

TOWNSHIP OF HANOVER
BEAVER COUNTY, PENNSYLVANIA
Ordinance No. 84

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA ESTABLISHING THE LICENSING, APPLICATION AND ISSUANCE REQUIREMENTS FOR MECHANICAL AMUSEMENT DEVICES AND ELECTRICAL AND/OR ELECTRONIC AMUSEMENT DEVICES; REVIEW AND INVESTIGATION OF APPLICATIONS; LICENSING FEES; REVOCATION OF LICENSES; PROHIBITED DEVICES; AND VIOLATION AND PENALTY PROVISIONS RELATIVE THERETO.

WHEREAS. the Township of Hanover (hereinafter "Township"). is a township located in the County of Beaver, Commonwealth of Pennsylvania, incorporated as a body corporate and politic pursuant to the Second Class Township Code. 53 P.S. §65101, et. seq. (hereinafter "Township Code"). having its office located at 2731 State Route 18, Hookstown, Beaver County, Pennsylvania, 15050; and

WHEREAS, pursuant to the Township Code. 53 P.S. §66601. Township supervisors may adopt ordinances in accordance with Township Code and the laws of the Commonwealth of Pennsylvania in which the general or specific powers of the Township may be exercised; and

WHEREAS. the Township desires to establish the regulation and operation of mechanical Devices and electrical and/or electronic amusement Devices in or on any establishment within Township limits for the benefit. health, safety, and welfare of Township residents, consumers, and business owners.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Hanover, Beaver County, Pennsylvania and it is hereby ordained and enacted

by the authority of the same as follows:

SECTION 1 - Purpose.

- A. The purpose of this Ordinance is to establish the regulation and operation of mechanical amusement Devices and electrical and/or electronic amusement Devices in or on any establishment within the Township of Hanover for the health, safety and welfare of the residents, consumers, and business owners in the Township of Hanover.

- B. To further this purpose, no Proprietor of any Establishment shall set up, allow to be set-up, establish or cause to be set up or established, exhibit, display or maintain on the premises of any Establishment within the Township of Hanover, for the purpose of gaining advantage or profit, any mechanical amusement Device, or electrical or electronic amusement Device, machine, or apparatus of any kind for the playing of games or otherwise used for the purpose of amusement or entertainment by the insertion therein of any legal tender, or paper currency, or coin, metal disc, slug, or token; or by payment through credit card or debit card whether inserted or not; or by payment through any form of cryptocurrency; or by payment using Near Field Communication (NFC); or by payment using a touchless means through any type of cellular based mechanism, without first obtaining a License from the Township. A License Fee shall be paid for each such Device. This provision shall be applicable to Proprietors who charge fees for the use of pool tables on their premises although such pool tables do not operate through the insertion of currency, coin, metal disc, slug or token. This Ordinance is not applicable to Devices, machines or apparatus where the cost or price of consideration for playing one (1) game is less than five cents (\$0.05). Upon the payment of the License Fee provided by this Ordinance, and if the application fully complies with this Ordinance, the Township shall issue a License setting forth the number of Devices licensed by the Township. Said License shall be displayed in a clearly observable and readable location at the place or establishment where the machine/Devices are installed and used. All Licenses issued by the Township for video and mechanical amusement Devices shall clearly state that the video or mechanical amusement Device(s) is/are for amusement purposes only, that they are not gambling Devices, and that only games and not money may be won on the Devices. No person or persons, firm, partnership, corporation or other entity shall at any time have in his, its or their possession within the Township of Hanover any mechanical amusement Devices or electrical and/or electronic amusement Devices without first having procured a License therefore as hereinafter provided in this Ordinance.

SECTION 2 - Definitions.

The following words, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates otherwise or requires a different meaning. Words used in this Ordinance which are not specifically defined shall carry the definitions ascribed to them by the prevailing Merriam-Webster Dictionary or the prevailing Oxford English Dictionary.

- A. **Application** - As used herein, shall mean the document on which each person and/or proprietor seeks a License.
- B. **Cryptocurrency** - As used herein, a digital currency, by whatever name it is known by, that can be used to buy goods, and services using an online ledger with strong cryptography to secure online transactions and using a technology called blockchain.
- C. **Device** - Shall mean electrical and/or electronic amusement Device, or mechanical amusement Device or both.
- D. **Electrical and/or Electronic Amusement Device(s)** - Machines or apparatus, other than a juke box as defined herein, which use video displays or readouts or emits electrical and/or electronic audio and/or video signals through the insertions of any legal tender or paper currency, coin, slug, disc, metal disc, slug, or token; or by payment through credit card or debit card, whether inserted or not; or by payment through any form of cryptocurrency; or by payment using Near Field Communication(NFC); or by payment using a touchless means through any type of cellular based mechanism, for the playing of a game for amusement or entertainment purposes and not for any gambling purpose or in any way contrary to law.
- E. **Establishment** - Any place within the Township of Hanover, except a private residence.
- F. **Jukebox** - Any music box, phonograph, or similar instrument or Device for the emission of music operated through the insertion of a coin, disc, slug, token or currency or by payment by means of any legal tender, by credit or debit card, (whether inserted or not), cryptocurrency, Near Field Communication (NFC), or by payment using a touchless means through any type of cellular based mechanism, for amusement or entertainment purposes.
- G. **License** - As used herein, the certified document from the Township of approval of the Application by a Person and/or Proprietor for any Device.
- H. **License Fee** -As used herein, the required moneys owed at time of Application for any Device in the Township.

- I. **Mechanical Amusement Device** - Any machine or apparatus, other than a jukebox as herein defined, which through the insertion of any legal tender or paper currency, coin, slug, metal disc, token; or by payment through a credit card or debit card (whether inserted or not); or by payment of cryptocurrency; or by payment using Near Field Communication (NFC); or by payment using a touchless means through any cellular based mechanism, for the playing of a game for amusement or entertainment purposes, but not for any gambling purpose or in any way be contrary to law.
- J. **Near Field Communication (NFC)** - As used herein, a short-range wireless technology that utilizes a smartphone, tablet, wearable, payment card, or other mechanism to exchange data between two Devices that are close to one another and which can be used for making payment(s) for the playing of a game on a Device.
- K. **Person** - As used herein, includes any person, firm, corporation, partnership, or association which shall, at any time, have in its possession for use or operation within the Township of Hanover, any mechanical amusement Device, or electrical or electronic amusement Device, for use or operation by members, if the business requires membership, or the general public.
- L. **Proprietor** - Owner, occupant, manager, person in control, lessor, or lessee of any Establishment.
- M. **Township** - The Township of Hanover, Beaver County, Pennsylvania.
- N. **Vendor** - Person who/which owns in whole or part, leases to others, maintains or repairs a Device.

SECTION 3 - Application and License Required.

No Person shall have in their possession or control any Device unless he/she/they have applied for it in writing and procured a License therefor from the Township. The following information required in this Section shall be furnished over the signature of the applicant and shall be made under oath or affirmation.

Said Application shall set forth the following:

- A. The name, address, and telephone number of the Vendor of each Device to be licensed.
- B. The name, address, and telephone number of all Proprietors of the establishment in which each Device is to be located, used or installed.
- C. The name of the Proprietor of the premises upon which the Device(s) is/ are to be used and installed.

- D. If the Proprietor of the premises is not the applicant, the length of the time for which the premises has been leased.
- E. Citizenship status of the applicant.
- F. Present and previous occupation(s) for the last fifteen 15 years, of the applicant(s).
- G. Length of time of residence at the present residence and each previous place of residence for the past fifteen (15) years of the applicant(s).
- H. The location and description of each Device to be displayed or operated on/in the Establishment.
- I. The manufacturer, serial number, name, and description of the Device(s) to be installed and used.
- J. The name and address of the Proprietor(s) where the Device(s) is/are to be installed and used.
- K. A verification by the Vendor and Proprietor that the facts set forth in the application are true and correct to the Vendor's and Proprietor's personal knowledge, information and belief; and that any false statements therein are made subject to the penalties of the Pennsylvania Crimes Code, 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.
- L. That the Vendor(s) and Proprietor (s) acknowledge they have been provided a copy of this Ordinance and that he/she/they have read and agree to be bound by all terms and provisions of the Ordinance.
- M. An acknowledgement that a License does not sanction or condone the use or possession of any Device for gambling whether illegal per se or as modified.
- N. An acknowledgement that the illegal use or possession of an illegal gambling Device, either per se or as modified, may result in a criminal prosecution by law enforcement officials.
- O. A description of the number of pieces of equipment for music and all loudspeaker Devices and other Devices for amplification of sound.
- P. A description of the anticipated hours the Device(s) will be in operation.
- Q. A description of the maximum number of people expected to be using the Devices in the establishment during its hours of operation.
- R. The information required herein shall be furnished over the signature of the applicant or applicants and shall be made under oath or affirmation.
- S. An acknowledgment by the applicant, owner, or Proprietor that it or they consent to and permit a designated Township inspector to inspect the establishment for compliance with this Ordinance.

SECTION 4 - Investigation of Applicants and Issuance of License

- A. Upon presentation of an Application as provided herein, the Township may conduct an investigation as to the truth of the statements contained therein and as to any or all matters which might tend to aid the Township in determining whether or not a License should be granted. The Township may consider, amongst other things, the effect of the amusement or exhibition upon the peace, welfare and good order of the Township when granting a License. The Township may approve or disapprove each Device and may also approve or disapprove any lighting system or Device emitting or amplifying sound relating to any such Device, as well as impose further conditions.
- B. Both prior to and following issuance of a License(s) hereunder, any person, officer, official or employee authorized by the Township may conduct inspections of any Establishment where any Device licensed under this Ordinance is located, installed, placed or used to ensure compliance with this Ordinance.
- C. The Township shall not issue a License to any Vendor, applicant, owner or Proprietor, who is not a citizen of the United States of America, is not twenty-one (21) years of age or who has been found guilty of or accepted into the Accelerated Rehabilitative Disposition Program, for possessing or using a video or mechanical amusement Device in violation of this Ordinance, or any other municipal ordinance, or the Crimes Code of the Commonwealth of Pennsylvania, within three (3) years of the date of Application.

SECTION 5- Devices Prohibited; Prosecution.

- A. Nothing in this Ordinance shall in any way be construed to authorize, license, or permit any gambling Devices, as defined by State law, whatsoever, or any mechanism that has been judicially determined to be a gambling Device or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania. No person shall permit any Device to be located on the premises of any business if such Device shows or exhibits any specified anatomical area or specified sexual activity otherwise prohibited or restricted by any statute or ordinance regulating such displays.
- B. The Township intends to prosecute the illegal possession or use of unlawful gambling Devices. No employee or agent of the Township may promise, suggest, or insinuate, either expressly or by implication, that the applicant, Vendor, owner or Proprietor, who either illegally possesses or uses a per se, modified or other illegal gambling Device(s), shall not be prosecuted for a violation of the Crimes Code of the Commonwealth of Pennsylvania. The Township shall notify the

appropriate law enforcement officials of the use or possession of per se, modified or other illegal gambling Device(s), whether or not such Device(s) is/are licensed. The illegal use or possession of any unlawful gambling Device(s), either per se or as modified, may result in criminal prosecution by the Township or any other law enforcement officials having jurisdiction to do so.

SECTION 6 - License Fees, Transfers, Replacements, Violations and Confiscation.

- A. No License shall be granted until a period often (10) days shall have elapsed from the date of receipt of the Application by the Township, during which time the Township may, at its discretion, investigate the facts set forth in the Application, and no License shall be granted to any person not a citizen of the United States.
- B. No License shall be issued until an annual License Fee therefore shall have been paid to the Township in the sum of \$300.00 or as set by the Township by Resolution from time to time, for every Device installed and used in the Township, under the terms of this Ordinance, which amount, paid as aforesaid, shall be a License Fee until December 31st of each year. The License Fee hereby imposed shall be due and payable on or before January 15th in the applicable year for all Devices in operation on that date and shall thereafter become immediately due and payable on each Device placed in use or operation within the Township. Should any such Device, however, be installed after July 1st of any year and Application therefore be made after said date, then, in such event, the License Fee for that particular year shall be one-half (1/2) the sum established by the Township as the then existing annual License Fee.
- C. Upon Application and notification to the Township, any Device on which the foregoing fee has been paid may be transferred from the Establishment for which the aforesaid fee has been paid to any other Establishment located within the Township. Further, upon application and notification to the Township, another Device, as defined herein, may replace any Device on which the foregoing fee has been paid.
- D. In the event of the nonpayment of the License Fee or failure to file Application and notification of transfer or replacement, the Device may be confiscated by the Township, in addition to any other penalty herein provided. Also see Section 8. Revocation of License.

SECTION 7 - License Issuance; Display.

Upon the payment of the License Fee required by this Ordinance, the Township shall issue a License as evidence of payment in the form of a paper certificate, disk, plate, or sticker, setting forth the number of the License for each machine so licensed, which said certificate disk, plate or sticker shall be attached and fastened to the respective machine or Device so that the same may be clearly observable and readable. The certificate shall state that the Device is for amusement purposes only, that it is not an illegal gambling Device and that only games and not money may be won on the Device.

SECTION 8 - Revocation of License.

- A. The Township reserves the power to revoke any License issued under the provisions of this Ordinance, at any time, in cases in which such License was procured by fraud or false representation of facts or for the violation of or failure to comply with any provision of this Ordinance by any Vendor, licensee or servant, agent or employee of the licensee or the conviction of the licensee of any crime or offense involving moral turpitude or the conviction of any of the licensee's servants, agents or employees of any crime or offense involving moral turpitude committed on the location or premises of the establishment licensed.
- B. The Township shall immediately revoke each License of any applicant, owner or Proprietor for any Device illegally used or possessed, either per se or as modified, in violation of the Crimes Code of the Commonwealth of Pennsylvania or this Ordinance.
- C. In the event any applicant, Vendor or Proprietor falsifies any information on an Application for License of Amusement Devices, or violates this Ordinance, the Township shall immediately revoke all Licenses issued under this Ordinance to such applicant, Vendor or Proprietor. Moreover, in the event the Township becomes aware that a Proprietor is convicted of possessing or using an illegal gambling Device, the Township shall revoke all Licenses issued to such Proprietor.
- D. In the event an owner of a Device, or person listed pursuant to the requirements of this Ordinance, or owner of the premises, or applicant/Proprietor of the Establishment is convicted of having a Device that is in violation of any gambling laws of the Commonwealth of Pennsylvania, the Township shall revoke each License which has/had been issued to such Person and each Township License for Devices owned and operated by such person. In addition, the Person shall be barred for a period of three (3) years from being eligible to apply for another License under this Ordinance.

- E. In the event a Device in an Establishment is determined to be in violation of any gambling laws of the Commonwealth of Pennsylvania, any Device thereafter found on the premises for a period of three (3) years shall be declared contraband and may be confiscated by the Township.

SECTION 9 - Responsibility of Licensee.

The responsibility to ensure that each premises and Device(s) located thereon is/are licensed, shall be joint and severable where the owner of the premises or the Proprietor, or Vendor of the Establishment fails to acquire the proper License or remove the Device. The owner or Vendor of each Device shall prominently display the issued License on each Device. The licensee, upon applying for and being granted a License hereunder, thereby consents to and permits a designated Township inspector the right to inspect the premises for compliance with this Ordinance.

SECTION 10 - Violations and Penalties.

For each and every violation of the provisions of this Ordinance, any Person(s), firm, partnership or corporation, violating any of the provisions of this Ordinance shall constitute a summary offense and, upon conviction by the issuing authority for the magisterial district which includes the Township, shall be fined not less than Three Hundred (\$300.00) Dollars, nor more than Six-Hundred (\$600.00) Dollars, for each such violation of each section of this Ordinance. Each and every day that any Device is used and operated in violation hereof shall constitute a separate and distinct offense under this chapter and shall be subject to separate and distinct penalties hereunder.

SECTION 11 - Severability.

If any chapter, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

SECTION 12 - Repealer.

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any Ordinance and/or the Code of the Township, conflicting with the provisions of this Ordinance shall and the same is hereby repealed to the extent of such conflict.

SECTION 13 - Effective Date.

This Ordinance shall become effective January 4th, 2023 and shall remain in full force and effect thereafter.

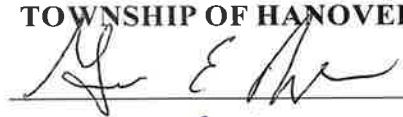
ORDAINED AND ENACTED this 3RD day of Jan 2023.

ATTEST.



Township Secretary

TOWNSHIP OF HANOVER



George Roberts, Chairman
Board of Supervisors