

**SUMMIT TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-3

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SUMMIT TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA AMENDING THE SUMMIT TOWNSHIP AMUSEMENT TAX ORDINANCE FOR THE PURPOSE OF CHANGING THE TAX RATE ON GAMES.

WHEREAS, The Local Tax Enabling Act, 53 P.S. § 6924.301 *et seq.* allows to the taxation of amusements; and

WHEREAS, the Summit Township Amusement Tax Ordinance (Ord. No. 96-1) currently imposes an amusement tax on the admission price for games in the amount of \$25.00 per game, per year; and

WHEREAS, the Board of Supervisors desires to revise the amount of the amusement tax on the admission price for games; and

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Summit Township, Crawford County, Pennsylvania, as follows:

SECTION 1: DEFINITIONS. Section 2(a) of the Amusement Tax Ordinance is hereby revised in full to state as follows:

- (a) “Sale of admission” and “admission price” shall mean any monetary charge or charges of any character whatever, including donations, contributions, and dues or membership fees (periodical or otherwise), charged or paid for the privilege of attending or engaging in any amusement (as hereinafter defined) by actually physically entering into or upon any land, buildings, particular premises or any device, or charged or paid for the privilege of using or operating any game (as hereinafter defined).
 - (i) In the case of persons (except bona fide employees of the person conducting the amusement, or township officers or employees on official business) admitted free or at reduced prices at a time when, and under the circumstances under which an established price is charged to other persons, the terms “sale of admission” and “admission price” shall mean the established price as charged to other persons.
 - (ii) In the case of an established program of bona fide discounts offered to established groups, the terms “sale of admission” and “admission price” shall mean the reduced price based on the bona fide discount.
 - (iii) In the case of free or reduced-price admissions offered or made available to certain classes of individuals or to the general public as part of a bona fide promotional program, the size, scope, and nature of which bears a reasonable relationship to the gross business of the amusement owner or operator, the terms “sale of admission” and “admission price” shall mean the free or reduced price.

- (iv) In the case of free or reduced-price admissions offered to bona fide public charities (as defined by the Internal Revenue Code and determined by the Internal Revenue Service), the terms “sale of admission” and “admission price” shall mean the price actually paid to the amusement owner or operator by the charitable organization.
- (v) In the case of games, the terms “sale of admission” and “admission price” shall mean the gross amount paid for access to or use of the game.

SECTION 2: DEFINITIONS. Section 2(d) of the Amusement Tax Ordinance is hereby revised in full to state as follows:

- (d) For purposes of the Amusement Tax Ordinance, “games” as herein defined are considered to be a place and type of amusement. “Games” shall mean any coin, cash, or access device card operated machines or devices with one or more operators or players. Games shall include, but not be limited to, midway games, contest booths which do not require passage through a gate, door, or entryway into a building or upon property for the patron to play, gambling devices, and mechanical or computerized activities which allow for one or more players. Nothing herein shall be construed to permit the use of gambling devices or other devices or games prohibited by state law. Additionally, nothing herein shall be construed to apply a tax to a gambling device for which the Commonwealth has the sole and exclusive authority to tax.

SECTION 3: IMPOSITION OF TAX. Section 4(b) of the Amusement Tax Ordinance is hereby revised in full to state as follows:

- (b) Games, as defined hereinbefore in Section 2(d) of the Amusement Tax Ordinance, shall be subject to an annual tax of five percent (5%) of the admission price to be paid by the owner of the game.
 - (i) The owner of each game shall exhibit an Amusement Permit issued by the Township Secretary. The Amusement Permit shall be exhibited in a conspicuous place on or near each game.
 - (ii) The owner of each game shall report the admission price to the Township Secretary and pay the annual tax no later than January 31 of the tax year following the year being reported.
 - (iii) To simplify the administration and enforcement of this Ordinance, if the tax applied to a game is paid in the first month of the tax year for which the tax is imposed (or for game machines or devices put into use during a tax year, if the tax is paid in the first month in which the game machine or device is put into use), the Township shall accept one-hundred dollars (\$100.00) per game machine or device in satisfaction of the amusement tax imposed on such game for such tax year.

SECTION 4: AMUSEMENT PERMIT: The last paragraph of Section 5 of the Amusement Tax Ordinance is hereby revised to state as follows:

The application shall be accompanied by a check in the sum of five dollars (\$5.00). The Township Secretary shall issue the appropriate Amusement Permit(s) in duplicate, delivering the original to the permittee and retaining the duplicate.

SECTION 6: SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any part hereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of any remaining part of this Ordinance or the Amusement Tax Ordinance as a whole.

SECTION 7: All parts of ordinances inconsistent herewith are hereby repealed. All ordinances not specifically revised or amended hereby remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall take effect on January 1, 2024.

ENACTED AND ORDAINED on this ____ day of _____, 2023.

ATTEST: SUMMIT TOWNSHIP BOARD OF SUPERVISORS

Robert Moore, Secretary

William B. Agnew, Chairman

Ludwig J. Zarembinski, Supervisor

Jerauld L. Smith, Supervisor