

ORDINANCE NO. 253

An Ordinance amending Sections 1, 2, 4, 6 and 9 of Ordinance 87, approved March 1, 1943, and entitled: "An Ordinance providing for the licensing of mechanical devices for the playing of games and amusement in the Borough of Freeport, County of Armstrong and State of Pennsylvania, and providing for penalties for the violation thereof" and repealing a prior ordinance,

The Borough of Freeport hereby ordains as follows:

Section 1. Section 1 of Ordinance 87, approved March 1, 1943, and entitled: "An Ordinance providing for the licensing of mechanical devices for the playing of games and amusement in the Borough of Freeport, County of Armstrong and State of Pennsylvania, and providing penalties for the violation thereof", is hereby amended to read as follows:

Section 1. Definitions and Interpretation. Unless otherwise expressly stated, the following terms shall have the meaning indicated:

(a) The term "amusement device" shall mean and include any pool table, bowling alley, juke box, pinball machine, shuffleboard and any other machine, contrivance or device of similar nature established or employed for the purpose of amusement or entertainment, whether or not registering a score, and whether or not a prize is awarded for skill in operation. Provided: such term shall not include any mechanism that has been judicially determined to be a gambling device.

(b) The term "person" shall mean any natural person, association, partnership, firm or corporation.

In this ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

Section 2. Section 2 of the said ordinance is hereby amended to read as follows:

Section 2. Any person desiring to procure a license, as provided in Section 1 of this ordinance, shall apply in writing therefor to the Borough Treasurer. Said application shall set forth the name or names, the residence or residences of the person so applying, together with the present and previous occupation of the applicant and the length of residence at the present address of the applicant and at the previous place of residence, the name of the owner of the premises upon which the aforesaid device is to be used and installed, and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises has been leased. The applicant shall set forth the manufacturer and nature of the machine to be installed and used and if the device contains a serial number, the serial number of said machine.

Section 3. Section 4 of the said ordinance is hereby amended to read as follows:

Section 4. No license shall be granted until a period of five (5) days shall have elapsed from the date of application, during which time the Treasurer or other responsible Borough official, may at his direction investigate the facts set forth in the application and upon just cause, refuse to issue said license.

Section 4. Section 6 of the said ordinance is hereby amended to read as follows:

Section 6. No license shall be issued until the annual fee therefor shall have been paid to the Borough Treasurer in the sum of twenty-five dollars (\$25.00) for each and every jukebox installed, and the sum of fifty dollars (\$50.00) for each and every other "amusement device" installed pursuant to the terms of this ordinance, which amount paid as aforesaid shall be a license fee until December 31st of each year. However, should any device be installed after July 1st of any year, and application submitted after said date, then in such event the license fee for that particular year shall be fifty percentum (50%) of the annual rate.

Section 5. Section 9 of the said ordinance is hereby amended to read as follows:

Section 9. Any person as defined in this ordinance or any officer, agent, servant or employee thereof, who shall fail, neglect or refuse to comply with the terms or provisions of this ordinance, shall upon conviction thereof, be subject to a fine of not more than three hundred dollars (\$300.00) for each and every offense, and the costs of prosecution thereof, and, in default of payment of any such fine and costs, to imprisonment for not more than thirty (30) days.

Section 6. Ordinance 111, Providing for the licensing of juke boxes, approved the day of , 1948, is hereby specifically repealed.

ORDAINED AND ENACTED INTO LAW by the Council of the Borough of Freeport
this day of , 1972 in lawful session regularly assembled

CHAPTER XIV.
LICENSE, PERMITS AND GENERAL BUSINESS REGULATIONS
PART II
AMUSEMENT DEVICES
SECTION 16

LICENSE FEE IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 16. ANNUAL LICENSE FEE. No license shall be issued until the annual fee therefore shall have been paid to the Borough Treasurer in the sum of One Hundred Fifty (\$150.00) Dollars for each and every Juke Box installed, and the sum of Two Hundred (\$200.00) Dollars for each and every other "Amusement Device" installed pursuant to the terms of this ordinance, which amount paid as aforesaid shall be a license fee until December 31st of each year. However, should any device be installed after July 1st. of any year, and application submitted after said date, then in such event the license fee for that particular year shall be fifty per centum (50%) of the annual rate. (Ordinance 87, March 1, 1943, Section 6, as amended by Ordinance 253, July 11, 1973, Section 4 and by an Ordinance of December 29, 1977)

BOROUGH OF FREEPORT

BY

Elizabeth J. Cantone
Secretary

By

James E Swartz Jr.
President.

Approved this 30th day of December 1985

Robert Savotti

Mayor - Freeport Borough

Attest:

Elizabeth J. Cantone
Borough Secretary

Examined and approved this 11th day of July, 1978

D. W. Brant
Mayor