

**ORDINANCE NO. 2025-\_\_\_\_\_**

**AN ORDINANCE REGULATING THE CONDUCT OF BUSINESS  
AND ORGANIZATIONS THAT OFFER SKILLED GAMING  
DEVICES IN THE CITY OF LATROBE, COUNTY OF  
WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA**

WHEREAS, the City, through its planning and zoning regulations, intends to provide for its citizens and tourists an atmosphere that is both safe, healthy, and aesthetically pleasing and one that fosters activities appropriate for residents and visitors of all ages within the downtown area, the commercial corridors, and adjacent neighborhoods.

WHEREAS, regulating the time, place and manner of operation of businesses and organizations that offer games of skill and chance will promote the health, safety and general welfare of the citizens of the City.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Latrobe, and the City of Latrobe hereby ordains as follows:

SECTION 1. Chapter 166 – Zoning shall be amended as follows:

**166-16 – Permitted Uses:**

USE	C-1	C-2	C-3	C-4
Local Gaming Device Facility		C	C	C

**166-31 – Parking Requirements:**

USE	NUMBER OF SPACES
Local Gaming Device Facility	1 for each 4 occupants at its highest peak.

SECTION 2. Chapter 179 – Amusements and Amusement Devices shall be amended as follows:

**179-1 – Definitions and word usage:**

CASH – United States currency and coin, including cash equivalent.

CASH EQUIVILIVANT – A ticket, token, chip, gift card, voucher, billet, electronic credit, prepaid debit card, or other similar instrument or representation of more than nominal value.

COIN-OPERATED AMUSEMENT GAME/VIDEO ARCADE GAME – A mechanical, computerized or electrical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, or token to play or activate a game the outcome of which

is predominantly and primarily determined by the skill of the player and does not pay, award, or offer a prize in the form of cash or merchandise. The term does not include a slot machine, a hybrid slot machine, or a skill slot machine as those terms are defined in the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Section 1103, a video gaming terminal as that term is defined in the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Section 3102, and/or a Local Gaming Device as that term defined hereinbelow.

**GAMES OF CHANCE** – Punchboards, lotteries, raffles and pull-tabs, as defined in this chapter, provided that no such game shall be placed by or with the assistance of any mechanical or electrical device or media, and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses). Similarly, this definition shall not be construed to in any way authorize games defined elsewhere within the Code of the City of Latrobe as “Local Gaming Devices.”

**LOCAL GAMING AREA** – A room, floor within a building, or physical space within an establishment dedicated solely for the display and operation of a local gaming device.

**LICENSED GAMING FACILITY** – A location at which a Pennsylvania Gaming Control Board licensed gaming entity as defined in the Pennsylvania Race Horse Development and Gaming Act, 4 Pa. C.S. Section 1103, is authorized to place and operate slot machines.

**LOCAL GAMING DEVICE** – Any of the following devices are subject to this ordinance.

(a). A mechanical, computerized or electrical contrivance, terminal, machine, or other device that, upon insertion or payment of cash or cash equivalent as a wager, is available to play or operate one or more games, the play or outcome of which is determined by any element of either chance or skill, and that may deliver, or entitle the player to receive, cash or cash equivalent at the conclusion of one or more such games.

(b). A redemption terminal or other associated equipment necessary to operate or utilize a machine, terminal, contrivance, or other device as described in subparagraph (a) above.

(c). A slot machine, a hybrid slot machine, or a skill slot machine as those terms are defined in the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Section 1103, that is not in operation at a licensed gaming facility as defined in Section 1103 of the Pennsylvania Race Horse Development and Gaming Act.

(d). A video gaming terminal, as that term is defined in the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Section 3102, that is not in operation at a truck stop establishment that term is also defined the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. Section 3102.

(e). An electronic video monitor as that term is defined in the Pennsylvania Crimes Code, 18 Pa.C.S. Section 5513, and/or that operates and/or is operated as defined and described in the Pennsylvania Crimes Code, 18 Pa.C.S. Section 5513.

The term Local Gaming Device does not include:

(a) A lottery game, as that term is defined under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law.

(b) A coin-operated amusement game.

(c) A device used to play multiplayer video gaming competitions where the element of chance does not have a material effect on the play or outcome of the game.

(d) A device operated pursuant to and in accordance with the act of July 10, 1981 (P.L.214, No. 67), known as the Pennsylvania Bingo Law, and/or pursuant to and in accordance with a license or permit issued under the Pennsylvania Bingo Law.

(e). A device operated pursuant to and in accordance with the act of December 19, 1988 (P.L.1262, No. 156), known as the Pennsylvania Local Option Small Games of Chance Act, and/or pursuant to and in accordance with a license or permit issued under the Pennsylvania Local Option Small Games of Chance Act.

**REDEMPTION TERMINAL** – The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of cash or a cash equivalent to a player as a result of playing a Local Gaming Device.

### **179-3 – Monitoring of Local Gaming Devices:**

Each business or organization with an operating local gaming device shall at all times have the device(s) monitored by at least one employee who is physically present at the gaming facility. In addition, the gaming facility shall be monitored using video surveillance and recording. Recordings of the video surveillance shall be retained at the establishment for a period of thirty (30) days from the date of recording for review and inspection by officers and/or inspectors of the City of Latrobe Police Department.

**179-4 – Display of Local Gaming Devices:** Each business or organization with an operating local gaming device shall have the device(s) located in a segregated Local Gaming Area that is visible by employees at all times. The segregated Local Gaming Area must be segregated from other areas dedicated for the display and sale of products, the

consuming, producing and serving of food and beverages, and other amusement and entertainment activities. The segregated Local Gaming Area shall be secured from access by minors. The local gaming device shall not be visible from the sidewalk or street.

**179-5 – Number of Local Gaming Devices:** Each business or organization with an operating local gaming device shall have 42 square feet of area dedicated to each device in the segregated Local Gaming Area. Exemptions to the number of local gaming devices are businesses and organizations with a liquor license issued by the Pennsylvania Liquor Control Board. These businesses and organizations shall comply with all other criteria of this ordinance.

(a). No more than three (3) Local Gaming Devices may be placed on the premises of a licensed establishment that holds an active restaurant liquor license, brewery liquor license, limited distillery liquor license, limited winery liquor license or brewery pub license that is in good standing with the Pennsylvania Liquor Control Board.

(b). No more than five (5) Local Gaming Devices may be placed on the premises of a licensed establishment that holds an active club liquor license that is in good standing with the Pennsylvania Liquor Control Board.

**179-6 – Alcohol Consumption:** Unless the business or organization is licensed by the Pennsylvania Liquor Control Board, no alcohol consumption is permitted within the premises of a business or organization with an operating local gaming device.

**179-7 – Facilities:**

A. Location. Each business or organization with an operating local gaming device shall be located no closer than 500 feet, measured property line to property line, from any other business or organization with an operating local gaming device.

Each business or organization with an operating local gaming device shall be located no closer than 500 feet, measured property line to property line, from a school (private or public), family day-care home, child- care facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather.

B. Minors. It is unlawful for a business or organization with an operating local gaming device to knowingly allow or permit a minor not accompanied by his or her parent or legal guardian to enter or remain within any establishment. A minor may not be permitted to play a local gaming device or to enter the segregated Local Gaming Area. In the Commonwealth of Pennsylvania, a person under the age of 18-years is considered a minor.

C. Signage. Each business or organization with an operating local gaming device shall post clear signage stating that minors may not enter the premises unless supervised by his or her parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the space occupied by the business or organization.

D. Permitting License. Each business or organization with an operating local gaming device shall post near the entrance or near the cash register in an unobstructed location the valid City of Latrobe permitting license issued by the City of Latrobe Police Department.

F. Hours of Operation. Businesses or organizations with an operating local gaming device shall not be permitted to operate within the hours of 12:00 am to 8:00 am. A business or organization with a liquor license issued by the Pennsylvania Liquor Control Board, and in good standing with the PLCB, shall not operate within the hours of 2:00 am to 8:00 am.

G. Compliance. Each business or organization with an operating local gaming device shall comply with all Federal, Commonwealth, and local laws. Failure to comply with governing law and the regulations set forth in §166-23 Special Exceptions and Conditional Uses, B. Failure to comply with said Conditional Uses, shall result in rejection of an occupancy permit, suspension of an occupancy permit, or termination of an occupancy permit.

H. Nonconforming Use. Each business or organization with an operating local gaming device legally existing on the effective date of this section may continue to operate as a nonconforming use and shall not be required to obtain a conditional use permit. However, any change in an existing nonconforming use and/or any violation of Federal, Commonwealth, and local laws, shall require compliance with this chapter and a conditional use permit.

I. Nuisances. Every business or organization operating a local gaming device or devices shall at all times maintain order on the premises. The business or organization shall take reasonable measures to prevent loitering, excessive noise, consumption of drugs, and criminal activity on the premises.

#### **179-8 – Violations and penalties.**

Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter shall, upon conviction thereof, for each and every offense be sentenced to pay a fine of not more than \$600, and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days, provided that each day's continuance of a violation of any provision of this chapter shall constitute a separate offense. Each business and/or organization with an operating local gaming device found by the Police Department, Code Enforcement Department, or any other

entity recognized by the City of Latrobe to be in violation of any City Code is subject to violations and penalties as listed in §166-67 Violations and Penalties and the sub-sections within Chapter 179: Amusement & Amusement Devices within Part IV: Police Administration & Regulation.

(a). In addition to the fines and penalties specified in the above section, upon determination by an officer and/or inspector of the Police Department, the Code Enforcement Department, and/or entity recognized by the City of Latrobe that Local Gaming Devices are present in any premises, facility, establishment, and/or location in which Local Gaming Devices are prohibited, the Police Department shall issue a Notice of Violation that shall, among other things, require the owner and/or occupant of the facility or establishment to remove the Local Gaming Devices from the facility or establishment within five (5) calendar days of the date of the Notice of Violation.

(b). If the Local Gaming Devices continue to be present in any premises, facility, establishment, and/or location in which Local Gaming Devices are prohibited five (5) calendar days after the date of the Notice of Violation, then the Police Department shall:

1. File a Citation in District Magisterial Court

2. Issue a Cease and Desist Order to the owner and/or occupant of the premises, facility, establishment, and/or location wherein the Local Gaming Devices are located directing the closure of the premises, facility, establishment, and/or location wherein the Local Gaming Devices are located until such time as the Local Gaming Devices are removed from the subject premises, facility, establishment, and/or location.

(c). If the Local Gaming Devices continue to be present in any premises, facility, establishment, and/or location in which Local Gaming Devices are prohibited two (2) calendar days after the date of the Cease and Desist Order, then the Police Department shall:

1. File a Citation in District Magisterial Court

2. Temporarily revoke the Use and Occupancy Permit for the premises, facility, establishment, and/or location wherein the Local Gaming Devices are located until such time as the Local Gaming Devices are removed from the subject facility or establishment.

#### **179-9 – Notice to Liquor Control Board.**

In addition to any other fines, penalties and/or sanctions as may be provided for by the laws of this Commonwealth and /or this City, the City of Latrobe shall provide notice of any violation of the provisions of this Chapter to the Pennsylvania Liquor Control Board.

**179-10 – Crimes Code.**

In addition to any other fines, penalties and/or sanctions as may be provided for by the laws of this Commonwealth and /or this City, any person who violates, causes a violation, and/or otherwise fails, neglects, or refuses to comply with the provisions of this Chapter, or any of them, shall, be in violation of the Pennsylvania Crimes Code, 18 Pa.C.S. Section 5513, and shall be subject to the penalties and punishments as set forth in the same.

SECTION 3. That the within Ordinance shall take effect on the date of publication of the post-enactment notice of passage of the same.

SECTION 4. That the City Manager, the City Secretary, Mayor, and any other proper City officer is authorized and directed to execute any and all documents and to take any and all action necessary in order to carry in effect the within ordinance.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

COUNCIL OF THE CITY OF  
LATROBE

\_\_\_\_\_  
Karen Meholic  
Secretary

By: \_\_\_\_\_  
Eric Bartels  
Mayor