

ORDINANCE NO. 245

PROVIDING FOR THE IMPOSITION OF A BOROUGH LICENSE FEE FOR GENERAL BOROUGH PURPOSES UPON PIN BALL MACHINES, AND OTHER MECHANICAL COIN OPERATED AMUSEMENT DEVICES.

BE IT ENACTED AND ORDAINED by the Borough of Southmont in Council assembled, and it is hereby enacted and ordained by authority granted the Boroughs in the Commonwealth of Pennsylvania by Act of Assembly, 31st day of December, 1965, Act No. 511, known as the Local Tax Enabling Act and its amendments as follows:

SECTION 1: The following words and phrases when used in this Ordinance shall have the meaning ascribed to them in this section except where the context clearly requires otherwise:

"Borough" - The Borough of Southmont.

"Secretary" - Secretary of the Borough Council.

"Owner" - Any person conducting a place of business or amusement where the general public or a limited or selected number thereof upon payment of an established price may operate or offer for use of the public any of the specified types of amusement devices hereinafter set forth whether or not such person is the title holder of such amusement devices or otherwise.

"Amusement Devices" - Any one or more or combination of pin ball machines, bowling machines, and other similar mechanical coin operated devices for amusement or otherwise.

SECTION 2: There is hereby imposed for the purpose of providing revenue for the general fund a license fee upon amusement devices as hereinabove defined, upon each and every machine the sum of \$20.00 per year.

SECTION 3: On and after the effective date of this Ordinance it shall be unlawful for any owner to continue to operate, offer for use of the public, or to begin to operate or offer for the use of the public, any amusement device unless he shall have first obtained for each such amusement device a license permit as hereinafter prescribed.

SECTION 4: Every owner of any such amusement device within this Borough shall file an application for a license permit upon a form prescribed, prepared and furnished by the Secretary and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business in this Borough, the number and type of each such amusement device he intends to operate or offer for use of the public, and such other information as the Borough may require. If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the Borough for the purposes of identification.

SECTION 5: At the time of making such application, the applicant shall pay to the Secretary the license fee hereinbefore prescribed for each such amusement device for which a license permit is sought.

ORDINANCE NO. 245 (continued)

SECTION 6: Upon approval of the application and the payment of the license permit fee or fees herein required, the Borough shall grant and issue to each applicant a license permit for each such amusement device operated or offered for use of the public within the Borough set forth in the application.

The license permits herein required shall not be assignable and shall be valid only for the persons in whose names issued and for the particular amusement device for which issued.

SECTION 7: Each amusement device made taxable by this Ordinance shall have affixed thereto the license permit issued by the Borough evidencing the payment of such license fee.

SECTION 8: All license permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended, surrendered or revoked for cause by the Borough.

License permits issued under the provisions of this Ordinance may be renewed annually before the first day of January upon application made to the Borough and the payment of the license fee required for the original licensure of each type of amusement device.

Whenever any license permit issued under the provisions of this Ordinance is defaced, destroyed, or lost, the Borough may issue a duplicate thereof to the holder of the defaced, destroyed, or lost license permit upon the payment of a fee of fifty cents (\$.50).

SECTION 9: Any person who shall operate or offer for use of the public any amusement device without being the holder of a license permit for each such amusement device as required by this Ordinance shall upon conviction thereof in a summary proceeding before the Burgess or a Justice of the Peace, be sentenced to pay a fine of not less than Ten Dollars, not more than One Hundred Dollars, and costs of prosecution, or undergo imprisonment for a term of not more than ten days or both.

SECTION 10: Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

SECTION 11: If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

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ORDINANCE NO. 245 (continued)

SECTION 12: This Ordinance shall go into effect January 1, 1967.

RESOLVED this 12th day of December, 1966.

Paul F. Weiss  
President of Council

ATTEST:

Carl R. Hornum  
Secretary

APPROVED:

Robert M. Wood  
Mayor