

KOPPEL BOROUGH
BEAVER COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 397

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF KOPPEL, BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING THE 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.

SECTION 1.

ENACTMENT CLAUSE

BE IT ORDAINED AND ENACTED by the Council of the Borough of Koppel, Beaver County, Pennsylvania, and it is hereby ordained and enacted by 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 Borough of Koppel.

SECTION 2.

SHORT TITLE

This Ordinance shall be known as the Borough of Koppel Amusement License Fee Ordinance.

SECTION 3.

CONFLICT AND REPEALER OF OTHER ORDINANCES

All other Ordinances or parts of Ordinances that are in conflict with the within Ordinance are hereby repealed to the extent of inconsistencies with this Ordinance; however, such repeal shall not affect any act done or any liability or violation accrued under any such prior Ordinance herein repealed or superseded and all such liabilities or violations shall continue and may be enforced in the same manner as if such repeal or supersession had not been made; and any offense or violation committed and any penalty or forfeiture incurred under any such ordinance herein repealed or superseded, may be prosecuted in the same manner as if this Ordinance had not been approved.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 feminine and neuter.
- d. The word "shall" is always mandatory and is not discretionary.
- e. The word "may" is permissive.
- f. That the Borough of Koppel 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:

a. "**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.

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

c. "**Application for License of Amusement Devices**" means the document filed by an applicant requesting a permit to possess in the Borough of Koppel 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.

d. "**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.

e. "**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.

f. "**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 or other casino 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.

g. **"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.

h. **"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.

i. **"Proprietor"** means an 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.

j. **"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.

k. **"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 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 Borough of Koppel 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, partnership, corporation or other entity, desiring to procure a license as required in Section 6 of this Ordinance, shall apply therefor in writing to the Borough Secretary. Said application shall set forth the following information:

- a. The name and residence of the vendor of each juke box, pool table 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.A. §4904, relating to unsworn falsification to authorities;
- f. 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;

- g. That a license does not sanction or condone the use or possession of any illegal gambling device, whether illegal per se or as modified;
- h. 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 Borough Secretary 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 (21) years of age;

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 Borough Secretary may, at his or her discretion, investigate the facts set forth in the application.

- a. The Borough Secretary 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 an Amusement Device 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 local, county, state or other law enforcement officials.

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 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 Borough of Koppel for each and every device to be installed or used:

- \$ 150.00 for each Video Machine;
- \$ 125.00 for each Pin Ball Machine;
- \$ 70.00 for each Bowling Machine;
- \$ 70.00 for each Air Hockey Machine;
- \$ 70.00 for each Music Box Machine;
- \$ 70.00 for each Pool Table (Coin Operated);
- \$ 10.00 for each Pool Table (Non-Coin Operated);
- \$ 70.00 for each Dart Machine;
- \$ 70.00 for each Basketball Machine;
- \$ 70.00 Other

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:

- \$ 75.00 for each Video Machine;
- \$ 62.50 for each Pin Ball Machine;
- \$ 35.00 for each Bowling Machine;
- \$ 35.00 for each Air Hockey Machine;
- \$ 35.00 for each Music Box Machine;
- \$ 35.00 for each Pool Table (Coin Operated);
- \$ 5.00 for each Pool Table (Non-Coin Operated);
- \$ 35.00 for each Dart Machine;
- \$ 35.00 for each Basketball Machine;
- \$ 35.00 Other

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 Borough Secretary 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 transferable to another machine or device. All discs, plates or stickers issued by the Borough 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 Borough 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 insure compliance with this Ordinance.

SECTION 14.

DECLARATION

REVOCATION, DEBARMENT AND CONTRABAND

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 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 Borough shall revoke each License issued to such person, as an applicant, vendor or proprietor.

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 provision of applicable law.

SECTION 15.

PROHIBITION OF SUGGESTION OR PROMISE OF NON-PROSECUTION

Because the Borough 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 Borough 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 be sentenced to pay a fine of not less than Fifty and No 00/100 (\$50.00) Dollars, nor more than Three Hundred and No 00/100 (\$300.00) Dollars, and costs of prosecution, and in default of payment thereof, may be committed to the Beaver 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.

In addition, any Amusement Device that is located in any Business Establishment without a License may be immediately confiscated by law enforcement officers.

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 Council of the Borough of Koppel that this Ordinance would have been enacted had such unconstitutional provision or parts thereof not have been included herein.

SECTION 18.

EFFECTIVE DATE

This Ordinance shall become effective upon passage and approval of same.

ORDANED AND ENACTED into law this 20 day of FEBRUARY,
2018.

ATTEST:

BOROUGH OF KOPPEL:

Yvonne Kuyper
Secretary

Alvin Kuyper
President of Council

Read and approved by me, this 20 day of February,
2018.

Debra M...
Mayor