

ORDINANCE NO. 900

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE PROVIDING FOR THE LICENSING OF CERTAIN MECHANICAL DEVICES FOR THE PLAYING OF GAMES OR AMUSEMENTS, THE DISPENSING OF MINTS OR OTHER MERCHANDISE, OR THE PLAYING OF MUSIC OR MACHINES OR MECHANICAL DEVICES WITHIN THE BOROUGH OF MONROEVILLE, AND PROVIDING FOR THE PENALTIES FOR THE VIOLATION OF THE SAME.

BE IT ORDAINED and ENACTED by the Borough of Monroeville, in Council assembled, as follows:

SECTION 1. No person or persons, firm or corporation, shall at any time have in his, her or its possession and/or control within the Borough of Monroeville, any mechanical device, machine or apparatus whatsoever for the playing of games and amusements, said mechanical devices being commonly known as "Pinball" machines, on which baseball, football, bowling, shuffleboard and other games are playing through the insertion therein of a coin, metal disk or other token whatsoever, any mechanical device, machine or apparatus whatsoever for the ostensible purpose of bending mints or any other type of goods or merchandise commonly known as "mint machines" but which are in fact amusement devices operated by the insertion therein of a coin, metal disk or other token whatsoever and the pulling of a lever or pushing of a button which permits the operator to receive a package of mints or other goods or merchandise or any machine or mechanical device of any nature which sets in motion cylinders or mechanical devices which exhibit different combinations of symbols entitling the operator to free plays, prizes or cash; or any mechanical device, machine or apparatus whatsoever whereon or whereby music is played through the insertion therein of a coin, metal disk or other token whatsoever, without having first procured and paid for a license therefore, as hereinafter provided.

SECTION 2. Any person or persons, firm or corporation, desiring to procure a license as provided in Section 1 of this Ordinance shall apply therefore in writing to the Secretary of the Borough. Said application shall set forth the name or names, the residence or residences of the person or persons, firm or corporation, so applying to either with the present and previous occupation of the applicant or applicants and the length of residence at the present place of residence, the exact name of the owner of the premises upon which said machine or machines are to be installed and if the owner of the premises is not the applicant, then the applicant shall set forth the length of time for which the premises have been leased or otherwise occupied and whether the applicant is a citizen of the United States of America. The applicant shall also set forth the description, kind and nature of the machine or machines to be installed and used. The information required by this Section shall be furnished over the signature or signatures of the applicant or applicants and shall be verified by oath or affirmation.

SECTION 3. No license shall be granted until a period of ten (10) days shall have elapsed from the date the application is filed with the Secretary of the Borough, during which time the Secretary of the Borough may, at his 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 of America. The Secretary shall deny a license to any applicant or applicants submitting an application with false or erroneous information.

SECTION 4. Nothing in this Ordinance shall in any way be construed to authorize, license or permit any gambling device whatsoever, or any mechanism which has been judicially determined to be a gambling device or in any way contrary to law.

SECTION 5. No license shall be issued under the provisions of this Ordinance for any "pinball" machine or "mint" machine as defined in Section 1 of this Ordinance, until an annual fee therefore shall have been paid for the use of the Borough in the sum of One Hundred (\$100.00) Dollars, which amount paid as aforesaid, shall be a license fee until December 31st of the year in which said license fee is paid.

Provided, however, should any such machine or device be installed after July 1st of any year and application for license therefore be made after said date, then and in that event, the license fee for such machine or device until December 31st of that particular year shall be the sum of Fifty (\$50.00) Dollars.

SECTION 6. No license shall be issued under the provisions of this Ordinance for any mechanical device, machine or apparatus whereon and whereby music is played, as defined in Section 1 of this Ordinance, until an annual fee therefore shall have been paid for the use of the Borough in the sum of Fifty (\$50.00) Dollars, which amount paid as aforesaid shall be a license fee until December 31st of the year in which said license fee is paid.

SECTION 7. Upon payment of the license fee as provided by this Ordinance, the Secretary of the Borough shall issue a permit setting forth the number of the license for each machine so licensed, the date of issue and the kind and nature of the machine so licensed, which permit shall be attached to, or conspicuously displayed in the immediate vicinity of the machine or device so licensed, in such manner that the same may be at all times clearly observable and readable.

SECTION 8. The Secretary of the Borough, or his designated representative, shall have the right at all reasonable times to inspect any premises having any such mechanical device or machine as defined herein, and any person or persons, firm or corporation, in possession and/or control of any such premises shall permit such inspection at reasonable times.

SECTION 9. Any person or persons, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before the District Magistrate, Justice of the Peace of the Borough or other proper judicial body, be fined a sum not to exceed One Hundred (\$100.00) Dollars for each and every offense and in default of payment thereof shall be committed to the Allegheny County Jail for a period of not more than thirty (30) days. Each and every day that any machine or device under the terms of this Ordinance shall be operated and used in violation thereof shall constitute a separate and distinct offense under this Ordinance and shall be subject to a separate penalty thereunder.

SECTION 10. Any ordinance or part of any ordinance conflicting with the provisions of this Ordinance, be and the same is hereby repealed to the extent of such conflict.

SECTION 11. This Ordinance has been passed under the authority vested in the Council of the Borough of Monroeville by Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, effective January 1, 1966, and

its amendments, the terms and provisions of which are hereby accepted and adopted in accordance with the provisions thereof.

SECTION 12. The tax herein levied and imposed shall continue in force on a calendar year basis or a taxpayer fiscal year basis following December 31, 1975, without annual re-enactment until such time as the Council of the Borough of Monroeville shall change the rate of tax or by appropriate ordinance, repeal such tax.

ORDAINED AND ENACTED this 30th day of December, 1974.

BOROUGH OF MONROEVILLE

ATTEST:

By S/ George C. Dale
President of Council

S/ Marshall W. Bond
Secretary
(SEAL)

EXAMINED AND APPROVED this 31st day of December, 1974.

S/ R. E. Droske
Mayor