

Chapter 39**AMUSEMENT DEVICES**

- § 39.1. License required.**
- § 39.2. License application.**
- § 39.3. Investigation of application information; restrictions on issuance of license.**
- § 39.4. Gambling devices prohibited.**
- § 39.5. License fees.**
- § 39.6. License certificate.**
- § 39.7. Regulations authorized.**
- § 39.8. Violations and penalties.**

[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 6-3-57 as Ord. No. 79. Sections 39.5 and 39.7 amended at time of adoption of Code; see Ch. 1, Adoption of Township Code. Other amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3.

- § 39.1. License required. [Amended 7-5-83 by Ord. No. 1045]**

No person, persons, firm or corporation shall at any time have in its possession within Upper St. Clair Township any amusement device, defined as any mechanical device, electrical device, electromechanical device, machine or apparatus whatsoever for the playing of games and amusements, which devices or apparatus are commonly known as "pinball machines," "video games" and "jukeboxes," or upon which games are played, or any device on which music is played after the insertion therein of a coin or other disc, slug or token or for which fees are paid to an attendant without having first procured a license therefor as hereinafter provided in this chapter.

- § 39.2. License application. [Amended 7-5-83 by Ord. No. 1045]**

39.2.1. Any person, persons, firm or corporation desiring to procure a license, as provided for in § 39.1 of this chapter, shall apply therefor in writing to the Township Manager of Upper St. Clair Township. Said application shall set forth:

39.2.1.1. The name or names and the residence or residences of the person, persons, firm or corporation so applying.

39.2.1.2. The popular name of each device and the manufacturer's serial number and the proposed location of each.

39.2.1.3. The name of the owner of the premises upon which the aforesaid machines are to be used and installed. 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.

39.2.1.4. The manufacturer and nature of the machines to be installed and used.

39.2.1.5. A certificate of zoning approval for occupancy and use for each location in which a device is to be installed.

39.2.2. The information required in § 39.2.1 above shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.

§ 39.3. Investigation of application information; restrictions on issuance of license. [Amended 7-5-83 by Ord. No. 1045]

39.3.1. No license shall be granted until a period of fourteen (14) days shall have elapsed from the date of application, during which time the Township Manager or his designated representative shall investigate the facts set forth in the application. No license shall be granted to any person who has been convicted of a misdemeanor or felony involving moral turpitude or who has misrepresented or omitted a material fact in the license application.

39.3.2. No license shall be issued for any machine unless the operation of that machine in its proposed location is permitted pursuant to Chapter 130, Zoning, of this Code.

§ 39.4. Gambling devices prohibited.

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling device whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way is contrary to law, or that may be contrary to any present or future law of the General Assembly of the Commonwealth of Pennsylvania.

§ 39.5. License fees. [Amended 8-2-76 by Ord. No. 632; 7-5-83 by Ord. No. 1045]

No license shall be issued until an annual fee therefor shall have been paid to Upper St. Clair Township in accordance with the prevailing fee as detailed in the Township Comprehensive Fee Schedule¹ for each and every amusement device installed and used under the terms of this chapter in Upper St. Clair Township. The license issued pursuant to the fee paid as aforesaid shall be effective until June 30 of each year. The license fees heretofore mentioned shall not be prorated, but shall remain the same for the whole or any portion of any one (1) year. The Board of Commissioners may, by amending the Comprehensive Fee Schedule, from time to time, establish license fees which may differ from class of device to class of device.

§ 39.6. License certificate. [Amended 2-1-88 by Ord. No. 1310²]

39.6.1. The Township Manager or his designated representative shall designate an appropriate license certificate to be posted in the establishment. This certificate will certify that the establishment has a valid license for a specified number of amusement devices for which zoning approval has been granted.

39.6.2. No amusement device may be operated in the Township of Upper St. Clair without a valid license certificate visibly posted in the establishment.

39.6.3. Nothing in this section shall be deemed to permit any increase in the number of devices in a single location.

§ 39.7. Regulations authorized. [Added 7-5-83 by Ord. No. 1045³]

39.7.1. The Township Manager is hereby authorized, at his sole discretion, to issue reasonable regulations to enforce this chapter or to coordinate the provisions of this chapter with Chapters 118 and 130.

39.7.2. Without limitation of Subsection 39.7.1 above, the Township Manager may prescribe the form of an application, transfer request, sticker and reports on operations or revenues.

§ 39.8. Violations and penalties. [Amended 8-2-76 by Ord. No. 632]

Any person violating any of the provisions of this chapter shall be subject to the provisions of Chapter 5, Enforcement of Ordinances; Penalties. Each and every day that any machine or device shall be operated and used in violation of the terms of this chapter shall constitute a separate and distinct offense under this chapter and shall be subject to separate and distinct penalties.

¹ Editor's Note: See Ch. 57, Fees.

² Editor's Note: This ordinance also repealed § 39.6.3. and renumbered former § 39.6.4. as 39.6.3.

³ Editor's Note: This ordinance also renumbered original § 39.7. as § 39.8.