

ORDINANCE 2017-05

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997 BY AMENDING CHAPTER 63, AMUSEMENT DEVICES, BY AMENDING THE LICENSE APPLICATION PROCEDURE, BY PLACING A CAP ON THE LICENSE FEE AND BY MODIFYING THE RESTRICTIONS FOR MINORS AND PRIZES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners ("**Board**") of Lower Allen Township ("**Township**"), Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

Chapter 63 “Amusement Devices” of the **Code of Lower Allen Township, 1997**, shall now be amended as follows:

1. Section 63-2 Definitions, is amended by changing the definition called - **Coin Operated Amusement Device**, by deleting the definition in its entirety and substituting the following new definition:

Coin-Operated Amusement Device – Any mechanical or electrical device, machine or apparatus whatsoever for the playing of a game, entertainment or for amusement, including but not limited to a device commonly known as a “pinball machine,” “video game” or any other such machine or device upon which baseball, football, shuffleboard, bowling, tennis, billiards or any other sport, game or amusement is played which is operated or played from the insertion therein of a coin, disc, slug, plate, key, or card or by the payment of any price, excluding musical devices such as a jukebox.

2. Section 63-5 License Application, is deleted in its entirety and replaced with the following **Section 63-5 License Application** as follows:

An application for a license shall be filed, in writing with the Township Manager or his designee on a form to be provided by the Township Manager, or his designee, and shall specify as follows:

- A.** Name and address of the applicant, and in addition thereto, if a partnership, firm, association or corporation, the name and address of a principal partner, officer or manager.
- B.** Name and address of the owner of the coin-operated device if different from the applicant.
- C.** Name and address of premises where the coin-operated amusement device is to be operated.
- D.** Fee that is paid and the effective date of the application, which shall be from whatever date the applicant starts the business of that year until December 31st of the same year.
- E.** Number of coin-operated amusement devices to be licensed.

Section 63-6 License Fee:

Section 63-6 License Fee is deleted in its entirety and is replaced with a new **Section 63-6 License Fee** as follows:

No license shall be issued under this chapter for any coin-operated amusement device until the annual fees have been paid to the Township Manager or his designee. The annual license fee shall be as set forth from time to time by resolution of the Board of Commissioners for each coin-operated amusement device on the premises, but in no event shall the license fee exceed \$100. per coin-operated amusement device. For purpose of yearly renewal, the fee shall be paid on or before April 30th of each year, or before any new coin-operated amusement devices are installed. If any coin-operated amusement device is installed after July 1st of any year and application is made after that date, then the license fee of such device for that year shall be as set forth from time to time by resolution of the Board of Commissioners. A license shall not be transferable from one application

to another. A new owner, proprietor or operator shall secure a new license and shall pay the fee herein required. A new or different license shall not be required when one such device is replaced by another such device as long as the total number of such devices on the premises remain the same.

Section 63-7 Restrictions:

Section 63-7 Restrictions, is deleted in its entirety and replaced with a new section, **63-7, Restrictions** as follows:

- A.** No coin-operated amusement device whether operable or inoperable shall remain upon any premises unless the license fee provided for in § **63-6** shall have been paid;
- B.** No minor (under the age of 18 years) unless accompanied by a parent, guardian or responsible adult, shall operate or play a coin-operated amusement device between the hours of 11:00 p.m. and 7:00 a.m.;
- C.** Coin-operated amusement devices may dispense prizes or other awards, credits, or tickets redeemable for prizes or other awards, subject to the restrictions contained herein. Coin-operated amusement devices may award the player extended or additional game play. Prizes or other awards, credits, or tickets redeemable for prizes or other awards, with a wholesale value not to exceed \$10.00 per play of a coin-operated amusement device, may be offered or given by any person. The player of a coin-operated amusement device may aggregate the credits or tickets won from multiple plays of a coin-operated amusement device and redeem them for prizes or other awards. Prizes awarded by a coin-operated amusement device, and prizes awarded upon the redemption of credits or tickets dispensed by a coin-operated amusement device, may not include tobacco products, alcoholic beverages, cash, or cash equivalents (other than prepared food products or non-alcoholic beverages sold on the premises on which the coin-operated amusement device is located.) No person shall permit any coin-operated amusement device to be used for any gambling purpose.

All of other provisions of **Chapter 63 Amusement Devices** shall remain in full force and effect.

SECTION II

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

SECTION IV

This **Ordinance** shall take effect immediately.

ENACTED AND ORDAINED THIS 8th day of May, 2017.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP

(Assistant) Secretary

(Vice) President