

BOROUGH OF PUNXSUTAWNEY
ORDINANCE #: 1178

**AN ORDINANCE REPEALING CHAPTER 77 OF THE BOROUGH CODE,
AMUSEMENT DEVICES, AND REPLACING IT WITH THE FOLLOWING
ORDINANCE, GAMING AND AMUSEMENT DEVICES**

IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Punxsutawney, that Chapter 77, Amusement Devices, is repealed in its entirety and replaced with the following, "Gaming And Amusement Devices":

CHAPTER 77. GAMING DEVICES AND AMUSEMENT DEVICES

77-1 DEFINITIONS

77- 2 LICENSE REQUIRED

77-3 LICENSE APPLICATION; INVESTIGATION FEE AND BOND

77-4 STICKER TO BE AFFIXED TO DEVICE

77-5 MINORS PROHIBITED FROM PLAYING DEVICES

**77-6 GAMING TABLE AND DEVICE OR OTHER AMUSEMENT DEVICE OWNER
IDENTITY**

**77-7 REMOVAL OF UNIDENTIFIED OR UNLICENSED GAMING TABLE AND
DEVICE OR OTHER AMUSEMENT**

77-8 INSPECTION FOR COMPLIANCE

77-9 REVOCATION OF LICENSE

77-1 DEFINITIONS

"Gaming table or device or other amusement device" - each machine, table, or point of access to a game or other form of amusement listed under Section 77-3, including each computer terminal.

"Owner" - a person or entity who owns and provides for the use of himself or another a gaming table or device or other amusement device set forth in Section 77-3(b) of this Article.

"Vendor" - a person or entity who provides for the use of another a gaming table and device or other amusement device set forth in Section 77-3(b) of this Article.

"Vendee" - a person or entity for whom a Vendor provides a gaming table and device or other amusement device set forth in Section 77-3(b) of this Article.

“Skill Gaming Terminal” - an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion or scanning of a coin, access device, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually.

“Sticker” -is an Official Marking issued only by the Borough to display that a License has been obtained. The Sticker remains property of the Borough.

77-2 LICENSE REQUIRED. No Owner, Vendor, and/or Vendee shall provide for the use of another, have, maintain, or operate within the Borough any gaming table and device or other amusement device which depends to any extent in its operation upon chance, or which may be used as a gaming table and device, or other amusement device, as defined in Section 77-1 and identified in Section 77-3 of this Article, including devices that are part of a computer system or internet accessed to place such games of chance, without first having applied from the Borough a license to do so, and having paid the license fee herein established to cover the cost of the administration of this Article.

77-3 LICENSE APPLICATION; INVESTIGATION, FEE AND BOND.

(a) Any Owner, Vendor, and/or Vendee who desires to provide for the use of themselves or another within the Borough any gaming table and device or other amusement device defined in Section 77-1 of this Article which is not prohibited by law, shall make application to the Borough for a license.

(b) Upon the recommendation of the Police Chief, or his designee, the Borough shall forthwith issue a license, provided the Owner, Vendor, and/or Vendee first pays to the Borough a license fee in accordance with the following fee schedule:

Gaming Table and Device and Other Amusement Devices Fees:

Type:

| | |
|-----------------------------------------------|-----------|
| All pinball machines and darts | \$ 50.00 |
| Pocket billiards or billiard tables | \$ 50.00 |
| Shuffleboards or Bowling Machines | \$ 50.00 |
| Video Type Games | \$ 50.00 |
| Juke Box or similar device | \$ 50.00 |
| Computer Terminal for gaming or entertainment | \$ 200.00 |
| Skill Gaming Terminal | \$ 500.00 |
| Original Sticker | \$ 25.00 |
| Replacement Sticker | \$ 10.00 |
| Removal Fee per device | \$ 250.00 |

c) All applications and fees are due on January 1 of each year and must be submitted and paid before January 1 of each year, for each gaming table and device or other amusement device which has been provided. Any Owner, Vendor, and/or Vendee who provides such device during the calendar year make application for such license with the Borough prior to placement. The application shall require the Owner, Vendor, and/or Vendee to disclose and provide the lawful name and address of the Owner, Vendor and the proposed Vendee, the expected date of delivery to the Vendee of such device and any other information required by the Borough. Regardless of when a device is provided during the year, the license fee shall be as shown above.

d) For the year 2024, any license application or fee that is received on or after April 1st shall be assessed a late fee of \$25.00 per License per month assessed on the first day of each month thereafter. If the fee is not paid by June 1st, the late fee is \$100.00 per month assessed on the first day of each month thereafter. Any machine not paid for by August 1st will be removed under Section 77-7. All licensed gaming and amusement devices requiring repair where stickers must be removed or which require replacement, shall be affixed with a replacement sticker at the cost set forth in Section 3(b) of \$10.00.

e) For the year 2025 and thereafter, any license application or fee that is received on or after January 1st shall be assessed a late fee of \$25.00 per License per month assessed on the first day of each month thereafter. If the fee is not paid by March 1st, the late fee is \$100.00 per month assessed on the first day of each month thereafter. Any machine not paid for by May 1st will be removed under Section 77-7. All licensed gaming and amusement devices requiring repair where stickers must be removed or which require replacement, shall be affixed with a replacement sticker at the cost set forth in Section 77-3(b) of \$10.00.

77-4 STICKER TO BE AFFIXED TO DEVICE. Upon issuance of any gaming license herein required, the Borough Chief of Police, or his designee, shall issue a sticker or other identifying mark, showing the issuance of such license and the date thereof and such sticker or identifying mark shall at all times be attached or affixed by the Chief of Police, or his designee, to the gaming table and device or other amusement device in a conspicuously exposed place on such gaming table and device or other amusement device. Failure to so display such sticker or identifying mark shall be a violation of this Article. Upon application, a new sticker shall be issued to the Owner, Vendor, and/or Vendee each year. All Owners, Vendors, and/or Vendees shall immediately report the delivery of any gaming table or device or other amusement device that does not have affixed to it the sticker(s) required by Section 77-4 of this Article. No Owner, Vendor, and/or Vendee shall allow the use of any Gaming Table or Device and Other Amusement Devices without first having a licensed affixed. The Police Chief, or his designee, shall be required to investigate the applicant and the location where such gaming table and device or other amusement device is to be maintained, and determine whether the location used for the purpose requested will create a fire or health hazard or nuisance before affixing the License. The location must be able to be supervised by the employees of the location to avoid the use by minors. If the location creates any such issue or does not meet these requirements, the License shall be denied and monies returned to the applicant. All Owners, Vendors, and/or Vendees shall immediately report the repair or replacement of any gaming and amusement device to the Borough and pay the fee for the required replacement sticker. Any gaming table and device or other amusement device without a current sticker displayed shall be a violation of this Article.

77-5 MINORS PROHIBITED FROM PLAYING DEVICES. No Owner, Vendor, and/or Vendee shall permit or allow any person under twenty-one years of age to operate or play any gaming table or gaming device.

77-6 GAMING TABLE OR DEVICE OR OTHER AMUSEMENT DEVICE OWNER IDENTITY. The Owner, Vendor, and/or Vendee of a gaming table and device or other amusement device shall affix a sticker or plate, or by other identifying means, their full legal name and address to the upper front of the device or table. This identification shall remain current at all times as to the legal name and address of contact. The Owner, Vendor, and/or Vendee of a gaming table and device or other amusement device shall immediately notify the Borough if there is a change of ownership of the device or table or if there is a change of their full legal name, address, or telephone number.

77-7 REMOVAL OF UNIDENTIFIED OR UNLICENSED GAMING TABLE AND DEVICE OR OTHER AMUSEMENT The Owner, Vendor, and/or Vendee shall remove from their premises any gaming table and device or other amusement device that is unidentified as in Section 77-6, or does not display a current license as in Section 77-2, 5 days after being notified by the Chief of Police or his designee. Failure to remove the gaming table and device or other amusement device shall be a violation of this Article by the Owner, Vendor, and/or Vendee. Each subsequent day the gaming table and device or other amusement device remains shall be an additional violation. Any gaming table and device or other amusement device may be confiscated by the Chief of Police, or his designee, anytime that the gaming table and device or other amusement device is found to be unlicensed or unidentified and held as property of the Borough until said time that the Owner, Vendor, and/or Vendee is compliant with this Article and all associated fees and fines are paid. The Owner, Vendor, and/or Vendee may claim said property after all associated fees and fines are paid in relation to the conditions it was removed including the Removal fee and Storage fees. Any confiscated gaming table and device or other amusement device may be discarded or sold after it remains 90 days in the Borough's control and possession, and any proceeds received therefrom shall be paid unto the Borough to satisfy all fees and penalties due. Any remaining proceeds shall be forfeited and retained by the Borough.

77-8 INSPECTION FOR COMPLIANCE Any Owner, Vendor, and/or Vendee, or their employees, shall allow immediate access to their premise by the Chief of Police, or his designee, upon request to inspect for compliance of this Article, to affix stickers to the devices or tables, and shall accurately provide any information requested during the time of the inspection. Providing false or misleading information, or to deny or delay entry to the premise is a violation of this Article and further shall result in denial of licensure to the Owner, Vendor, and/or Vendee of any device or table at the premise for a period of 1 year.

77-9 REVOCATION OF LICENSE Any Owner, Vendor, and/or Vendee that fails to comply with this Article may have the License(s) revoked for all or any gaming table(s) and device(s) or other amusement device(s) that are located at a premise, or owned by the Owner, Vendor, and/or Vendee at the discretion of the Chief of Police or his designee. If a License(s) is revoked, The Chief of Police, or his designee will remove the license(s) immediately from the gaming table and device or other amusement device and provide Notification to the Owner, Vendor, and/or Vendee. The use of the gaming table and device or other amusement device shall cease immediately. After Notification of the Revocation of License, the gaming table and device or

other amusement device must be removed from the premise within 24 hours or it shall be confiscated by the Chief of Police or his designee as an unlicensed device in Section 77-7 without the 5 day waiting period.

77-10: PENALTY. Any person who violates any provision of this article shall be fined not less than \$ 500.00 for each violation, together with costs, and/or imprisonment for not more than 90 days, if the amount of such judgment and costs are not paid. Nothing in this section shall be construed to limit or deny the right of the Borough or any person to equitable relief or other remedies as may otherwise be available, with or without process of law.

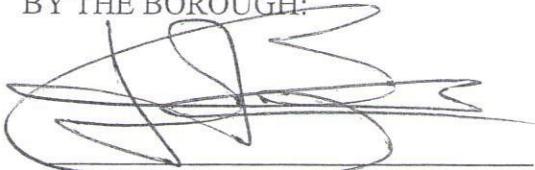
77-11: SAVINGS CLAUSE. Should any portion of this ordinance be deemed unlawful and/or unconstitutional, the remaining provisions shall remain in full force and effect.

77-12 EFFECTIVE DATE. This Ordinance shall be effective January 1, 2024.

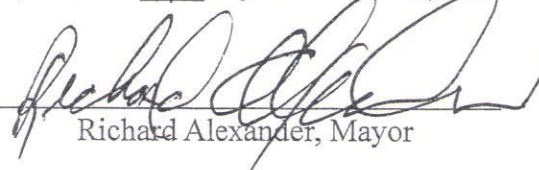
ENACTED AND ORDAINED THIS 11 day of December, 2023.

ATTEST:

Michelle R Peace
Michelle Peace, Borough Secretary

BY THE BOROUGH:

Justin Cameron, Council President

Read and approved by me this 11 day of December, 2023.


Richard Alexander, Mayor