device; machine or apparatus whatsoever, for the playing of games and amusement.

"Applicant" means any individual, partnership or corporation who seeks to obtain a license for an amusement device under this Ordinance.

"Application for License of Amusement Devices" means the document filed by an applicant requesting a permit to possess in the Township any video or mechanical amusement device, juke box or pool table and/or other electronic device, machine or apparatus whatsoever, for the playing of games and amusement.

Business establishment" means any restaurant, bar, tavern, retail, manufacturing, wholesale, institutional, educational, religious, governmental or other nonresidential establishment, store or business, whether or not in operation.

"Gambling device" means any device, machine or apparatus used for the playing of poker, blackjack, keno, bingo or other casino games by the insertion therein of any coin, currency, metal disc, slug or token.

"**Illegal gambling device**" means any device, machine or apparatus designed and/or specifically equipped to be used for the playing of poker, blackjack, keno, bingo, slots or other casino gambling games by the insertion therein of any coin, currency, metal disc, slug or token, which has, or is designed to facilitate the ready use of, a knockoff or knockdown device or other capability for erasing or eliminating accumulated playing credits.

"**Juke box**" means any device, machine or apparatus which plays recorded music, whether by record, tape, compact disc or other means, by the insertion therein of any coin, currency, metal disc, slug or token.

"**Pool table**" means any device or apparatus upon which is played the games of 8-ball, billiards, pool, snooker or other similar games for which a fee is charged, whether or not such device is operated through the insertion of coin, currency, metal disc, slug or token.

"**Proprietor**" means any individual, partnership or corporation who owns, leases or maintains the business establishment in which any juke box, pool table, or video or mechanical amusement device is placed for the use, patronage, recreation or amusement of the public or of persons in or about the business establishment.

"**Vendor**" means any individual, partnership or corporation who is the lawful owner of any juke box, pool table or video or mechanical amusement device for which a license is sought

under this ordinance, or any individual, partnership or corporation who makes, assembles, sets up, maintains, sells, lends, leases, gives away, or offers for sale, loan, lease or gift, any juke box, pool table or video or mechanical amusement device for which a license is sought under the Ordinance.

"Video or mechanical amusement device" means any device, machine or apparatus used for the playing of games or otherwise used for the purpose of amusement or entertainment by the insertion therein of any coin, currency, metal disc, slug or token, including but not limited to "claw machines," "electric or electronic dart boards," "gambling devices," "pinball machines" and "video games."

SECTION 6: LICENSE REQUIRED

No person, firm, partnership, corporation or other entity, shall at any time have in his possession within the Township, any video or mechanical amusement device, juke box or pool table for the playing of games and amusement without first having procured a license therefor as hereinafter provided in this Ordinance.

SECTION 7: APPLICATION FOR LICENSE

Any person, firm, corporation or other entity, desiring to procure a license as required in Section 6 of this Ordinance, shall apply therefor in writing to the Township Manager. Said application shall set forth the following information:

- A. The name and residence of the vendor of each juke box,

- pool table or video or mechanical amusement device to be licensed;
- B. The name and residence of the proprietor of the business establishment in which each juke box, pool table or video or mechanical amusement device is to be located, used or installed;
 - C. If vendor and/or proprietor are citizens of the United States;
 - D. The manufacturer, name of machine, serial number, type and fee for each machine, video or mechanical device, pool table, juke box or apparatus to be located on the premises, installed or used;
 - E. A verification by the vendor and proprietor, that the facts set forth in the Application are true and correct to the vendor's and proprietor's personal knowledge information or belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;
 - G. That the vendor and proprietor have been provided a copy of this Ordinance and that he/they have read and agree to be bound by all terms and provisions hereof;
 - H. That a License does not sanction or condone the use or possession of any illegal gambling device, whether illegal per se or as modified;
 - I. That the illegal use or possession of an unlawful

gambling device, either per se or as modified, may result in a criminal prosecution by law enforcement officials.

SECTION 8: PERSONS INELIGIBLE FOR LICENSES

The Township Manager shall not issue a License for any video or mechanical amusement device to any person who:

- A. Is not a citizen of the United States;
- B. Is not twenty-one years of age;
- C. Has been found guilty of or accepted Accelerated Rehabilitative Disposition, for possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, within three (3) years of the date of application.

SECTION 9: CONDITIONS FOR ISSUANCE

No license shall be granted until a period of ten days shall have elapsed from the date of application during which time the Township Manager may, at his or her discretion, investigate the facts set forth in the application.

A. The Township Manager shall refuse to issue a license for any device that the applicant has not affirmed is not designed, or intended to be used, for gambling purposes.

B. A license shall not be issued unless the applicant acknowledges:

- 1. That obtaining or displaying a Township license does not sanction or permit the use of any device for gambling purposes or possession of an illegal gambling device, either per se, or as modified;

2. That if the applicant or licensee illegally uses or possesses an unlawful gambling device, either per se or as modified, he may be prosecuted by Township Police or other law enforcement officials; and

SECTION 10: CONSTRUCTION OF PROVISIONS

Nothing in this Ordinance shall be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, either per se or as modified, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania or the United States of America.

SECTION 11: LICENSE FEES

No license shall be issued until the following annual fees shall have been paid by the Applicant to the Township for each and every device to be installed or used:

- A. \$250.00 for each juke box;
- B. \$500.00 for each pool table; and
- C. \$500.00 for each video or mechanical amusement device.

The above annual fees paid shall be a license fee until December 31st of each year; except, however, should any such device be installed after July 1st of any year, and an application therefor is made after such date, then in such event, the license fee for that particular year, until December 31st, shall be as follows:

- A. \$250.00 for each juke box;
- B. \$250.00 for each pool table; and

C. \$250.00 for each video or mechanical amusement device.

SECTION 12: ISSUANCE AND DISPLAY

Upon the payment of the license fee provided by this Ordinance, and if the application fully complies with this Ordinance, the Township Manager shall issue a disc, plate, or sticker setting forth the number of the license for each machine so licensed, and said disc, plate or sticker shall be attached and fastened to the respective machine or device so that the same may be clearly observable and readable. Discs, plates or stickers issued for a particular machine or device are not transferrable to another machine or device. All discs, plates or stickers issued by the Township for video and mechanical amusement devices, shall state that the video or mechanical amusement device is for amusement purposes only, that it is not a gambling device and that only games and not money may be won on the machine or device.

SECTION 13: INSPECTION

The Township or its agents may, during regular business hours, conduct inspections of any business establishment where any video or mechanical amusement device, juke box or pool table licensed under this Ordinance is located, installed, placed or used, to ensure compliance with this Ordinance.

SECTION 14: REVOCATION, DEBARMENT AND CONTRABAND DECLARATION

In the event any applicant, vendor or proprietor falsifies any information on an Application for License of Amusement Devices, or violates this Ordinance, the Township shall immediately revoke

all Licenses issued under this Ordinance to such applicant, vendor or proprietor.

Moreover, in the event a vendor of a video or mechanical amusement device or a proprietor of a business establishment is convicted of possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, the Township shall revoke each License issued to such person, as an applicant, vendor or proprietor.

Additionally, the Township shall not issue a License of Amusement Devices to any person who has been found guilty of or accepted Accelerated Rehabilitative Disposition, for possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, within three (3) years of the date of application.

Any video or mechanical amusement device used or possessed in violation of the Crimes Code of the Commonwealth of Pennsylvania, or this Ordinance, may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. § 6501(d) (relating to scattering rubbish).

SECTION 15: PROHIBITION OF SUGGESTION OR PROMISE OF NON-PROSECUTION

Because the Township intends to foster compliance with the laws of the Commonwealth of Pennsylvania and the United States regarding illegal possession and/or use of gambling devices, no Township employee or agent may promise, suggest or insinuate, either expressly or by implication, that the applicant, licensee,

proprietor or vendor, who illegally uses or possesses any device used or intended to be used for gambling purposes, shall not be prosecuted.

SECTION 16: VIOLATIONS AND PENALTIES

For each and every violation of the provisions of this Ordinance, any person or persons, firm, partnership or corporation, violating any of the provisions of this Ordinance shall constitute a summary offense, and upon conviction by the Issuing Authority for the magisterial district which includes the _____ Township _____, be sentenced to pay a fine of not less than Fifty Dollars (\$50.00), nor more than Three Hundred Dollars (\$300.00), and costs of prosecution, and in default of payment thereof, may be committed by the Issuing Authority to the Allegheny County Jail in conformity with the Pennsylvania Rules of Criminal Procedure for a period not to exceed ten (10) days. Each and every day that any machine or device is used and operated in violation hereof shall constitute a separate and distinct offense under this Ordinance and shall be subject to separate and distinct penalties hereunder.

SECTION 17: VALIDITY

The provisions of this Ordinance are severable and if any of its provisions or any part of any provision shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the _____ Township _____ that this Ordinance would have been enacted had such unconstitutional provision or parts thereof not been included

herein.

SECTION 18: EFFECTIVE DATE

This Ordinance shall become effective when it is recorded in the Ordinance Book of the Township of Ohio.

ORDAINED AND ENACTED into law this 8TH day of FEBRUARY 1999.

ATTEST:

MUNICIPALITY OF OHIO

John L. Sullivan Jr

Secretary

BY George B. White

Chairman, Board of Supervisors

MUNICIPALITY OF OHIO TOWNSHIP
 APPLICATION FOR LICENSE OF AMUSEMENT DEVICE

SECTION A: APPLICANT(S)

VENDOR: _____ PROPRIETOR: _____
 ADDRESS: _____ ADDRESS: _____

 TELEPHONE:() _____ TELEPHONE: () _____

SECTION B: NUMBER OF MACHINES

	<u>NAME OF MACHINE</u>	<u>SERIAL NUMBER</u>	<u>TYPE</u>	<u>FEE</u>
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
			TOTAL FEE	_____

TYPE AND (FEE): J=JUKE BOX(\$-----) ♦ P=POOL TABLE(\$-----) ♦ V=VIDEO OR MECHANICAL DEVICE(\$-----)

SECTION C: CERTIFICATION

I (or we), the undersigned applicant(s) listed in Section A of this application for a license for the mechanical device(s) listed in Section B, hereby acknowledge, subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities), that the Municipality of Ohio Twp. has provided me with a copy of Municipal Ordinance No. ____-1999 and that I have read and agree to be bound by all terms and provisions of said ordinance.

I (or we) further affirm that none of the mechanical devices listed in Section B of this application is/are (1) designed for use as a gambling device; (2) equipped for use as a gambling device; (3) intended to be used for gambling purposes; (4) nor will the listed mechanical devices be used for gambling purposes. I (or we) understand and acknowledge that the laws of the Commonwealth of Pennsylvania (at 18 Pa. C.S. § 5513) prohibit the use of any video game or machine or any other device for gambling purposes. I (or we) acknowledge that use of any of the mechanical devices listed in Section B for gambling purposes can subject me (or us) to criminal prosecution for violation of state and/or federal law and can result in forfeiture of property, monetary fines and/or incarceration.

I (or we) also affirm that no statements, guarantees or promises of non-prosecution, either express or implied, have been made by any Township employee or agent.

SIGNATURE OF VENDOR

SIGNATURE OF PROPRIETOR

APPROVED BY: _____

MUNICIPALITY OF OHIO TOWNSHIP