



CRESSONA BOROUGH

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AMUSEMENT DEVICE APPLICATION

PROPRIETOR:

NAME _____
ADDRESS _____

PHONE _____

VENDOR:

NAME _____
ADDRESS _____

PHONE _____

MANUFACTURER:

NAME OF THE MACHINE: _____
TYPE _____
SERIAL NUMBER _____

ACKNOWLEDGEMENT:

This license does not sanction or condone the use or possession of any illegal gambling device, whether illegal per se or modified; The illegal use or possession of an unlawful gambling device, either per se or as modified may result in a criminal prosecution by law enforcement officials.

VERIFICATION:

_____ (Initials) The facts set forth in the application are true and correct to the Proprietor's personal knowledge information or belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18PaC.S.A.§4904, relating to unsworn falsification to authorities. Proprietor has been provided a copy of the Ordinance and has read it and agrees to be bound by all of its terms and provisions.

PROPRIETOR SIGNATURE DATE

BOROUGH SECRETARY/TREASURER DATE

CODE ENFORCEMENT OFFICER DATE

DATE LICENSE ISSUED _____

ATTESTED COPY

ORDINANCE NO. 4 - 2025

AN ORDINANCE REGULATING THE USE AND OPERATION OF AMUSEMENT DEVICES AND ESTABLISHING LICENSING PROCEDURES THEREFORE IN THE BOROUGH OF CRESSONA.

WHEREAS, the Borough Council of the Borough of Cressona is vested with the authority to make regulations as may be necessary for the healthy, safety, morals, and general welfare of the citizens of the Borough;

WHEREAS, in the exercise of the above authority, the Borough Council of the Borough of Cressona believes it is necessary to promulgate rules and regulations related to the registration and licensure of Amusement Devices in the Borough;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Cressona, and it is hereby enacted and ordained pursuant to the authority vested in the Borough Council, as follows:

SECTION 1.

This ordinance shall be known, and may be cited as, **Amusement Device Ordinance.**

SECTION 2. DEFINITIONS

The following words or phrases when used in this Ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- a) **AMUSEMENT DEVICE** shall include juke boxes, mechanical arcade devices, and skill game devices, as defined herein, for which a fee is charged for operation, use, and/or enjoyment.
- b) **CRYPTOCURRENCY DEVICE** shall mean any digital or virtual currency that is an electronic medium of exchange and is not a representation of U.S. or foreign currency. Cryptocurrency is a type of digital currency that utilizes cryptography to secure transactions that are digitally recorded on a distributed ledger, such as a blockchain.
- c) **JUKE BOX** shall mean any music vending machine, contrivance, or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening, or by the payment of any price, operates or may be operated, for the emission of songs, music, or similar amusement.

- d) **MECHANICAL ARCADE DEVICE** shall mean any device other than a juke box, which, upon insertion of a coin, slug, token, plate, or disc, may be operated for use as a game, entertainment, or amusement, whether or not a registering score, and whether or not a prize is offered. It shall include but shall not be limited to such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical bowling machines, photo-electronic shooting or target machines, electronic video games, air hockey tables, football games, and all games, operations, or transactions similar thereto, under whatever name they may be designated or described. It shall not include devices or machines the primary purpose of which is to dispense merchandise, such as candy, cigarettes, or other tangible personal property.
- e) **PERSON** shall mean any natural person, association, partnership, firm or corporation, company, utility or organization of any kind.
- f) **PROPRIETOR** shall mean any person, firm, corporation, partnership, association, entity or club who, as the owner, leaseholder, or proprietor, has under his control any establishment, place, or premises in or at which any Amusement Device is placed or kept for use or play, or on exhibit for the purpose of use or play. In addition to the aforesaid, the above-designated definition of "Proprietor" shall include any lawful, separate business entity which engages in its primary operation the use of the aforesaid devices.
- g) **SKILL GAME DEVICE** shall mean any game, contest, or amusement of any description in which the designated element of the outcome is the judgment, skill, or adroitness of the participant in the contest and not chance.
- h) **VENDOR** shall mean any individual, partnership or corporation who is the lawful owner of any Amusement Device for which a license is sought under the ordinance, or any individual, partnership or corporation who makes, assembles, sets up, maintains, sells, lends, leases, gives away, or offers for sale, loan, lease or gift, any Amusement Device for which a license is sought under this Part.

SECTION 3. WORD USAGE

In the construction of this Ordinance, the rules and definitions contained herein shall be observed and applied, except when the context clearly indicates otherwise:

- a) Words used in this singular shall include the plural, and the plural the singular.
- b) Words used in the past or present tense shall include the future tense.
- c) Words used in the masculine gender shall include the feminine and neuter.

SECTION 4. LICENSURE REQUIRED

No Person or Proprietor shall at any time have in his possession within the Borough of Cressona any Amusement Device without first having procured a license therefor as hereinafter provided.

SECTION 5. LICENSE APPLICATION

A separate Application must be completed for each individual Amusement Device for which licensure is sought. Any Person or Proprietor desiring to procure a license for an Amusement Device shall apply therefor in writing to the Borough Secretary. Said application shall set forth the following information:

- a) The name, address, and telephone number of the Vendor of each Amusement Device to be licensed;
- b) The name, address, and telephone number of the Proprietor of the business establishment in which each Amusement Device is to be located, used, operated, or installed;
- c) The manufacturer, name of machine, serial number, type and fee for each Amusement Device to be located, used, operated, or installed on the premises;
- d) A verification by the Proprietor that the facts set forth in the application are true and correct to the Proprietor's personal knowledge information or belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.
- e) A verification by the Proprietor that he has been provided a copy of this Ordinance and that he has read it and agrees to be bound by all of its terms and provisions.
- f) Acknowledgement that a license does not sanction or condone the use or possession of any illegal gambling device, whether illegal per se or as modified;
- g) That the illegal use or possession of an unlawful gambling device, either per se or as modified may result in a criminal prosecution by law enforcement officials.

SECTION 6. PERSONS INELIGIBLE FOR LICENSES

The Borough Secretary shall not issue a license for any video or mechanical amusement device to any person who:

- a) Is not 21 years of age;
- b) Has been found guilty of or accepted accelerated rehabilitative disposition, for possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, within three years of the date of application.

SECTION 7. WAITING PERIOD AFTER APPLICATION; INVESTIGATION

No license shall be granted until the Borough Code Enforcement Officer, or his or her designee, investigates and verifies the facts set forth in the application. The Proprietor is required to cooperate with any such investigation and the refusal to do so shall be grounds for denial of the license application. The Code Enforcement Officer, or his/her designee, is required to attempt to commence the investigation within fourteen (14) days of the submission of the application.

SECTION 8. VALIDITY OF LICENSES

All licenses shall be valid for the calendar year in which the application was submitted.

SECTION 9. LICENSE FEES

- a) The following license fees are imposed:
 - i. **Juke Box** - \$50.00 per device per calendar year;
 - ii. **Mechanical Arcade Device** - \$100.00 per device per calendar year;
 - iii. **Skill Game Device** - \$1,000.00 per device per calendar year
- b) The license fees imposed by this Ordinance shall be payable to the Borough by the person operating or managing any Amusement Device.
- c) The license fee must be included with each application. The application will not be considered complete without the appropriate fee.
- d) No deduction or refund of any tax under this Ordinance shall be granted in the case of any device destroyed, stolen, sold, or otherwise disposed of or transferred after payment of the tax.
- e) Any new devices installed at a location must be reported to the Borough Office within thirty (30) days of installation. Failure to do so will result in the Borough Council requesting the device be removed from the premises. In case of the removal

of any device taxed under this Ordinance to another location within the Borough, or in case of a change in the identity of the person operating or managing any such device, or total removal of the device, such fact shall be reported within five (5) days to the Borough.

- f) The Fees established herein may be increased from time to time by resolution adopted and approved by the Council of the Borough of Cressona

SECTION 10. ISSUANCE AND DISPLAY

Upon licensure approval, the Borough Secretary shall issue a disc, plate, or sticker setting forth the number of license for each Amusement Device so licensed, and said disc, plate or sticker shall be attached and fastened to the respective Amusement Device so that the same may be clearly observable and readable. Discs, plates or stickers issued for a particular Amusement Device are not transferable to another machine or device.

SECTION 11. INSPECTION

The Code Enforcement Officer, or his designee, may, during regular business hours, conduct inspections of any business establishment where any Amusement Device is located, installed, placed or used, to ensure compliance with this Ordinance.

SECTION 12. PENALTIES FOR VIOLATION

Any person who violates any provisions of this Ordinance, upon conviction thereof, shall pay a fine as set forth herein for each offense, be ordered to pay a fine of not more than One Thousand (\$1,000.00) Dollars plus costs, and in default of payment of said fine and costs, to a term of imprisonment no more than ninety (90) days, or both. Every day that a violation of this Ordinance continues shall constitute a separate offense, provided.

SECTION 13. REVOCATION

In addition to the penalties described in Section 12, above, in the event that any applicant, vendor or proprietor falsifies any information on an application for license of Amusement Devices, or violates this Ordinance, the Code Enforcement Officer, or his or her designee, shall immediately revoke all licenses issued under this Ordinance to such applicant, vendor or Proprietor.

Moreover, in the event that a Proprietor is convicted of possessing or using an Amusement Device in violation of the Crimes Code of the Commonwealth of Pennsylvania, the Borough of Cressona shall revoke each license issued to such person, as an applicant, vendor or Proprietor.

SECTION 14. SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable without the invalid portion. The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of the Ordinance, and the effective administration thereof.

SECTION 15. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final adoption by the Council of the Borough of Cressona.

BOROUGH OF CRESSONA
Schuylkill County, Pennsylvania

BY: *Rudolph M. Waly*
Council President

ATTEST:

Regina M. Donon
Secretary

APPROVED:

Andrea M. Reminger
Mayor

