

## ARTICLE 307

### Video Amusement Arcades

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#### 307.01 DEFINITIONS.

As used in this Article, the following definitions shall apply:

(a) "Applicant" means any person, group of persons, firm, corporation, association, or other legal entity which is the real party in interest for a license under the terms of this Article.

(b) "Attendant" means any individual eighteen (18) years of age or older, who is employed by or otherwise serves on behalf of a licensee, who shall have the authority to act on behalf of the licensee with respect to the operation of the licensed video amusement arcade.

(c) "Licensed Premises" means all public and nonpublic areas of a video amusement arcade which operates under a license granted pursuant to this Article; including the interior of the arcade as well as the exterior areas, entrances, sidewalk and parking lots.

(d) "Licensee" means any person, group of persons, firm, corporation, association, or other legal entity which operates or is otherwise the real party in interest in a video amusement arcade, and which receives a license under the terms of this Article.

(e) "Video Amusement Arcade" means any place of business making available for use by the public six (6) or more video amusement devices.

(f) "Video Amusement Device" means any electronic machine which, upon insertion of a coin, token, slug, plate or disc, or other form of payment, may be operated by the public to provide use as a game, contest or amusement, whether or not registering a score thereon, including but not limited to video games and other devices which utilize a visual display screen; but excluding such mechanical devices as marble machines, pinball machines, skill ball games and mechanical grab machines, as well as coin-operated musical machines.

#### 307.02 GAMBLING DEVICES PROHIBITED.

Nothing in this Article shall in any way be construed to authorize, license or permit any gambling devices 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 State.

#### 307.03 LICENSE REQUIRED.

After the effective date of this Ordinance, it shall be unlawful for any person, group of persons, firm, corporation, association or other legal entity to operate a video amusement arcade without first having obtained the proper license from the Police Commissioner.

#### 307.04 LICENSE APPLICATION.

The application for a license under this Article shall be filed in writing with the Police Commissioner and shall specify:

(a) The name and address of the applicant, and if a corporation, association or other legal entity, the names and addresses of the principal officers thereof.

(b) The address of the premises for which the application is filed.

(c) The names and addresses of all attendants who will be on duty on the licensed premises.

(d) The trade names, serial numbers, names of manufacturers and general descriptions of all video amusement devices to be located in the licensed premises.

(e) The fee that is paid and the effective dates of the application, which shall be from whatever date the license is granted until December 31 of that year.

(f) That the applicant has complied with the requirements of Article 305 with respect to each video amusement device on the licensed premises.

#### 307.05 LICENSE FEES.

(a) No license shall be granted under this Article to any applicant until the annual fee of \$100.00 has been paid to the City of Bethlehem.

(b) For purposes of yearly renewal, the fee shall be paid on or before January 31 of each year.

(c) The license granted to an applicant under this Article shall not be transferable to another video amusement arcade operator. A new owner or operator of the licensed premises shall be required to apply for a new license and pay the fees therefor.

#### 307.06 LICENSE REQUIREMENTS.

(a) The licensee shall be responsible for the maintenance and control of the entire licensed premises at all times.

(b) The licensee or qualified attendant shall be present on the leased premises during all hours of operation.

(c) The licensee or a qualified attendant shall be responsible for regular inspection of all portions of the licensed premises during all hours of operation.

(d) No minor under the age of twelve (12) years shall be allowed on any licensed premises unless such minor is accompanied by a responsible person age eighteen (18) years or older.

(e) No person shall possess or consume any alcoholic beverages while on the licensed premises unless the licensed premises are otherwise licensed and regulated by the Pennsylvania Liquor Control Board.

(f) No person shall loiter, gamble, or engage in fighting while on the licensed premises.

(g) The licensee shall display in a prominent location in the licensed premises, a copy of the Regulations for Operation of Video Amusement Arcades, on a form which shall be supplied to the licensee by the Police Commissioner.

(h) The licensee shall maintain the licensed premises in compliance with all fire, housing, health and other Codes adopted by the City of Bethlehem.

(i) The licensee shall limit the number of persons on the licensed premises at any one time to the number established for that location by the Fire Marshal of the City of Bethlehem.

(j) The licensee shall comply with all other applicable statutes of the Commonwealth of Pennsylvania and Ordinances of the City of Bethlehem in maintaining the licensed premises and operating the video amusement arcade.

(Ord. 2014-15 – Passed 6/3/14)

#### 307.07 LICENSE REVOCATION.

Three (3) documented violations of the Licensing Requirements set forth in Section 307.06, above, within one license year shall constitute grounds for revocation of a license. If it is determined that a license shall be revoked, or shall not be issued to any applicant, the Police Department shall, within five (5) days of such determination, notify the licensee or applicant of the reasons for the determination. The licensee or applicant may, within five (5) days of the date of notice, request in writing a hearing before City Council to evaluate the validity of the determination. City Council shall conduct a hearing within thirty (30) days of the receipt of any request for hearing. The determination of a majority of the members of City Council shall be the final decision regarding the revocation.

**307.08 SEVERABILITY.**

If any court of competent jurisdiction declares any provision to be unconstitutional or invalid, that decision shall only affect the provision so declared. The declaration shall not affect any other portion of this Ordinance, or the Article as a whole.

**307.99 PENALTY.**

Any person violating any of the provisions of this Article, in addition to the revocation of his license, shall be fined six hundred dollars (\$600.00) or imprisoned not more than ninety days, or both. (Ord. 2884. Passed 4/19/83; Ord. 3242-Passed 2/7/89.)