

ORDINANCE NO. 243*
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AN ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF
COIN OPERATED AMUSEMENT DEVICES, PROHIBITING THE USE THEREOF
FOR GAMBLING AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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WHEREAS, the Borough of Berlin, by Ordinance No. 146 adopted June 3, 1957, as amended by Ordinance No. 170 adopted March 5, 1982, provided for the regulation and licensing of coin operated amusement devices; and,

WHEREAS, the Borough has found that it is in the best interest of the welfare and morals of its citizens to continue the policy of regulating and licensing coin operated amusement devices which can be and are frequently used for illegal gambling; and,

WHEREAS, the Borough has found that Ordinance Nos. 146 and 170 are procedurally and substantively outdated and the Borough is desirous of repealing the same and enacting an Ordinance which will more accurately reflect current standards and practice.

NOW THEREFORE, be it ordained and enacted by the Borough of Berlin, and it is hereby ordained and enacted by the Authority of the same as follows:

SECTION ONE: DEFINITIONS

Borough: The Borough of Berlin, Somerset County, Pennsylvania;

Coin Operated Amusement Device: Any coin operated device, mechanically or electrically activated by the insertion of one (1) or more coins of the realm or slug of any value or by the insertion or payment of any other consideration of any value whatsoever and operated by one (1) or more persons in any fashion as a game of skill or for amusement. Without limitation of the foregoing, "coin operated amusement device" shall include, but shall not be limited to, a juke box, pinball machine, pool table, simulated shooting gallery, and electronic video and computer video game.

SECTION TWO: LICENSING REQUIREMENT

From and after the date hereof it shall be unlawful for any natural person(s) or legal entity or entities to cause or permit any coin operated amusement device or devices to be operated on premises open to the public or any special or significant portion of the public anywhere within the Borough without first having

obtained an annual license therefore.

SECTION THREE:

LICENSING PROCEDURE

A. The annual license required by this Ordinance shall be issued by the Borough at the Borough offices during regularly scheduled business hours and shall authorize the installation and use upon the premises specified of the number of coin operated amusement devices for which the license fee shall have been paid.

B. Upon completion of the application for license in such forms as shall now or hereafter be required by the Borough, and upon payment of the annual license fee as shall from time to time hereafter be set by resolution of Borough Council, the Borough shall issue the annual license.

C. The annual license fee as shall from time to time hereafter be set by resolution of Borough Council shall be paid for each coin operated amusement device annually; provided, however, that a new license shall not be required when one (1) coin operated amusement device is replaced by another for which the annual license fee has been paid.

D. Whenever the total number of coin operated amusement devices shall exceed the total number for which the annual license was granted, application shall be made for each such additional coin operated amusement device and the annual license fee shall be paid for each such additional coin operated amusement device.

E. The annual license issued shall be valid for the calendar year, or part thereof, in or for which it was issued, and the annual fee therefor payable in its entirety for all or any portion of the calendar year in or for which it is issued, without pro-ration. The annual license fee shall be non-refundable, in whole or in part, for any reason.

F. Each license granted shall be non-assignable and shall not be transferred from place to place or person to person.

SECTION FOUR:

GAMBLING, REVOCATION AND HEARING

A. No coin operated amusement device shall be operated as a gambling device or used for purposes of gambling.

B. Any license issued to a licensee who suffers or permits any coin operated amusement device to be operated as a gambling device or for purposes of gambling shall be revoked as to some or all of the licensed coin operated

amusement devices.

C. Upon notice that any licensee has suffered or permitted any coin operated amusement device to be used as a gambling device or for purposes of gambling, the Mayor of the Borough shall forthwith notify the licensee and demand a return of the license. Upon receipt thereof, the Mayor shall revoke said license as to some or all licensed coin operated amusement devices.

D. Upon demand for return of the license, any licensee may request a hearing which shall be held before the Mayor not less than ten (10) days after the request for hearing. If, after hearing, the Mayor finds a preponderance of the credible evidence that the licensee suffered or permitted a coin operated device to be operated as a gambling device or for the purposes of gambling, the Mayor shall forthwith revoke the annual license as to some or all of the licensed coin operated amusement devices.

SECTION FIVE: EXHIBITING LICENSE

Upon request, every licensee shall exhibit the license granted under this Ordinance to the Mayor and/or any police officer of the Borough.

SECTION SIX: PENALTY FOR VIOLATION

Any person violating any of the provisions of this Ordinance shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars.

SECTION SEVEN: REPEALER

All Ordinances and parts of Ordinances inconsistent herewith and Ordinance No. 146, enacted June 3, 1957 and entitled "AN ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF PINBALL MACHINES, MACHINES OPERATED AS GAMES OF SKILL, MACHINES PLAYED FOR AMUSEMENT, JUKE BOXES, MECHANICAL MUSIC BOXES, OPERATED BY THE INSERTION OF A COIN OR SLUG THEREIN OR FOR ANY CONSIDERATION PAID, IN THE BOROUGH OF BERLIN, AND PROVIDING A FINE FOR THE VIOLATION OF THE SAME." and Ordinance No. 170, enacted March 5, 1962 amending Ordinance No. 146 shall be and are hereby repealed.

Adopted by Council, this 3rd day of June, 1982.

ATTEST

BOROUGH OF BERLIN

Henry B. Claydon
Executive Borough Secretary
(SEAL)

By *Theodore Simon*
President of Borough Council

Approved, this 3rd day of June, 1982.

R. Paul Saylor
Mayor, Borough of Berlin

Berlin was settled in 1768, and incorporated into a town in 1837. It is 2400 feet above sea level and is the most beautifully situated town in Somerset County—"The healthiest place on earth."

The Borough of Berlin

700 North Street
Berlin, Somerset County, Pennsylvania 15530

RESOLUTION NO. 80

WHEREAS, proposed Ordinance No. 243 of the Borough of Berlin, Somerset County, Pennsylvania will provide for the regulation and licensing of coin operated amusement devices, prohibit the use thereof for gambling and provide for penalties for violation thereof, and

WHEREAS, Section Three, Paragraph B of proposed Ordinance No. 243 provides that the Berlin Borough Council shall set the annual license fee for coin operated amusement devices by resolution,

THEREFORE, BE IT RESOLVED that the Berlin Borough Council, Borough of Berlin, Somerset County, Pennsylvania set the annual license fee for coin operated amusement devices in the Borough of Berlin as follows:

From the effective date of Borough Ordinance No. 243 through December 31, 1982 the license fee shall be \$10.00 for first coin operated amusement device and \$5.00 for each additional unit housed in the same facility.

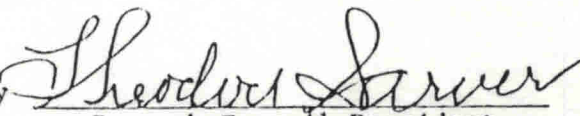
Effective January 1, 1983 and from that date until changed by resolution the license fee shall be \$20.00 for the first coin operated amusement device and \$10.00 for each additional unit housed in the same facility.

Adopted by the Berlin Borough Council, this 3rd day of June, 1982.

ATTEST:

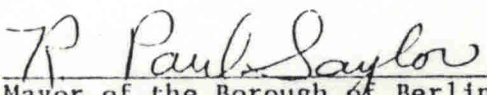
BOROUGH OF BERLIN


Executive Borough Secretary

By 
Borough Council President

(Seal)

Approved this 3rd day of June, 1982.


Mayor of the Borough of Berlin