

ARTICLE 305

Amusement Devices

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CROSS REFERENCES

Power to license - See 3rd Class §2601 (53 P.S. 37601)

Gambling - See GEN. OFF. Art. 713

305.01 DEFINITIONS.

As used in this Article, unless the context otherwise indicates:

(a) "Amusement Device" means any machine which, upon the insertion of a coin, slug, token, plate or disc, or other form of payment, may be operated by the public generally for a game, entertainment or amusement, or for the emission of songs or music, including but not limited to marble machines, pinball machines, skill ball games, video amusement games or devices, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated.

(b) "Person," "firm," "corporation," or "association" as used herein, include the following: any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public, and the person, firm, corporation or association having control over such machine. (Ord. 2883. Passed 4/19/83.)

305.02 GAMBLING DEVICES PROHIBITED.

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 law, or that may be contrary to any future laws of the State. (Ord. 1850 §2. Passed 2/4/64.)

305.03 LICENSE REQUIRED.

Any person, firm, corporation or association displaying for public patronage or keeping for operation any amusement device as herein defined by Section 305.01 (a) shall be required to obtain a license from the City, upon payment of a license fee. Application for such license shall be made to the Police Commissioner, upon a form to be supplied by him for that purpose. (Ord. 2883. Passed 4/19/83.)

305.04 LICENSE APPLICATION.

The application for such license shall contain the following information:

- (a) Name and address of the applicant, and age, date and place of birth.
- (b) Name and address of the operator of the business or owner of the machine, if different than that set forth in subsection (a) hereof.
- (c) Place where machine or device is to be displayed or operated and the business conducted at that place.
- (d) Description of machine to be covered by the license. No license shall be issued to any individual applicant unless he shall be eighteen (18) years of age or older and a citizen of the United States. (Ord. 2883. Passed 4/19/83.)

305.05 LICENSE FEES.

(a) Every applicant, before being granted a license, shall pay the annual license fee of \$75.00 to the City of Bethlehem for the privilege of operating or maintaining for operation each amusement device. (Ord. 3370. Passed 11/20/90.)

(b) The payment of such annual fee by the applicant shall be deemed a compliance with this section.

(c) Each license shall expire on the last day of the calendar year in which it is furnished.

(d) For purposes of annual renewal, the fee shall be paid on or before January 31 of each year. (Ord. 2883. Passed 4/19/83.)

305.06 LICENSE DISPLAY, TRANSFERABILITY.

(a) Upon payment of the license fee provided for in Section 305.05, the City Treasurer shall issue a miscellaneous license. This miscellaneous license will list the number of the amusement devices licensed and permitted on the business premises. The license provided shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

(b) If the licensee shall move his place of business to another location within the City, the license may be transferred to such new location upon application to the Police Commissioner, giving the street and number of the new location. (Ord. 2883. Passed 4/19/83.)

305.07 LICENSE REVOCATION.

Every license issued under this Article is subject to the right, which is hereby expressly reserved, of revocation should the licensee, directly or indirectly, permit the operation of any amusement device contrary to the provisions of this Article, any other Ordinance of the City of Bethlehem, or any law of this Commonwealth. If it is determined that a license shall be revoked, the Police Department shall, within five (5) days of such determination, notify the licensee of the reasons for the revocation. The

licensee may, within five (5) days of the date of notice, request in writing a hearing before City Council to evaluate the validity of the revocation. City Council shall conduct a hearing within thirty (30) days of the receipt of any request for hearing. The determination of a majority of the members of City Council shall be the final decision regarding the revocation. (Ord. 2883. Passed 4/19/83.)

305.08 SEIZURE AND DESTRUCTION OF MACHINE.

If the Police Commissioner shall have reason to believe any licensed amusement device is used as a gambling device, such machine may be seized by the police and impounded and if, upon trial of the licensee for allowing it to be used as a gambling device, such licensee is found guilty, such machine shall be destroyed by the police. (Ord. 2883. Passed 4/19/83.)

305.99 PENALTY.

Any person violating any of the provisions of this Article, in addition to the revocation of his license, shall be fined six hundred dollars (\$600.00) or imprisoned not more than ninety days, or both. (Ord. 1850 §10. Passed 2/4/64; Ord. 3242-Passed 2/7/89.)