ORDINANCE NO. 2024-12-02
BOROUGH OF PATTON
CAMBRIA COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF PATTON, CAMBRIA COUNTY, PENNSYLVANIA ADOPTING AND SETTING FORTH REQUIREMENTS FOR MECHANICAL AMUSEMENT DEVICES AND LICENSING TAX AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Borough of Patton desires to adopt and establish requirements for mechanical amusement devices, licensing tax and providing penalties for violation thereof.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Patton, Cambria County, Pennsylvania, as follows:

SECTION 1. Title.

This Ordinance shall be known as the "Mechanical Amusement Device Ordinance."

SECTION 2. Definitions.

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

Amusement Device: Any mechanical, electronic, and/or video amusement device, jukebox, or pool table and/or other electronic device, machine or apparatus whatsoever, which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price (via the internet, app, mobile device or in person), may be operated or used as a game, skill game, entertainment, or amusement, whether or not registering a score and whether or not a prize or payment is offered.

Applicant: Any individual, partnership, corporation, not-for-profit, unincorporated enterprise owned by two or more persons, limited liability company, trust or other business entity, domestic or foreign, required to seek and/or who is seeking to obtain a license for an amusement device under this Ordinance.

Application for License of Amusement Devices: The document filed by an Applicant requesting a permit to possess in the Borough any Amusement Device, Video or Mechanical Amusement Device, Jukebox, or Pool Table and/or other electronic device, machine, or apparatus whatsoever, for the playing of games and amusement.

Business Establishment: Any restaurant, bar, tavern, retail, manufacturing, wholesale, institutional, educational, not-for-profit, religious, governmental, or other nonresidential establishment, store, club, or business, whether or not in operation.

Borough: The Borough of Patton, Cambria County, Pennsylvania.

Gambling Device: 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, or by the payment of any price (via the internet, app, mobile device or in person).

Illegal Gambling Device: 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 knock off or knockdown device or other capability for erasing or eliminating accumulated playing credits.

Illegal: Any action or thing which is against or not authorized by the law or statute, forbidden by law or statute, and/or forbidden by official rules or regulations.

Legal: Any action or thing which is authorized by the law or statute, and/or by official rules or regulations.

Jukebox: 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, or by the payment of any price (via the internet, app, mobile device or in person).

Person: A natural person, firm, copartnership, company, association or corporation.

Pool Table: Any device or apparatus upon which is played the games of eight-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, or by the payment of any price (via the internet, app, mobile device or in person).

Proprietor: Any individual, person, firm, partnership, corporation, or other entity who owns, leases, or maintains the business establishment in which any jukebox, 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, and includes any individual, person, firm, partnership, corporation, or other entity who owns, leases, or otherwise controls or operates one or more Amusement Devices within the Borough.

Vendor: Any individual, partnership, corporation, unincorporated enterprise owned by two or more persons, limited liability company, trust or other business entity, domestic or foreign, who is the lawful owner of any jukebox, 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 jukebox, pool table, or video or mechanical amusement device for which a license is sought under the Ordinance.

Video or Mechanical Amusement Device: 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, or payment via the internet, app, or in person, including, but not limited to, "claw machines," "electric or electronic dart boards," "gambling devices," "pinball machines," "skill games" and "video games."

SECTION 3. License Required.

No individual, partnership, corporation, not-for-profit, unincorporated enterprise owned by two or more persons, limited liability company, trust or other business entity, domestic or foreign, shall at any time have in his/their possession within the Borough any Video or Mechanical Amusement Device, Jukebox or Pool Table for the playing of games and amusement without first having procured a license and paying a license fee or tax therefor as hereinafter provided in this Ordinance.

SECTION 4. Application for License.

Any Applicant, as defined herein, desiring to procure a license as required in Section 3 of this Ordinance, shall apply therefor in writing to the Borough Council. Said application shall require information including, but not limited to, the following with the regard to the Applicant, Proprietor, and/or Vendor, as appropriate:

i. The application status (new or renewal license)
ii. The type of business
iii. Business information including but not limited to the name of the business, the mailing address and location of the business, phone number, email address and business contact information.
iv. A list of the type and number of Video or Mechanical Amusement Devices as well as the Vendor.

SECTION 5. Persons Ineligible for License.

The Borough shall not issue a license for any Video or Mechanical Amusement Device to any person who:

i. Is not 21 years of age;
ii. 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, 18 Pa.C.S.A. § 101 et seq., within three (3) years of the date of the Application.

SECTION 6. Conditions for Issuance.

The grant of a license applied for under this Ordinance shall be subject to the following conditions, in addition to the payment of fees as further addressed herein:

i. No license shall be granted until a period of ten (10) days shall have elapsed from the date of Application during which time the Borough may, at its discretion, investigate the facts set forth in the Application.

ii. The Borough shall refuse to issue a license for any device that the Applicant has not affirmed the fact that it is not designed, or intended to be used, for illegal gambling purposes.

iii. A license shall not be issued unless/until the applicant acknowledges:
   a. That obtaining or displaying a Borough license does not sanction or permit the use of any device for illegal gambling purposes or possession of an Illegal Gambling Device, either per se, or as modified; and
   b. That if the applicant or licensee illegally uses or possesses an unlawful Gambling Device, either per se or as modified, he or she may be prosecuted by the Borough or other law enforcement officials.

SECTION 7. Construction of Provisions.

Nothing in this Ordinance shall be construed to authorize, license, or permit any Illegal Gambling Devices whatsoever, or any mechanism that has been judicially determined to be a Illegal 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 8. License Fees/Tax.

No license shall be issued until the following annual fees shall have been paid by the Applicant to the Borough for each and every device to be installed or used, which may be amended from time-to-time by Resolution:

i. Jukebox. Annual Fee established at $25.00 per machine.
ii. Pool Table. Annual Fee established at $25.00 per table.
iii. Video, Skill or Mechanical Amusement Device.
   a. Non Paying Device - Annual Fee established at $100.00.
   b. Any legal gambling and/or skill game device - Annual Fee established at $200.00.

SECTION 9. Issuance and Display of License.

Upon the payment of the license fee provided by this Ordinance, and upon a determination that the application fully complies with this Ordinance, the Borough shall issue a license for each machine. The license shall be attached and fastened to the respective device so that the same may be readily observable and readable.

SECTION 10. Inspection.

The Borough or its agents may, during regular business hours, conduct inspections of any business establishment where any Video and Mechanical Amusement Devices, Jukebox, or Pool Table licensed under this Ordinance is located, installed, placed, or used, to ensure compliance with this Ordinance.

SECTION 11. 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 Borough shall immediately revoke all licenses issued under this Ordinance to such Applicant, Vendor, or Proprietor.

Moreover, in the event an Applicant, Vendor, or Proprietor 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, 18 Pa.C.S.A. § 101 et seq., the Borough shall revoke each license issued to such person, as an Applicant, Vendor, or Proprietor.

Additionally, the Borough 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, 18 Pa.C.S.A. § 101 et seq., 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, 18 Pa.C.S.A. § 101 et seq., or this Ordinance, may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S.A. § 6501(d) (relating to scattering rubbish).

SECTION 12. Violations and Penalties.

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this Ordinance or of any regulation made by the Council under the provisions hereof shall be guilty of a summary offense and, upon conviction thereof, pay a fine of not more than Five Hundred Dollars and Zero Cents ($500.00). Any person or persons so convicted shall also pay all costs of enforcement, prosecution, and/or investigation, including any and all restitution for damages arising from violations of this Ordinance. After notice, each day's neglect to comply with the provisions of this Ordinance or any such regulation shall be deemed a separate offense and be subject in all respects to the same penalty as the first offense, and separate proceedings may be instituted and separate penalties imposed for each day's offense after the first conviction. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

SECTION 13. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance, which shall remain in full force and effect.

SECTION 14. Repealer.

All provisions of previous Ordinances of the Borough which are contrary to or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 15. Savings Clause.

In all other respects, all ordinances, codes, resolutions, rules, and regulations of the Borough shall remain as previously adopted, approved, enacted, and ordained. It is declared as the intent of the Borough that nothing in this Ordinance shall be interpreted as discriminatory in nature.

SECTION 16. Effective Date.

This Ordinance shall take effect January 1, 2025.

ORDAINED and ENACTED into law by the Borough Council of the Borough of Patton in lawful session assembled this 13th day of DECEMBER, 2024.

ATTEST:

Secretary
(Seal)

BOROUGH OF PATTON

By: _____
President of Council

Approved this 13th day
of DECEMBER, 2024.

_____
Mayor