

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE BOROUGH OF MANORVILLE, ARMSTRONG COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR MECHANICAL DEVICES AND/OR PENNSYLVANIA SKILL GAMES, MACHINES THAT ARE NOT ARCADE GAMES AND MACHINES THAT ARE SIMILAR TO PENNSYLVANIA LOTTERY GAMES AVAILABLE FOR USE BY ADULTS OVER AGE EIGHTEEN AND ARE GAMES OF SKILL IN WHICH A PATRON MAY WIN CASH. USES OF NO MORE THAN FIVE (5) MACHINES IN SUPERMARKETS, CONVENIENCE STORES, RESTAURANTS, BARS AND CLUBS ESTABLISHING REGULATORY GUIDELINES AND ENFORCEMENT PROVISIONS AND PROSCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, Pennsylvania Skill Games has become more prevalent in the Commonwealth and such uses have been placed in establishments within the Borough of Manorville; and

WHEREAS, the stated use has been the subject of Common Pleas decisions which have no precedential value in Armstrong County and Commonwealth Court decisions which have not be clarified the use as being legal or illegal under current Pennsylvania Law; and

WHEREAS, legislation is pending before the General Assembly with no clear indication of adoption; and

WHEREAS, concerns have been raised by residence of Manorville Borough regarding such Pennsylvania Skill Games; and

WHEREAS, following discussion it was determined that it is in the best interest of the residence of the Borough of Manorville to establish regulations in order to regulate the use of Pennsylvania Skill Games within the Borough of Manorville.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Manorville, Armstrong County, Pennsylvania, and it is hereby ordained and enacted as follows:

Section One: Purpose: To protect the health, safety and welfare of the residence of the Borough of Manorville, Armstrong County, Pennsylvania by establishing regulations for Pennsylvania Skill Games, Mechanical Device Establishments or Mechanical Devices locations within the Borough of Manorville.

SECTION TWO: Definitions: As used in this Ordinance:

Mechanical Device: Any mechanical or electronic device other than a jukebox, which upon insertion of currency, coin, slug, token, plate, disc, or similar means, may be operated for or which allows its use as a game, entertainment or amusement, including, but not limited to games of chance/or skill, whether or not registering a score, provided that it shall not include any device or mechanism the type of which has been judicially determined to be a gambling device.

Mechanical Device Establishment: Any business establishment whose principal business is to provide the general public or business invitees or both access to utilize mechanical devices or Pennsylvania Skill Games Machines as those terms are defined herein on the premises.

Pennsylvania Skill Games Machines or similarly named machines are not arcade games or electronic amusement games but are machines that are similar to Pennsylvania Lottery Games available for use by adults over age eighteen and are games of skill in which a patron may win cash.

SECTION THREE: **ESTABLISHING A LOCATION AND NUMBER**

It shall be lawful to maintain within the Borough Manorville no more than five (5) Pennsylvania Skill Games Machines, Mechanical Devices or a Mechanical Device Establishment subject to the terms and conditions of the provisions of this Ordinance.

SECTION FOUR: **LOCATION.**

All Pennsylvania Skill Games Machines, Mechanical Devices or a Mechanical Device Establishment are to be located only in supermarkets, convenience stores, restaurants, bars and clubs located in Manorville Borough.

SECTION FIVE: **PERMITS.**

No person shall maintain Pennsylvania Skill Games Machines, Mechanical Devices or a Mechanical Device Establishment within the Borough of Manorville without a valid permit from the permitting officer under the provisions of this section.

Requirements for the issuance of a permit:

Make a formal application on the form provided by the borough the sets forth the name, address and contact information of the individual who will be owning and maintaining the Pennsylvania Skill Games Machine, Mechanical Devices or Mechanical Device Establishment. If the applicant is a renter (tenant) or not the owner of the property they must obtain written permission from the owner of the property which must be attached to the application.

Provide a detailed accurate legible drawing or site plan as to the exact location on the property where the Pennsylvania Skill Games Machine, Mechanical Devices or Mechanical Device Establishment will be located with the boundary lines of the adjoining properties being shown.

Pay the permit fee established by the Borough.

Once the application has been received and the fee paid, the location will be inspected by the designated borough official to determine compliance with the provisions of this Ordinance prior to the issuance of any permit.

The permit shall be valid for twelve (12) months from the date of issuance. Owner must apply for the renewal of the permit sixty (60) days prior to the expiration date. Upon receiving the renewal request the designated borough official is to inspect the property to determine that the Pennsylvania Skill Games Machine, mechanical Devices or Mechanical Device Establishment are being kept in accordance with this Ordinance prior to the permit being reissued.

SECTION SIX. **REGULATIONS.**

- a. No more than five (5) Pennsylvania Skill Games Machine Mechanical Devices are to be located within a supermarket, convenience store(s), restaurants, bars or clubs.
- b. No one under the age of eighteen (18) is to be permitted to be in operation, possession or playing any Pennsylvania Skill Games Machine or Mechanical Devices.
- c. No Pennsylvania Skill Games Machine or Mechanical Device shall be located within a convenience store(s), restaurants, bars or clubs within the Borough of Manorville such that they are creating a nuisance for the residence of the Borough of Manorville. Nuisance is defined as creating excessive noise that can be heard outside of where the said devices are located. Nuisance is also defined as

creating a parking problem for the residence of the Borough of Manorville.

- d. No permit will be issued to a stand-alone location as the regulated devices must be within a supermarket, convenience store(s), restaurants, bar or clubs.
- e. Hours of operation for any location shall be from 8:00 a.m. to 8:00 p.m.

SECTION SEVEN: NOTICE OF VIOLATION:

After investigation if a condition constituting a nuisance is determined to have been created or maintained, the building inspector, code enforcement officer or any other entity appointed by Borough Council to enforce ordinances shall cause written notice to be served upon the owner in one of the following manners:

A. By making personal delivery of the notice to the owner or occupant;

B. By fixing a copy of the notice to the door at the entrance of the premises in violation;

C. By mailing a copy of the notice to the last known address of the owner by certified mail.

Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Borough, or whether the situation can be corrected by repairs, alterations, or by fencing or boarding, or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within fifteen (15) days, and thereafter to comply fully with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense.

Any person or entity receiving a Notice of Violation can appeal the receipt of such Notice to the Borough Council within ten (10) days of receiving the Notice. Upon receiving any appeal, Borough Council will address the appeal and hear from the person or entity during the next regular meeting of the Borough Council.

SECTION EIGHT: **ENFORCEMENT AND PENALTY:**

If the individual holding a permit or established a location without a permit, after receiving due notice, refuses to comply with the terms thereof:

A. Any person, firm or corporation who shall violate any of the provisions of this ordinance is guilty of a summary offense and upon conviction thereof shall pay a fine of not more than One Thousand (\$1,000.00) Dollars and the costs of prosecution, including but not limited to attorney's fees, and court costs, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ten (10) days, provided further, that each day's continuance of a violation shall constitute a separate offense.

B. The Borough, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

SECTION NINE. **APEAL**

Any person who has a permit revoked or denied shall have a right to appeal that decision of the borough codes official or designee or borough official to the Borough Council within thirty (30) days who shall hear from both the owner and borough codes official or designee or borough official at the next regular or special meeting of the borough council and thereafter make a decision to grant the permit or up-hold the determination made to revoke the permit. While any appeal is pending, the Pennsylvania Skill Games Machines, Mechanical Devices or a Mechanical Device Establishment can continue to be maintained on the property.

SECTION TEN. **REPEALER.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION ELEVEN. **SEVERABILITY.**

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or

impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance.

SECTION TWELVE. **EFFECTIVE DATE.**

This ordinance shall be effective immediately.

ORDAINED AND ENACTED by the Council of the Borough of Manorville at a regular meeting held on the 5 day of January, 2026.

Borough of Manorville

By [Signature]
President

ATTEST:

[Signature]
Secretary

(SEAL)

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Reviewed at approved / vetoed this 5 day of JAN, 2026

[Signature]
Mayor