

ORDINANCE 95

Providing for the licensing of mechanical devices for the playing of games and amusements,

BE IT ORDAINED AND ENACTED by the Council of the Borough of Clymer, Indiana County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

Section 1. No person shall at any time display for public patronage or keep for operation within the borough any mechanical device, machine, or apparatus whatsoever for the playing of music, games and amusement, said mechanical devices, etc., being commonly known as "combination film and music machines," "juke boxes," "music boxes," or "phonographs," and as "pin ball" machines, upon which baseball, football or other games are played, through the insertion therein of a coin or any other metal disc, slug or token whatsoever, without first having procured a license therefor as provided in this article.

Section 2. Any person desiring to procure a license, as required by this article, shall apply therefor in writing to the burgess upon a form to be supplied by the burgess or secretary for that purpose. The application for such license shall contain the following information:

- (a) Name of applicant.
- (b) Address of applicant.
- (c) Age, date and place of birth.
- (d) Name and address of owner of machine or device.
- (e) Place where machine or device is to be displayed or operated and the business conducted at that place.
- (f) Description of machine to be covered by the license, name of manufacturer and serial number, if any.

The information required in this section shall be furnished over the signature of the applicant and shall be made under oath or affirmation.

Section 3. Every applicant for a license shall not be less than twenty-one years of age and a citizen of the United States.

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Section 4. The applicant for the license required by Section 1 shall be construed as being the owner of the devices, machines or apparatus, unless otherwise indicated on the application, but payment of the fee herein provided for by any person who is in fact the owner, or in whose place of business any such machine is located shall be deemed a compliance with this section.

Section 5. No license for any mechanical amusement device shall be granted until a period of seven days shall have elapsed from the date of application, during which time the burgess may, at his discretion, investigate or cause to be investigated by the chief of police, the facts set forth in the application.

Section 6. No license for any mechanical amusement device shall be issued until an annual license fee therefor shall have been paid by the applicant to the borough treasurer in the sum of twenty-five dollars for each and every device so installed and used, under the terms of this article in the borough, with the exception that the annual license fee for the issuance of a license to operate a combination film and music machine shall be the sum of thirty-five dollars, which amount paid as aforesaid shall be a license fee until December 31 of each year. However, should any such device be installed after July 1 of any year, and application therefor be made after said date, then in such event the license fee for that particular year shall be the sum of twelve dollars and fifty cents to December 31, except that for combination film and music machines, the license fee shall be seventeen dollars and fifty cents.

Section 7. A license for any device specified in Section 1 may be transferred from one machine or device to another similar machine.

If the licensee shall move his place of business to another location within the borough, the license may be transferred to such new location upon application to the burgess, giving the street and number of the new location. The burgess may, in his discretion, investigate the new location or cause the same to be investigated by the chief of police before approving the transfer of the license.

A license shall not be transferable from person to person, except that if there is a bona fide sale of the licensee's business and stock in trade, including machines or devices which are licensed under this article, and the purchaser continues the business at the same location, then the license for each such machine or device may be transferred to the purchaser upon application to the burgess, giving the name and address of the transferor and the transferee, and the description, name of manufacturer, and serial number of the machine or device transferred.

Section 8. The applicant for a license to operate any mechanical amusement device, having complied with all the requirements, and having paid the license fee provided for in this article, the burgess then may issue an official sticker setting forth the number of the license for each machine so licensed, which official sticker shall be attached and affixed to the respective machine or device so that the same may be clearly observable and readable. The burgess shall also issue a permit, which permit shall at all times be displayed in a prominent place in the room where the machine or device is kept or operated.

Section 9. Nothing in this article shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to the law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania.

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Section 10. Any person violating any of the provisions of this article shall be fined a sum not in excess of fifty dollars for each and every offense. Each and every day that any machine or device, under the terms of this article, shall be operated and used in violation thereof, shall constitute a separate and distinct offense under this article and shall be subject to separate and distinct penalties thereunder.

Ordained and enacted by Council at its regular meeting this 8 day of Dec, 1947.

Garet Christie

President

Attest:

John E. Steele

Secretary

Approved Dec 8, 1947.

John W. Bourne

Burgess

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