

ORDINANCE NO. 121422

AN ORDINANCE OF THE BOROUGH OF GRATZ, DAUPHIN COUNTY, PENNSYLVANIA, REGULATING CONDUCT AND ACTIVITIES RELATED TO SLOT MACHINES WHICH ARE HEREIN CLASSIFIED AS NUISANCES AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

BE IT ORDAINED OR ENACTED BY THE COUNCIL OF THE BOROUGH OF GRATZ, THAT THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE SLOT MACHINE NUISANCE ORDINANCE.

ARTICLE I, PURPOSE AND INTENT. – *To protect the public health, safety, and welfare, against slot machines that are made available and operated outside of a licensed facility, including protecting the public against skill slot machines, also known as “games of skill” or “skill games,” the outcome of which is determined by the skill of player or a combination of skill and an element of chance. In order to protect the public interest, convenience and necessity require these regulations and, to that end, the purposes and intentions of this ordinance are declared to be as follows:*

SECTION 1: *To protect the public against the possession, offering, and operation of slot machines, including skill slot machines, located and operated outside of a licensed facility.*

SECTION 2: *To protect the public against the health and safety menace of unlicensed slot machines, and to declare that certain activities, behavior and conduct is classified as a nuisance.*

SECTION 3. *To preserve to the people their constitutional right to maintain their ordinary rules of decency, good morals and public order by regulating the conduct herein described as a nuisance.*

ARTICLE II. NUISANCES. – *Except where such conduct occurs within a licensed facility, it is hereby declared to be a common nuisance for any person to maintain, own, lease, use, operate, or make available to the public a slot machine or any other device to be used for gambling purposes, except playing cards.*

ARTICLE II. DEFINITIONS.

A. *The term “slot machine” when used in this ordinance shall mean – An electronic, computerized, mechanical or other device that requires the insertion of a coin, currency, token or similar object or payment of any consideration whatsoever 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, billets, tickets, 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.

B. The term “licensed facility” when used in this ordinance shall have the meaning set forth in Section 1103 of the Pennsylvania Race Horse Development and Gaming Act, 4 Pa. C.S. §§1101 – 1904, et seq. (the “Gaming Act”).

ARTICLE IV. NOTIFICATION.

A. In the event that a person fails to comply with the requirements of this ordinance, The Borough of Gratz shall provide written notification, via certified mail, of the violation(s) to the property owner.

B. It shall be a violation of this ordinance for any person to maintain, own lease, use, operate, or make available to the public the nuisance herein specified. Any person who shall violate any of the provisions of this ordinance shall be guilty of a summary offense and, upon conviction thereof, unless otherwise provided by law or ordinance, shall be liable to pay a minimum fine of \$250.00 up to maximum of \$1,000.00 per violation, plus costs and fees, and may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses.

C. All such penalties shall be deemed cumulative and shall not prevent the Borough from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which the common nuisance occurred or is occurring to eliminate such nuisance.

ARTICLE V. VIOLATIONS AND PENALTIES.

A. Any Borough police officer or Code Enforcement Office may issue a summary citation, which shall specify the nature, date, and time of the violation.

B. It shall be a violation of this ordinance for any person to maintain, own, lease, use, operate, or make available to the public the nuisance herein specified. Any person who shall violate any of the provisions of this ordinance shall be guilty of a summary offense and, upon conviction thereof, unless otherwise provide by law or ordinance, shall be liable to pay a minimum fine of \$250.00 up to a maximum of \$1,000.00 per violation, plus costs and fees, and may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses.

C. Enforcement shall be by a critical action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

D. In addition to or in lieu of criminal enforcement brought by the Borough, any violation of this ordinance may be enforced through an action in equity brought in the court of common please in the County of Dauphin.

E. A separate violation under this ordinance shall arise for each day, or portion thereof, in which a violation is found to exist.

ARTICLE VI. SCOPE.

A. This ordinance is a supplement to existing ordinances regulating behavior that may be classified as a nuisance and established additional conduct that constitutes a nuisance. This ordinance does not repeal or amend any prior enacted ordinances to the extent of limiting the enforcement of such ordinances.

B. Nothing in this ordinance shall be construed to prohibit any activity that is lawfully conducted under 4 Pa. C.S. (relating to amusements).

ARTICLE VII. SEVERABILITY. – If a court of competent jurisdiction declares any provision of this ordinance to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this ordinance shall continue to be separately and fully effective.

This Ordinance is hereby duly executed and ordered into law this 14th day of December, 2022.

~~ATTEST:~~

GRATZ BOROUGH
COUNCIL:


Cindy Shade
Cindy Shade, Secretary

Kylie Bender
Kylie Bender, President

APPROVED this 14 day of December, 2022.

[Signature]

Dave Norris, Mayor