

Chapter 42

AMUSEMENT DEVICES

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[HISTORY: Adopted by the Board of Supervisors of the Township of Upper Southampton 1-21-1986 as Ch. 13, Part 1, of the 1986 Code. Amendments noted where applicable.]

§ 42-1. License required.

From and after the effective date of this chapter, no person shall possess a gaming device (as hereinafter defined) in a location open to the public without having procured a license.

§ 42-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GAMING DEVICE — Game machines for which a charge is normally made for the use thereof, purportedly for the amusement of the player, such as pinball machines and electronic games.

§ 42-3. Application.¹

An application for a license shall be submitted to the Code Official of the township, or his delegate, by the owner of a gaming device setting forth, under oath, the following:

A. The name and address of the owner of the gaming device, and:

- (1) If such owner is a corporation, then in addition the name, address and citizenship of its chief executive officer;
- (2) If such owner is a partnership, then in addition the name, address and citizenship of all general partners; and
- (3) If such owner is an individual, then in addition the citizenship and principal occupation of such owner.

B. The name and address of the owner, or if the premises are leased then the name and address of the lessee, of the premises upon which the gaming device is to be located.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. The agreement between the owner of the gaming device and the owner or lessee of the premises, by which the latter is compensated for permitting the installation of the device.
- D. A sketch of the gaming devices operating mechanism, in sufficient detail to show the adjustments necessary to pay a successful player in coins, tokens, or slugs.

§ 42-4. Fee.²

The application for a license shall be accompanied by the payment of a fee as set from time to time by resolution of the Board of Supervisors for each gaming device, which payment shall be refunded if the application is denied. No license shall be granted until at least seven days have transpired for investigation of the facts set forth in the application.

§ 42-5. Regulations concerning license.³

If the license is granted and the fee accepted, the license shall be valid for a period of one year from the date of issuance; at the expiration of such period a new application for a license with the then-required fee shall be filed. If during any period in which a license has been granted, there is a change in the facts set forth in the application, the applicant shall inform the Code Official of the township, or his delegate, within 30 days of such change, in order that the application may be re-evaluated. Failure to submit such notification shall be grounds for the revocation of all licenses granted under the application. A gaming device which replaces a licensed gaming device withdrawn from the premises shall not be subjected to an additional license fee for the unexpired license period.

§ 42-6. Identification tag.⁴

All licensed devices shall be marked with an identification tag provided by the township.

§ 42-7. Gambling devices.

Nothing herein provided shall be construed as authorizing or licensing of machines for gambling purposes, and the proceeds of the license fees shall be used to ascertain that the machines licensed under this chapter are not so used.

§ 42-8. Violations and penalties. [Amended 6-7-1988 by Ord. No. 256⁵]

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township before a District

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁴ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Justice, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

