

Legislation Text

File #: 240010-A, **Version:** 2

Amending Chapter 9-5900 of The Philadelphia Code, entitled “Prohibition on Certain Gambling Machines and Skills Games,” to add additional prohibitions and provide for remedies, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Chapter 9-5900 of The Philadelphia Code is hereby amended as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-5900. PROHIBITION ON CERTAIN

[GAMBLING MACHINES AND SKILLS GAMES]

GAMING AND SKILL-BASED DEVICES

§ 9-5901. Prohibition on Certain [Gambling Machines and Skills Games] *Gaming and Skill-Based Devices.*

[It shall be unlawful for a business to operate any casino-style or skill game that accepts cash payment for the chance of a cash reward and is not otherwise regulated by the State of Pennsylvania.]

(1) *Definitions.*

(a) “Gambling or skill-based cash payout device.” Means a device that accepts cash payment for the chance of a cash reward in connection with playing one or more casino-style game, one or more skill-based game, or a combination of such games.

(b) “Cash.” Means currency or any cash equivalent, such as a debit card, credit card, ticket, token or other type of card, any of which can be exchanged for currency.

(2) *Except at the locations identified in subsection (c) below, it is unlawful to:*

(a) *to operate a gambling or skill-based cash payout device or to allow the operation of such a device at a business location; or*

(b) *operate a business at which a gambling or skill-based cash payout device is present.*

(c) *Exceptions:*

(.1) *licensed facilities as authorized and defined in the Pennsylvania Race Horse*

Development and Gaming Act, 4 Pa.C.S § 1103;

(2) any location operating under a valid Commonwealth license to sell alcohol that has 30 or more seats readily available and in place for regular use by customers to consume food and beverages, provided that:

(a) no more than five (5) gambling or skill-based cash payout devices may be present at any one licensed location; and

(b) monetary payouts from such devices may only be made through electronic means, and may not be made in cash by personnel at the business location.

(3) Violation of this Section shall be subject to a fine of \$1,000 per device present at the business or other location. Each day of violation shall constitute a separate offense for which a fine may be imposed.

(4) Upon a determination that a gambling or skill-based cash payout device is present at a business location, any person authorized to enforce ordinances shall issue a notice of violation of this Section, which notice shall include a warning that, upon a second determination that such a device is present at the same location, a notice of intent to cease operations of such business may be issued. Such second determination shall be made no less than 5 days from the date of the initial determination.

(5) Upon determination that such a device is present at the business location at any time thereafter, a cease operations order may be issued in connection with the location pursuant to the procedures set forth in Section A-505 of this Code (Cease Operations Order), until such time as the person in charge of the business location demonstrates, to the satisfaction of the issuing department, that the business has demonstrated that it has established a means to ensure that the business will be operated without the presence of any gambling or skill-based cash payout devices.

(6) Any business in operation not subject to an exception under subsection (2)(c) above that has a gambling or skill-based cash payout device present shall be deemed a public nuisance pursuant to §19-2602 of this Code and any remedies thereunder shall apply, including but not limited to, revocation of the business's Commercial Activity License.

(7) Any appeal filed to the Board of License and Inspection Review in connection with a violation of this Section shall not constitute grounds for lifting or staying a Cease Operations Order issued pursuant to this Section.

* * *

SECTION 2. This Ordinance shall be effective immediately, except that the addition of Code Section 9-5901 (2)(c)(.2)(.b) shall be effective January 1, 2025.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.