

ORDINANCE NO. 2024 -

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

“SKILL GAMES ORDINANCE”

AN ORDINANCE OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27 “ZONING,” PART 2 “DEFINITIONS,” SECTION 27-202 “DEFINITIONS AND PART 3 “ZONING DISTRICTS,” SECTION 27-301 “REGULATIONS AND STANDARDS APPLICABLE TO ALL ZONING DISTRICTS” OF THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE IN ORDER TO PROVIDE FOR THE REGULATION OF SKILL GAMES IN THE BOROUGH SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

Section 1:

1. The Code of Ordinance of the Borough of Phoenixville, as amended, Chapter 27, “Zoning”, Part 2 “Definitions,” Section 27-202 “Definitions,” is hereby amended as indicated by the black underlined interlineations indicating insertions of language:

SKILL GAME USE

A use involving an electronic, computerized, or mechanical machine, or other similar device that requires payment and/or the insertion of a coin, ticket, token, or similar object, or a fee paid to access such device, to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player, rather than chance determining the outcome, and that, in some or all circumstances, delivers or entitles the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash, or cash equivalents, whether the payoff is made automatically from the device or other service or manually. A skill game use shall not be considered an amusement devise or game.

Section 2:

1. The Code of Ordinance of the Borough of Phoenixville, as amended, Chapter 27, “Zoning”, Part 3 “Zoning Districts,” Section 27-301.2.A.(1) is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout

indicating deletions of language and underlined interlineations indicating insertions of language:

				Zoning District				
Conditional Uses	RI	TC	MI	NC	CD	MG	I	
Skill Games Use					X			

Section 3.

1. The Code of Ordinance of the Borough of Phoenixville, as amended, Chapter 27, “Zoning”, Part 3 “Zoning Districts,” Section 27-301.2.A.(2) is hereby amended as indicated by the black underlined interlineations indicating insertions of language:

(2) Additional Conditional Use Standards Applicable to Specific Uses.

(h) Skill Game Use

- 1) When sought as a conditional use, Skill Games Uses are subject to the following additional regulations:
 - a. No person who shall conduct or operate a Skill Game Use or shall allow such Skill Game Use to remain open at any time on Sunday; or on any other day or days between the hours of 11:00 p.m. and 7:00 a.m. of the following day (Daylight Saving Time when in effect).
 - b. No person shall knowingly allow or permit any person under the age of 18 years to engage in a Skill Game Use or to be present in an establishment providing a Skill Games Use.

Section 4. Officer Authorization. The appropriate officers of the Borough are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.

Section 5. 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, parts, or sections hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.

Section 6. Repealer. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this _____ day of _____, 2024.

By: _____
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this _____ day of _____, 2024.

By: _____
Peter J. Urscheler
Mayor

ENACTED this _____ day of _____, 2024.

By: _____
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the _____ day of _____, 2024.

By: _____
E. Jean Krack
Borough Manager/Secretary