

LEMOYNE BOROUGH
DRAFT ORDINANCE
GAMBLING ORIENTED BUSINESSES

ITEMS TO CONSIDER

1. Amend the Borough zoning code to include appropriate definitions for gambling oriented businesses and related uses.
2. Review existing definitions and determine whether there may be applicable uses that would allow skill gaming/ gambling oriented businesses (i.e. Commercial Recreation, Indoor; amusement arcade).
 - a. Note: “Commercial Rec, Indoor” is permitted in the Downtown, Commercial General, and Industrial zoning districts.
3. Amend the “permitted use” section to include “Gambling Oriented Businesses” and determine which zoning districts they shall be permitted.
4. Provide additional requirements for gambling oriented businesses that limit exposure to minors and potential for nuisance establishments.

SUGGESTED AMENDMENTS/TEXT

AMEND ARTICLE II TERMINOLOGY, §550-10 DEFINITIONS to include the terms:

“COMMERCIAL RECREATION, INDOOR”

An establishment operated as a gainful business, open to the public, for the purpose of leisure-time activities, public recreation or entertainment, including, but not limited to, amusement arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health and fitness club, miniature golf course, skating rink, shooting range, swimming pool, tennis courts, etc., when operated within a completely enclosed building or structure. This shall not be construed to be a gambling oriented business and/or related use as defined herein this Article II of this chapter.

GAMBLING ORIENTED BUSINESS

“Gambling oriented business” and/or terms and phrases: Unless specifically defined elsewhere herein or in the Code of the Borough of Lemoyne, the following words and phrases when used in this chapter relating to the “gambling oriented businesses and/or related uses” shall

have the meaning given to them in the subsections below unless the context clearly indicates otherwise:

A. ANYTHING OF VALUE

Cash, cash equivalents, tangible objects, credits to play and any other tangibles or intangibles, no matter how slight. Anything of value includes playing a game, viewing a video display, hearing an audio transmission and reading entries or outcomes from any other kind of device. A person who gives anything of value for a product or service, whether tangible or intangible, in any way, directly or indirectly, in association with being given access to the use of an gambling entertainment device, is deemed to have given value for the access to the entertainment device.

B. GAMBLING ORIENTED BUSINESS

Any business, establishment, room or place where two or more gambling entertainment devices are kept for use by the public or by persons other than the owner of the devices, where persons give anything of value to access the use of the entertainment devices or the premises, and the person may be given anything of value by the operator, whether the giving occurs on or off the premises or at the same time or a later time. A gambling oriented business does not include what is reasonably considered to be an amusement arcade.

C. GAMBLING ENTERTAINMENT DEVICE

An electronic computerized, mechanical or other device, including, but not limited to, skill gaming devices or slot machines, that requires the insertion or application of a coin, currency, token, digital currency, or similar object or anything of value to play or activate a game, the outcome of which is determined by any element of skill of the player or chance, or combination thereof. And which may deliver or entitle the person playing or operating the

device to receive cash, cash equivalents, gift cards, or vouchers, tokens or electronic credits to be exchanged for cash or merchandise, or to receive anything of value, whether the payoff is made automatically from the device or manually. A gambling entertainment device does not include any juke box, audio book, video player or any device that gives anything of value where the only value given, directly or indirectly, is a video or audio transmission.

AMEND ARTICLE V GENERAL BUSINESS AND OTHER ZONING DISTRICTS, §550-22 PERMITTED USES, TABLE 550-5-2:

Types of Uses	Office (OFF)	Commercial General (CG)	Industrial (IND)	Section Reference for Specific Use Regulations
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Table 550-5-2

Permitted Uses: General Business and Other Zoning Districts

Types of Uses	Office (OFF)	Commercial General (CG)	Industrial (IND)	Section Reference for Specific Use Regulations
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Nonresidential Uses

Commercial Uses

<u>Gambling oriented business and/or related uses</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>§550-83</u>
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AMEND §550-83 ADDITIONAL SUPPLEMENTAL STANDARDS AND REQUIREMENTS FOR SPECIFIC PRINCIPAL COMMERCIAL USES:

V. Gambling oriented business and/or related uses. Gambling oriented businesses and/or related uses are permitted, subject to the following criteria:

- (1) No portion of a building occupied by a gambling oriented business and/or related use shall be located within 2,500 feet of any other gambling oriented business and/or related use.
- (2) No portion of a building occupied by a gambling oriented business and/or related use shall be located within 500 feet of any:
 - (a) Adjacent property in the residential zoning districts or existing residential use in the mixed-use zoning districts; or
 - (b) Property which contains any one or more of the following specified land uses where minors may congregate:
 - (i) Indoor or outdoor commercial recreation facility.
 - (ii) Day-care facility primarily for children.
 - (iii) Library.
 - (iv) Park, playground, playfield.
 - (v) Place of worship.
 - (vi) School, private/public.
 - (vii) Swimming pool, public.
 - (viii) Other lands, buildings, and use where minors are permitted to congregate.
- (3) Each entrance to the premises shall be posted with a notice specifying that persons under the age of 18 years are not permitted to enter therein.
- (4) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (5) All signs shall comply with article VIII of this chapter.
- (6) No unlawful gambling activity or conduct shall be permitted.
- (7) No gambling entertainment device or similar system shall be exhibited or displayed outside of a building or structure.

- (8) Any building or structure used and occupied as a gambling oriented business and/or related use shall have an opaque covering over all windows or doors of any area in which a gambling entertainment device is exhibited or displayed and no gambling entertainment device shall be visible from outside of the building or structure.
- (9) No operator shall permit the sale, possession or consumption of alcoholic beverages on the premises.
- (10) No operator shall fail to maintain order and quiet on the premises so as not to violate the public peace.
- (11) No persons under the age of eighteen years shall be permitted on the premises where any prize valued at greater than \$10 may be awarded.
- (12) No operator of a gambling oriented business and/or related use shall permit the same to be or remain open between the hours of 11:00 p.m. and 10:00 a.m. of the next day. No operator shall permit any person to operate any gambling entertainment device between the hours of 11:00 p.m. and 10:00 a.m. of the next day.

Language for this draft was partially sourced from an [ordinance](#) adopted in Gratz Borough, Pennsylvania and an [ordinance](#) adopted in Barberton, Ohio, related to regulating skill game devices.