

ORDINANCE NO. 2024- 05

BENSALEM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF BENSALEM, BUCKS COUNTY, PENNSYLVANIA ESTABLISHING AND CREATING CHAPTER 134 – “LOCAL GAMING DEVICES” OF THE TOWNSHIP CODE; AMENDING CHAPTER 64 – “BUSINESSES” OF THE TOWNSHIP CODE; AMENDING CHAPTER 105 – “GAMES OF CHANCE” OF THE TOWNSHIP CODE; AMENDING CHAPTER 160 – “PEACE AND GOOD ORDER” OF THE TOWNSHIP CODE, AND AMENDING CHAPTER 210 – “TAXATION” OF THE TOWNSHIP CODE; REPEALING ALL INCONSISTENT ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE THEREFOR

WHEREAS, the Township of Bensalem is a duly organized township of the second class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, in accordance with the Second Class Township Code of Pennsylvania, Act of May 1, 1933, P.L. 103, No. 69, reenacted and amended by the Act of November 9, 1995, P.L. 350, No. 60, as amended, 53 P.S. 66001, *et seq.*, the Township is vested with various corporate powers, including but not limited to the adoption and enactment of such ordinances, legislation, and regulations necessary for the proper care, management, and control of the Township, together with the promotion, protection and facilitation of the health, safety, morals, and general welfare and well-being of the Township and its residents; and

WHEREAS, the Township has determined that the health, safety, morals, and general welfare and well-being of the Township and its residents will benefit from the establishment and creation of Chapter 134 of the Township Code to be entitled “Local Gaming Devices”; and

WHEREAS, the Township has determined that the health, safety, morals, and general welfare and well-being of the Township and its residents will similarly and further benefit from the amendment of Chapter 64 – “Businesses” of the Township Code; the amendment of Chapter 105 – “Games Of Chance” of the Township Code; the amendment of Chapter 160 – “Peace And

Good Order” of the Township Code; and the amendment of Chapter 210 – “Taxation” of the Township Code,

NOW THEREFORE, BE IT ORDAINED by the Council of the Township of Bensalem, County of Bucks, Commonwealth of Pennsylvania, that the Bensalem Township Code of Ordinances shall be amended as follows:

I. AMENDMENTS

A. The Code of the Township of Bensalem shall be amended to establish and create Chapter 134 – “Local Gaming Devices” which shall read as follows:

Section 134-1. - Short Title.

This chapter shall be known and may be cited as the “Local Gaming Device Ordinance.”

Section 134-2. - Definitions.

As used in this Chapter, the following words and terms shall have the meanings herein indicated:

Cash. United States currency and coin, including cash equivalent.

Cash Equivalent. 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. 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.

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.

(1) Any of the following:

- (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.

(2) The term 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.

Person. A natural person, corporation, foundation, organization, business trust, estate, limited liability company, trust, partnership, limited liability partnership, association, or other form of legal corporate or business entity.

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.

Section 134-3. - Prohibitions and Exceptions Thereto.

- A. Except at those premises, facilities, establishments, and/or locations identified in subsection 134-3. B. below, Local Gaming Devices are prohibited to be placed, located, found, and/or operated within the Township of Bensalem.

B. Exceptions.

- (1) 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.
- (2) 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.
- (3) In those licensed establishments where Local Gaming Devices may be placed, the following regulations shall apply:
 - a. The Local Gaming Devices must be located in a segregated Local Gaming Area within the licensed establishment that is visible by employees of the establishment at all times. The segregated Local Gaming Area within the establishment must be segregated and secured from access by minors. The segregated Local Gaming Area shall at all times be monitored by and through 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 Bensalem Township Police Department.

- b. A minor may not be permitted to play a Local Gaming Device or to enter the segregated Local Gaming Area.

Section 134-4. – INSPECTIONS.

For the purpose of determining compliance with this the provisions of this Chapter, together with any and all other purposes as may be allowed by the statutes, ordinances, and regulations of this Commonwealth and this Township, officers and inspectors of the Bensalem Township Police Department, the Bensalem Department of Building and Planning, and/or the Bensalem Fire Rescue may enter upon and into any premises, facility, establishment, and/or location within the Township.

Section 134-5. - VIOLATIONS AND PENALTIES.

A. Fines. In addition to any other fines, penalties and/or sanctions as may be provided for by the laws of this Commonwealth and /or this Township, 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, upon conviction in a summary proceeding, be liable for a fine and/or penalty not to exceed One Thousand (\$1,000.00) Dollars, plus costs. Each day that a violation of this Chapter, or any part hereof, continues shall be considered a separate offense.

B. Notice of Violation.

(1) In addition to the fines and penalties specified in Section A above, upon determination by an officer and/or inspector of the Bensalem Police Department, the Bensalem Department of Building and Planning, and/or the Office of the Bensalem Fire Marshall that Local Gaming Devices are present in any premises, facility, establishment, and/or location in which Local Gaming Devices are prohibited, the Department of Building and Planning 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.

(2) 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 Bensalem Department of Building and Planning shall:

- a. File a Citation in District Magisterial Court
 - b. 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.
- (3) 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 Bensalem Department of Building and Planning shall:
- a. File a Citation in District Magisterial Court
 - b. 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.
- (4) If the Local Gaming Devices are removed from the premises, facility, establishment, and/or location in which Local Gaming Devices are prohibited following the revocation of the Use and Occupancy Permit for the premises, facility, establishment, and/or location in which Local Gaming Devices are prohibited, the Use and Occupancy Permit shall be reissued for the subject for the premises, facility, establishment, and/or location. If Local Gaming Devices are thereafter determined to be present in the subject premises, facility, establishment, and/or location in which Local Gaming Devices are prohibited following the reissuance of the Use and Occupancy Permit for the subject premises, facility, establishment, and/or location, then the Bensalem Department of Building and Planning shall:
- a. File a Citation in District Magisterial Court
 - b. 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.

(5) 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 Bensalem Department of Building and Planning shall:

a. File a Citation in District Magisterial Court

b. Permanently revoke the Use and Occupancy Permit for the premises, facility, establishment, and/or location wherein the Local Gaming Devices are located.

C. Peace and Good Order

In addition to any other fines, penalties and/or sanctions as may be provided for by the laws of this Commonwealth and /or this Township, 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 Chapter 160, Peace and Good Order, of the Code of the Township of Bensalem, and shall be subject to the penalties set forth in Section 160-3 of the same.

D. 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 Township, 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.

E. 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 Township, the Township shall provide notice of any violation of the provisions of this Chapter to the Pennsylvania Liquor Control Board.

B. Chapter 64, Businesses, Article II. Licenses, Division 1. Generally, of the Code of the Township of Bensalem is hereby amended as follows:

Chapter 64, Businesses, Article II. Licenses, Division 1. Generally, Section 64-21. Inter-municipal liquor license transfers., Subsection (1) k. 2. is deleted in its entirety and the following is hereby adopted in its place:

(1) ...

k. ...

2. A plan of the interior of the building/facility identifying the location and dimensions of the bar area, restaurant area, segregated Local Gaming Device area, kitchen, bathrooms, outdoor patron areas, and storage areas, as applicable, together with a floor plan identifying the proposed layout of the bar, restaurant, and outdoor patron areas, as applicable, such floor plan to include the location of the bar(s), tables, chairs, stools, dance floor(s), stage(s), billiards/darts/arcade area(s), segregated Local Gaming Device area, and/or any other areas to which the public will have access, as applicable;

Chapter 64, Businesses, Article II. Licenses, Division 1. Generally, Section 64-21. Inter-municipal liquor license transfers., Subsection (1) k. 3. is deleted in its entirety and the following is hereby adopted in its place:

(1) ...

k. ...

3. A statement and/or description of the intended use of the property/facility. The statement and/or description must identify the proposed hours of operation, must indicate if live music or live entertainment are to be made available to patrons, must indicate if dancing will be permitted on the premises, must indicate if billiards, darts, video and/or arcade games, and/or Local Gaming Devices will be available for patrons, and must identify if any bar, restaurant, athletic and/or entertainment services are to be available to patrons outdoors, and for all such indoor and/or outdoor services and/or amenities, a full description of each.

C. Chapter 160, Peace and Good Order, of the Code of the Township of Bensalem is hereby amended as follows:

Chapter 160-1 is hereby amended to add Subsection (16) which shall read as follows:

(16) To place, locate, and/or operate a Local Gaming Device anywhere within the Township of Bensalem in violation of the provisions of the Township Local Gaming Device Ordinance.

D. Chapter 105, Games of Chance, of the Code of the Township of Bensalem Township is hereby amended as follows:

Chapter 105, Games of Chance, Section 105-1. Definitions, is hereby amended to delete the definition of "Games of chance." in its entirety and to adopt the following definition of "Games of chance." in its place:

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 Township of Bensalem as "Local Gaming Devices."

E. Chapter 210, Taxation, of the Code of the Township of Bensalem is hereby amended as follows:

Chapter 210, Taxation, Article VI. Amusement Device Tax, Section 210-54. Definitions and word usage, Subsection (a) is hereby amended to include the following definition:

Local Gaming Device. Any of the following:

- (i) 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.

- (ii) A redemption terminal or other associated equipment necessary to operate or utilize a machine, terminal, contrivance, or other device as described in subparagraph (i) above.
- (iii) 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.
- (iv) 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.
- (v) An electronic video monitor as that term is defined in the Pennsylvania Crimes Code, 18 Pa.C.S. Section 5513(f), and that operates and/or is operated as defined and described in the Pennsylvania Crimes Code, 18 Pa.C.S. Section 5513(a.1).

Chapter 210, Taxation, Article VI. Amusement Device Tax, Section 210-54. Definitions and word usage, Subsection (a) is hereby amended to delete the definition of "Mechanical amusement device." in its entirety and to adopt the following definition of "Mechanical amusement device," in its place:

Mechanical amusement device. Any device, other than a Jukebox or Local Gaming Device, that, upon the insertion of a coin, slug, token, plate, key or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score and whether or not a prize is offered.

Chapter 210, Taxation, Article VI. Amusement Device Tax, Section 210-55. Tax imposed; rate. is hereby amended to add and include the following Subsection (6):

- (1) On each Local Gaming Device legally present and operating in and/or 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, brewery pub license, and/or club liquor license that is in good standing with the Pennsylvania Liquor Control Board: Eighty (\$80.00) Dollars.

II. REPEALED PROVISIONS

All ordinances and/or parts of ordinances inconsistent herewith, or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

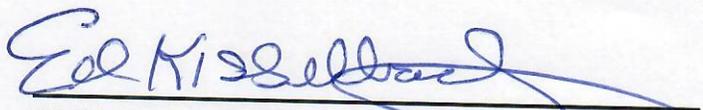
III. SEVERABILITY, INCONSISTENCIES, EFFECTIVE DATE

The provisions of this Ordinance are severable. In the event that any section, sentence, clause, phrase, word, part, or provision of this ordinance shall be determined or declared to be illegal, invalid or unconstitutional by any Court of competent jurisdiction, such determination or declaration shall not impair or affect the remaining sections, sentences, clauses, phrases, words, parts and/or provisions of this Ordinance, nor shall any such determination or declaration prevent or otherwise foreclose the enforcement of any of the remaining sections, sentences, clauses, phrases, words, parts and/or provisions of this Ordinance. If there are any inconsistencies between the provisions of this Ordinance and any other section of the Code of the Township of Bensalem, the terms and provisions of this Ordinance shall control.

IV. EFFECTIVE DATE

This Ordinance shall be effective ten (10) days after it has been approved by the Mayor, or in default thereof, ten (10) days after it is deemed approved by operation of law.

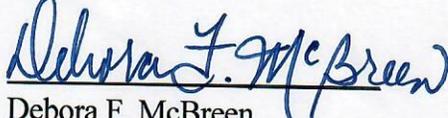
ORDAINED AND ENACTED by the Council of the Township of Bensalem this 28th day of October 2024.


EDWARD KISSELBACK, COUNCIL PRESIDENT


JOSEPH KNOWLES, COUNCIL VICE PRESIDENT


STACEY CHAMPION, COUNCIL SECRETARY

Attested to:

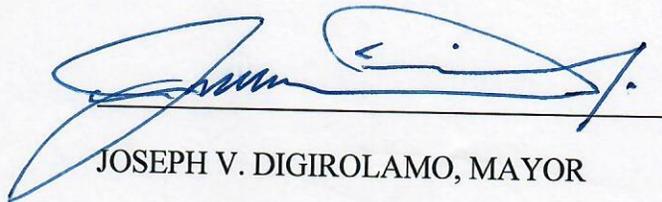

Debora F. McBreen
Clerk of Council


MICHELLE BENITEZ, COUNCIL MEMBER


JOSEPH PILIERI, COUNCIL MEMBER

THE FOREGOING ORDINANCE IS APPROVED ON THE 28th DAY OF

October, 2024.



JOSEPH V. DIGIROLAMO, MAYOR