

ORDINANCE NO. 1075

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE PROVIDING FOR THE LICENSING OF CERTAIN MECHANICAL DEVICES FOR THE PLAYING OF GAMES, AMUSEMENTS, AND MUSIC WITHIN THE MUNICIPALITY OF MONROEVILLE, PROVIDING FOR THE PENALTIES FOR THE VIOLATION OF THE SAME, AND RESCINDING ORDINANCE NO. 900

BE IT ORDAINED AND ENACTED by the Municipality of Monroeville, in Council assembled, as follows:

SECTION 1. Title: This ordinance shall be known and may be cited as the "Mechanical Device License Ordinance".

SECTION 2. Definition: As used in this ordinance, the following words and phrases shall have the meanings set forth below:

- a. "Person" -- any natural person, partnership, unincorporated association or corporation, non-profit or otherwise. Whenever used in any provision prescribing a fine or a penalty, the word "person", as applied to partnerships, shall mean the partners thereof, and as applied to corporations and unincorporated associations, shall mean the officers thereof.
- b. "Business" -- carrying on or exercising whether for gain or profit or otherwise within the Municipality of Monroeville any trade, business, including but not limited to: Profession, vocation, service, construction, communication or commercial activity, making sales to persons or rendering services from or attributable to a Monroeville Office or place of business.
- c. "Tax Year" -- the twelve month period from January 1st to December 31st.
- d. "Mechanical Device" -- any device, machine, or apparatus for the playing of games and amusements for which a charge for the privilege of playing is made. This includes but is not limited to: Devices commonly known as "Pinball" machines on which games are played, movie projectors, devices commonly known as "Kiddie Rides", and pool tables.
- e. "Music Machines" -- any device, machine, or apparatus for the playing of music for which a charge for the privilege of playing is made. This includes but is not limited to devices commonly known as "Juke Boxes".

SECTION 3. License Application:

Every person owning a mechanical device or music machine located in the Municipality of Monroeville shall apply in writing before March 1st of the tax year to the Municipal Manager or his designated representative on a form provided for this purpose for a license to operate the device. The applicant will provide the name of the owner of the device, the name and address of where the device is located, the serial number of the device, and a description of the device. The information required by this Section shall be furnished over the signature of the applicant. For devices or machines installed after March 1st of the tax year, an application must be made prior to the installation of the device or machine.

SECTION 4. Inspections:

The Municipal Manager or his designated representative shall have the right at all reasonable times to inspect any premises having any mechanical device or music machine as defined herein, and any person or business in possession and/or control of any such premises shall permit such inspection at reasonable times.

SECTION 5. License Fee:

- a. Mechanical Device -- One Hundred (\$100.00) Dollars per tax year or Fifty (\$50.00) Dollars if the device was installed after July 1st of the tax year.
- b. Music Machine -- Fifty (\$50.00) Dollars per tax year or part thereof.

SECTION 6. License and Permit Number:

Upon payment of the license fee as provided by this Ordinance, the Municipal Manager or his designated representative shall issue a license setting forth the permit number for each device described in the application. The license shall be attached to or conspicuously displayed in the immediate vicinity of the licensed device or machine in such a manner that it may at all times be clearly observable and readable.

SECTION 7. Gambling Not Authorized:

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

SECTION 8. Exemptions: A license fee is not required for any business having only one (1) mechanical device or one (1) music machine. However, if two (2) of either or in combination are in one business location, a license fee must be paid for all such devices and machines.

SECTION 9. Penalties: Any person or business violating any of the provisions of this Ordinance shall, upon conviction thereof before the District Magistrate, Justice of the Peace of the Municipality 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. Other Ordinances Repealed:

This Ordinance repeals Ordinance No. 900 in its entirety and any other ordinance or part thereof conflicting with the provisions of this Ordinance.

SECTION 11. Authority: This Ordinance has been passed under the authority vested in the Council of the Municipality of Monroeville by Act 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. Annual Renewal of Tax:

The tax herein levied and imposed shall continue in force on a calendar year basis following December 31, 1976, without annual re-enactment until such time as the Council of the Municipality of Monroeville shall change the rate of tax or by appropriate ordinance, repeal such tax.

ORDAINED AND ENACTED this 20th day of June, 1977.

(SEAL)

ATTEST:

MUNICIPALITY OF MONROEVILLE

S/ Marshall W. Bond  
Municipal Manager

S/ R. E. Droske  
Mayor