

Chapter 100

AMUSEMENTS

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Coin-Operated Machines

[Adopted 1-2-1979 by Ord. No. 10-1979]

§ 100-1. License required.

No person or persons, firm or corporation, shall at any time have in their or its possession within the Borough of East Vandergrift any mechanical device, machine or apparatus whatsoever for the playing of games and amusements, including but not limited to machines upon which games or music are played by the insertion therein of a coin or any other metal disc, slug or token whatsoever, without having first procured a license or permit therefor as hereinafter provided in this article.

§ 100-2. License application.

Any person or persons, firm or corporation desiring to procure a license or permit as provided in § 100-1 of this article shall apply therefor in writing. Said application to be signed by the applicant shall set forth the name of applicant, his residence, the name of the owner of the premises where the device, machine or apparatus is to be used or installed, the name of the owner of the device, machine or apparatus to be used or installed, and its type, manufacturer, serial number or other identifying designation.

§ 100-3. No gambling devices.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling device 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 present or future laws of the Commonwealth of Pennsylvania.

§ 100-4. Annual fees. [Amended 2-6-1995 by Ord. No. 3-1995; 5-2-2005 by Ord. No. 3-2005]

- A. There is hereby imposed an annual fee for general Borough purposes under the authority of the Act of the General Assembly of the Commonwealth of Pennsylvania approved December 31, 1965, Act No. 511, and known as "The Local Tax Enabling Act" and its amendments, upon the privilege of using for profit, within the Borough of East Vandergrift, a juke box, mechanical amusement device, or electronic amusement device, as herein defined. Such fee shall be payable by the person operating the establishment in which said device is installed for use, or by the person owning such device if agreed to by the person operating the establishment in which such device is installed for use. Fees shall be as set by

Borough Council for the following devices:¹

- (1) Mechanical amusement or electronic amusement device;
 - (2) Juke box;
 - (3) Poker machine or slot-type machine;
 - (4) Coin-operated pool table.
- B. If any device is installed during the calendar year, the fees shall be prorated to reflect the number of months left in the calendar year, including the month of installation.
- C. All fees imposed under this section shall be payable to the Borough Secretary on or before April 30 of each calendar year, and every year thereafter, as long as this article remains in force.
- D. With the exception of the proration of the fee allowed under this article, as amended, no deduction or refund to any fee payable under this article shall be granted in the case of any fee payable for less than a full calendar year, or in the case of any device destroyed, stolen, sold, or otherwise disposed of or transferred after payment of said fee, or for any other cause after the payment of said fee. Provided, however, in the case of the substitution of any device by another device in the same class, the use of which is chargeable under this article, no additional fee shall be paid, provided that the total number of devices of the same class in use upon the premises remains no greater than that upon which such fee was paid.

§ 100-5. License issuance and display.

Upon payment of the fee provided by this article, the Secretary shall issue a license or permit setting forth the number of the license, year and date, and the serial number or other identifying designation of the machine or device so licensed, which license or permit shall be attached or fastened to the respective machine or device so that the same may be clearly observed and read.

§ 100-6. Violations and penalties. [Amended 2-6-1995 by Ord. No. 3-1995²]

Any person or persons, firm or corporation violating any of the provisions of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).