

constitutionality, legality or validity of the remaining portions of this ordinance. The Council of the Borough of West Newton declares that it would have passed this ordinance or any one or more remaining sections, subsections, sentences, clauses and phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, unlawful or invalid.

SECTION 6: This ordinance shall take effect on February 1, 1991.

ORDAINED AND ENACTED THIS 10th day of December, 1990.

BY Armand N. Luzzi  
Armand N. Luzzi, President

ATTEST:

Pamela M. Humenik  
Pamela M. Humenik, Secretary

EXAMINED AND APPROVED by me this 10TH day of DECEMBER, 1990.

George J. Thuransky  
George J. Thuransky, Mayor

BOROUGH OF WEST NEWTON  
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NUMBER - 1990 - 6

AN ORDINANCE AMENDING ORDINANCE NUMBER 1966-2, AS AMENDED, AN ORDINANCE PROVIDING FOR THE LEVY AND COLLECTION OF A TAX, 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 OF 1965" AND ITS AMENDMENTS, UPON THE PRIVILEGE OF USING FOR PROFIT WITHIN THE BOROUGH OF WEST NEWTON, CERTAIN MACHINES OR DEVICES FOR AMUSEMENT, ENTERTAINMENT AND THE RENDITION OF MUSIC WHICH ARE OPERATED BY THE INSERTION OF A COIN, SLUG, TOKEN, PLATE, DISC OR KEY; AND PROVIDING FOR THE COLLECTION OF SUCH TAX AND PRESCRIBING PENALTIES IN ORDER TO INCREASE THE LEVY AND ASSESSMENT, CHANGE THE DATE OF PAYMENT AND SET FORTH THE EFFECTIVE DATE.

BE IT ORDAINED AND ENACTED by the Town Council of the Borough of West Newton, Westmoreland County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: Section 2 of Ordinance No. 1966-2, as amended, is hereby amended to read:

SECTION 2: There is hereby imposed a tax, 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 West Newton, any juke box, mechanical amusement device or electronic amusement device as

herein defined. Such tax shall be payable by the person operating the establishment in which such 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. Such tax shall be payable at the following rate: On each mechanical amusement device or electronic amusement device SEVENTY-FIVE AND NO/CENTS (\$75.00) DOLLARS for the calendar year; on each juke box TWENTY-FIVE AND NO/CENTS (\$25.00) DOLLARS for the calendar year. If any juke box, mechanical amusement device or electronic amusement device as herein defined is installed during the calendar year, the fees shall be pro-rated to reflect the number of months left in the calendar year, including the month of installation. For example, the person owning any mechanical amusement device or electronic amusement device as herein defined or juke box installed in July of any calendar year would be charged THIRTY-SEVEN AND 50/CENTS (\$37.50) DOLLARS or TWELVE AND 50/CENTS (\$12.50) DOLLARS respectively for that year.

SECTION 2: Section 3 of Ordinance No. 1966-2, as amended, is hereby amended to read:

SECTION 3: The tax imposed under this ordinance shall be payable to the Borough Secretary, on or before the 10th day of February, 1991, and on or before the 10th day of January of each and

every year thereafter so long as this ordinance shall remain in force. With the exception of the pro-ration of tax allowed under SECTION 2 of this Ordinance, as amended, no deduction or refund of any tax payable under this ordinance shall be granted in the case of any tax 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 the payment of such tax, or for any other cause after the payment of such tax. Provided, however, in the case of the substitution of any device by another device in the same class, the use of which is taxable under this ordinance, no additional tax 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 tax was paid.

SECTION 3: This ordinance is enacted 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.

SECTION 4: Any ordinance or part of an ordinance in conflict with the terms of this Ordinance is, and the same are, hereby repealed.

SECTION 5: If any one or more sections, subsections, sentences, clauses or phrases of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not effect the