

BOROUGH ORDINANCE NO. 2025-11

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING 2004-1 AND RESTATING PRIOR ORDINANCES TO CONTINUE THE TAX ON MECHANICAL AND ELECTRONIC AMUSEMENT DEVICES AND JUKEBOXES, AND ESTABLISHING A LICENSE REQUIREMENT AND REGULATORY SYSTEM FOR SKILL-BASED GAMING DEVICES.

SECTION 1. TITLE & AUTHORITY

- A. This Ordinance shall be known as the "Amusement Device and Skill-Based Gaming Device Ordinance."
- B. Enacted under 8 Pa.C.S. § 1202(20)(ii) and the Local Tax Enabling Act.

SECTION 2. TAX ON AMUSEMENT DEVICES & JUKEBOXES

A. Tax Rates:

- Mechanical or electronic amusement device: \$75.00 per year
- Jukebox: \$25.00 per year

B. Proration: Devices installed after January 1 shall be taxed monthly at the prorated rate (e.g., July installation = \$37.50 amusement device; \$12.50 jukebox).

C. Payment Schedule: Payable to the Borough Secretary on or before January 10 annually.

D. Refunds/Deductions: No refunds for devices removed, sold, destroyed, or stolen.

E. Substitution: A device may be substituted with another of the same class without additional tax, provided the total number of devices does not exceed the number originally taxed.

SECTION 3. PURPOSE & FINDINGS (SBGs)

A. The Borough finds unregulated skill-based gaming devices (SBGs) may conceal gambling activity and pose risks to welfare.

B. Pennsylvania courts (e.g., Pace-O-Matic v. Bureau) hold that skill-predominant games are not illegal gambling.

C. Borough Council adopts licensing to regulate such devices responsibly.

ARTICLE I – DEFINITIONS

1. Amusement Device: Mechanical or electronic device used for amusement or entertainment.
2. Jukebox: Music-playing machine operated by coin, currency, or token.
3. Skill-Based Gaming Device (SBG): Device awarding cash prizes where outcome is primarily skill-based.
4. Sticker: Borough-issued proof of tax or license affixed to device.
5. Person: Any individual, partnership, corporation, or entity.

ARTICLE II – SKILL-BASED GAMING DEVICE LICENSES

§ 201. Prohibition – No person shall acquire, possess, use, or operate an SBG in the Borough without a valid Borough license.

§ 202. Application – Must include:

- Operator and location information
- Device manufacturer/model
- Monitoring procedures
- Sworn statement affirming:
 - Device is skill-predominant
 - No minors or visibly intoxicated patrons permitted
 - Device tamper-proof except for manufacturer updates

§ 203. Licensing Standards – Borough may issue license if:

- a. Device is skill-predominant
- b. Operator excludes minors/intoxicated patrons
- c. Device ≥ 5 ft from alcohol service area
- d. Device monitored during operation
- e. Operator holds valid PA Small Games of Chance license

§ 204. Fees & Term – Annual license fee \$100 per location; renewable each year.

§ 205. Device Limits – No more than 3 SBGs per location.

§ 206. Non-Transferability – License applies only to specific operator and devices; non-transferable.

ARTICLE III – STICKERS & DISPLAY

- Borough issues stickers showing current tax (for amusement devices/jukeboxes) or license (for SBGs).
- Sticker must be conspicuously displayed.
- Failure to display is a violation.

ARTICLE IV – ENFORCEMENT & PENALTIES

- A. Devices without tax paid (amusement/jukebox) or license (SBGs) shall be removed within 5 days of notice.
- B. Borough may confiscate devices until costs/fines are paid.
- C. General penalty: minimum \$500 fine per violation plus costs, or up to 90 days imprisonment if unpaid.

D. Repeated SBG violations: three in 12 months = license revocation; >3 = 24-month bar on licensing.

SECTION 4. INSPECTION POWER

Borough officials may inspect premises for compliance at any time. Refusal or false information may result in denial or revocation of licenses.

SECTION 5. SEVERABILITY

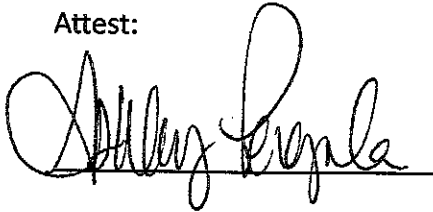
Invalid provisions shall not affect remainder of Ordinance.

SECTION 6. EFFECTIVE DATE

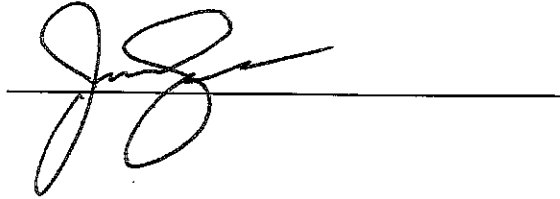
Effective immediately upon adoption.

Amendment ordained and enacted this 16 th day of Sept., 2025.


Attest:



West Newton Borough Council



Examined and approved by me, this 16 th day of Sept, 2025.

By 
Mary Popovich, Mayor

