

ORDINANCE NO. 174

AN ORDINANCE OF THE TOWNSHIP OF EAST NORRITON, MONTGOMERY COUNTY, PENNSYLVANIA, PROVIDING FOR THE REGISTRATION AND LICENSING OF JUKE BOXES, MECHANICAL OR ELECTRONIC AMUSEMENT DEVICES, AND SIMILAR MACHINES OR DEVICES FOR ENTERTAINMENT OR AMUSEMENT; THE SETTING OF FEES FOR THE ISSUANCE OF LICENSES; THE IMPOSITION OF PENALTIES FOR VIOLATIONS; AND THE REPEAL OF ALL ORDINANCES INCONSISTENT THEREWITH.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of East Norriton, Montgomery County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same that:

SECTION 1. DEFINITIONS. As used in this Ordinance, the following terms shall have the meanings indicated:

ZONING OFFICER - Zoning Officer of the Township of East Norriton or his Designate.

PLACE OF AMUSEMENT: Is any place authorized as such, by license.

JUKE BOXES - Any music vending machine, contrivance, or device, which upon insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening, or by the payment of any price, operates, or may be operated for the emission of songs, music, or similar amusement.

MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE - Any machine, contrivance, or device, 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, may be operated, or used as a game, entertainment, or amusement, whether or not registering a score, and whether or not a prize is offered. It shall include, but not be limited to, such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical bowling machines, photoelectric shooting or target machines, electronic video games, air-hockey tables, football games, and all games, operations, or transactions similar thereto under whatever name they may be designated or described. It shall not include devices or machines whose sole purpose is to dispense merchandise such as candy, cigarettes, etc.

OPERATOR - Any person, firm, partnership, corporation, or association displaying, or maintaining for use and operation, any juke box, mechanical amusement device, or otherwise permitting the use or operation of such devices for a fee or charge.

PERSON - Every natural person, co-partnership, association, or corporation, and whenever used in any clause prescribing or imposing a penalty, the term, as applied to co-partnership or associations, shall mean the partners or members thereof, and as applied to corporation, the officers thereof.

SECTION 2. LICENSE REQUIRED. It shall be unlawful for any operator to display or keep, or maintain for use and operation, or otherwise permit the use and operation of any juke box and/or any mechanical amusement device, or other similar machine without first having registered with and obtained a license from the Zoning Officer as prescribed herein.

SECTION 3. APPLICATION FOR LICENSE AND INVESTIGATION.

- (A) Any person(s) desiring to procure a license for a mechanical or electronic device shall apply therefore in writing to the Zoning Officer. Such application shall set forth the full name and address of the applicant, the address at which such device(s) is to be located, together with:
- (1) A plan of the premises showing the location or locations where the juke box, mechanical amusement device, or similar machine or device is to be displayed or maintained and indicating same as a supervised area. No loitering to be permitted on the premises.
 - (2) This plan will show all doorways and aisle widths of three (3) feet. Each device must have a minimum of fifteen (15) square feet of floor area.
 - (3) No device shall be placed within ten (10) feet of any exterior doorway.
 - (4) The type, manufacturer, and serial number of each juke box, or mechanical device for which application is made.
 - (5) Such information shall be furnished over the signature of the applicant, and shall be made under oath, or affirmation.
 - (6) No license shall be granted until a period of ten (10) days shall have elapsed from the date of application, during which time the Zoning Officer may, at his or her discretion, investigate the facts set forth in the application.
- (B) Upon approval of the application, the Zoning Officer shall issue a license for each location where a juke box, mechanical, or electronic amusement device, is to be displayed, or maintained, and may also issue a seal to be affixed to each juke box, mechanical or electronic device, registered and licensed under this ordinance.

SECTION 4. FEES.

- (A) Registration and License fees shall be paid by the operator to the Zoning Officer at the time that application is filed. Such fees shall be as follows.
- (1) For each juke box, twenty-five dollars (\$25.00) per year, or fraction of year thereof which shall be apportioned based upon the number of months remaining in any license year as determined by Section 6.

- (2) For each mechanical or electronic amusement device, one-hundred dollars (\$100.00) per year, or fraction of year thereof which shall be apportioned based upon the number of months remaining in any license year as determined by Section 6.
- (B) No deductions or refunds of any fee shall be granted in case of a fee payable for less than a full calendar year, or in the case of any device destroyed, stolen, sold, or otherwise disposed of or transferred after payment of the fee. In the event of the transfer of the registration of any device, there shall be a transfer fee of twenty-five dollars (\$25.00) for that device.
- (C) In the case of the loss, defacement, or destruction of any original license or seal, the person to whom such certificate or seal issued shall apply to the Zoning Officer, who will then issue a new seal or license upon payment of a fee of five dollars (\$5.00).

SECTION 5. REGULATIONS.

- (A) A copy of the license must be visibly posted upon the premises where any juke box, mechanical or electronic device is displayed, or maintained for use and operation, and the seal which will be provided shall be affixed to the juke box, mechanical or electronic amusement device for which issued in accordance with the directions of the Zoning Officer.
- (B) Any premises upon which any juke box, mechanical or electronic amusement device is displayed, or maintained shall be open to examination and inspection by duly authorized agents of East Norriton Township and/or the East Norriton Township Police Department, during all hours that such premises are open to use by the public.
- (C) No mechanical or electronic device shall be used for gambling or other illegal purposes.
- (D) Any operator granted a license shall not permit the operation of any device by a person under the age of eighteen (18) years of age during the regular class hours of any day in which schools located in the Township are in session or during hours of curfew.
- (E) After the East Norriton Township Police Department has responded to complaints pertaining to disturbances related to the operation of such devices at any licensed premises, the Board of Supervisors will have the right to review the complaints, and, if decided the complaints were legitimate, they will have the right to suspend licensure and enforce the removal of all devices from the licensed premises for the remainder of that calendar year.

SECTION 6. EXPIRATION AND RENEWAL. Licenses issued under this ordinance expire on June 30th of each year. Applications for renewal, accompanied by the required annual fee, shall be submitted in the month of June and may consist of a signed verification of the original application contents so long as there have been no changes.

SECTION 7. TRANSFERS. Licenses shall apply only to the operator and location to which issued, and any transfer shall require an amendment of the original application, approved by the Zoning Officer and payment of the fee specified in Section 4 (B) above. A new seal may be issued for a replacement for a juke box, mechanical or electronic device previously registered under this ordinance only upon amendment of the original application, approval by the Zoning Officer and payment of the fee specified in Section 4 (C) above.

SECTION 8. VIOLATIONS AND PENALTIES. Anyone who violates any of the provisions of this Ordinance, upon conviction before a Justice of the Peace within the magisterial district of which the Township of East Norriton is a part shall be fined not less than twenty-five dollars (\$25.00) and not more than three-hundred dollars (\$300.00) for such violation.

In default of the payment of any fine, such person shall be liable for imprisonment of not more than ten (10) days in Montgomery County Prison. Whenever any violator shall be notified by a representative of the Township or by service of summons or prosecution or in any other way that such violation has been committed, each day that the violator shall continue in such violation shall constitute a separate offense punishable by fine or penalty.

It is expressly understood that the permits issued for the operation of said machines or devices, shall be for amusement purposes only. Any indication of gambling, i.e., the awarding of cash or premiums shall constitute a breach of the ordinance and Licensee shall be liable to prosecution under this ordinance, in addition to appropriate criminal proceedings.

SECTION 9. REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 10. SEVERABILITY. The provisions of this ordinance are severable, and if any section, sentence, clause, part of provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, or part, or provision had not been included herein.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its approval as required by law; provided, however, that any operator subject to the provisions of this ordinance shall register and apply for a license as provided herein within thirty (30) days of the date this ordinance takes effect, and such registration shall remain in effect until June 30, 1983, notwithstanding anything to the contrary herein provided.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of East Norriton, Montgomery County, Pennsylvania this 8th day of June, 1982.

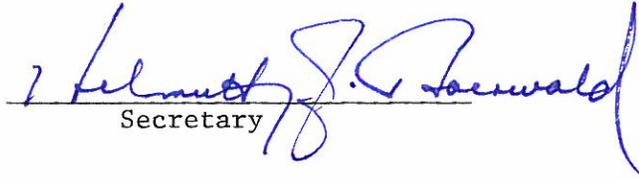
BOARD OF SUPERVISORS OF THE
TOWNSHIP OF EAST NORRITON

By: _____



Chairman

Attest: _____



Secretary