

**TOWNSHIP OF WASHINGTON
WESTMORELAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 179**

AN ORDINANCE FOR THE TOWNSHIP OF WASHINGTON, WESTMORELAND COUNTY, PENNSYLVANIA, REGULATING AND RESTRICTING THE PLACEMENT AND OPERATION OF SKILL-BASED GAMING DEVICES, INCLUDING LICENSING FEES, REQUIREMENTS, LIMITATIONS AND INSPECTIONS

WHEREAS, the Township of Washington seeks to regulate skill-based gaming devices in establishments within the Township to ensure the health, safety and welfare of the community through proper oversight and transparency; and

WHEREAS, Pennsylvania courts have ruled that certain skill-based gaming devices are not gambling devices per se; and

WHEREAS, under such rulings these skill-based gaming devices are not prohibited or regulated under Section 5513 of the Crimes Code or the Gaming Act; and

WHEREAS, the Township of Washington is authorized to enact regulations of any business not otherwise preemptively regulated under the law pursuant to 8 Pa.C.S.A. § 1202(20)(ii); and

WHEREAS, the Township of Washington has determined that the unregulated proliferation of such skill-based gaming devices may lead to illegal gambling devices being disguised as legal skill-based gaming devices and is not desirable for the health, safety, and welfare of the Township of Washington.

NOW THEREFORE, by the Board of Supervisors of Washington Township, **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same for Washington Township, pursuant to the above-mentioned Statutory Authority, as follows:

ARTICLE I
INCORPORATION

The above-mentioned Recitals are incorporated herein as a declaration of the purposes and objectives of the Township of Washington for its enactment of this Ordinance.

ARTICLE II
DEFINITIONS

SECTION 1: Amusement Device.

Any mechanical, electric, or electronic device used or designed to be operated for entertainment or as a game by the insertion of money, coin, token, or other article, which rewards players with free games, non-monetary prizes, or points. Such devices do not include any machine or device classified as a Skill-Based Gaming Device.

SECTION 2: Skill-Based Gaming Device.

Any device which offers cash payouts or monetary rewards, directly or indirectly, and where such rewards are determined by the application of skill rather than chance. Skill-Based Gaming Devices have been defined herein in accordance with Pennsylvania case law, including the Pace-O-Matic (POM) v. Pennsylvania Bureau of Liquor Control Enforcement rulings. These devices include any terminal, computer, or interface that provides access to the Skill-Based game, whether the software is hosted locally or on a remote server (online).

SECTION 3: License.

An official marking or label only issued by the Township to display that a license has been properly obtained. The marking and/or label remains the property of the Township.

SECTION 4: Person.

Any individual, sole proprietorship, partnership, corporation (profit or non-profit),

facility, owner, or other entity.

ARTICLE III

SCOPE

No entity may possess, use or employ a Skill-based Gaming Device anywhere within the territorial boundaries of the Township of Washington except in accordance with this Ordinance.

ARTICLE IV

LICENSING OF SKILL-BASED GAMING DEVICES

SECTION 1. License Required.

No person or establishment shall maintain or operate a Skill-Based Gaming Device without first obtaining an annual Skill Game License from the Township of Washington.

SECTION 2. Application for License.

The application prepared by the Township of Washington shall require, at a minimum, that the following information be provided:

- A. The name, business address and phone number of the applicant;
- B. The name, address and phone number of the person filling out the form for the applicant;
- C. The location where the Skill-Based Gaming Device(s) is to be installed, described by both the location's postal address and the Westmoreland County parcel identification number for such location;
- D. A floor plan providing the location of the Skill-Based Gaming Device relative to the overall lot;
- E. The manufacturer, model and make of any and all Skill-Based Gaming Devices

to be permitted under the license;

- F. A description of how the Skill-Based Gaming Device shall be monitored to comply with the provisions of this Ordinance. Such description as required by this subpart includes an averment made under penalty of 18 Pa. C.S.A. §4904 (relating to unsworn falsification to authorities) that the device to be licensed shall not be used, played with or manipulated by any person under the age of eighteen or any person who is noticeably under the influence of any drug or alcohol;
- G. A description of each device to be licensed, explaining that the outcome of the game(s) is determined by the application of skill of the player and is not a result of chance. Such description shall include an averment made under penalty of 18 Pa. C.S.A. §4904 (relating to unsworn falsification to authorities) that the device to be licensed (a) does not award cash prizes through a wholly randomized system irrespective of skill, (b) does not award cash prizes through a system with pre-planned or pre-programmed ratios of wins and losses, and (c) provides an essential skill component as part of its design that is more determinative of wins than random chance alone; and
- H. Licenses shall only be granted for a particular device according to the make, model and manufacturer of such device as provided in the application and may not be transferred to substitute or alternative devices.
- I. For any license application involving an online terminal or device where the game is accessed via internet connection or remote server, the applicant shall be required to identify the provider, provide a list of all specific games

accessible through the terminal, and the provider shall submit an attestation that the software and game mechanics provide an essential skill component as part of its design that is more determinative of wins than random chance alone.

SECTION 3. Qualifications for License.

A license shall be issued to an applicant for a Skill-Based Gaming Device only if:

- A. The applicant has properly completed a formal application for Skill-Based Gaming Device with the Township;
- B. The Skill-Based Gaming Device does not award cash prizes through a wholly randomized system irrespective of skill;
- C. The Skill-Based Gaming Device does not award cash prizes through a system with pre-planned or pre-programmed ratios of wins and losses;
- D. The Skill-Based Gaming Device provides an essential skill component as part of its design that is more determinative of wins than random chance alone;
- E. The Skill-Based Gaming Device is not to be located within five feet of any portion of the location where alcoholic beverages are poured or sold, including but not limited to any beer coolers, bar stands, liquor cabinets, wine racks, or any other display or arrangement of alcoholic beverages;
- F. The Skill-Based Gaming Device is not to be used at any time by persons under eighteen (18) years of age;
- G. The Skill-Based Gaming Device is not to be used at any time by persons who are noticeably under the influence of drugs or alcohol;
- H. The Skill-Based Gaming Device shall be monitored at all times by security cameras or directly by personnel working for the applicant during all hours in which such

Skill-Based Gaming Devices may be in use; All footage will be maintained for a minimum of 30 days and be readily available to the township officials on request.

- I. The Skill-Based Gaming Device may not be altered or tampered with by any person after the date of its installation. This provision shall exclude software updates from the device's manufacturer only; and
- J. The applicant possesses and maintains a valid Small Games of Chance License issued by the Pennsylvania Department of Revenue.

SECTION 4. Annual License Fee.

The initial licensing fee and any annual renewal fee thereafter for a Skill-Based Gaming Device shall be FIVE HUNDRED (\$500.00) and 00/100 dollars, per establishment, payable at the time of application or renewal.

SECTION 5. Per-Device Fee.

In addition to the annual license fee, a per-device fee of ONE HUNDRED (\$100.00) and 00/100 dollars shall be assessed for each Skill-Based Gaming Device maintained or operated at an establishment. This fee applies to all Skill-Based Gaming Devices, whether currently existing or newly installed. The per-device fee is non-refundable and must be paid at the time of application and each subsequent annual renewal.

SECTION 6: Transferability of License.

The Township licenses issued for Skill-Based Gaming Devices are non-transferable and any new person, owner or operator of an establishment where such Skill-Based Gaming Devices are available must file a license application.

SECTION 7: Expiration

The term of any license granted shall terminate on December 31 of the calendar year in which it was issued and subsequent renewal is mandatory for the following term.

ARTICLE V

SECONDARY USE AND REVENUE LIMITATION

The operation of Skill-Based games must remain secondary to the primary business conducted on the premises. At no time shall the revenue generated from these machines constitute the main source of income for the establishment. If the Township determines that the primary purpose of the business has shifted to the play of skill games, the establishment's license may be reviewed, suspended, or revoked.

ARTICLE VI

MANDATORY DISPLAY OF OFFICIAL LICENSE LABEL

Upon issuance of any gaming license herein required, the Township shall issue a label or other identifying mark, showing the issuance of such license and the date thereof and such label or identifying mark shall at all times be attached or affixed to the Skill-Based Gaming Device in a noticeable and conspicuously exposed place. Failure to display such a label or identifying mark shall be a violation of this Ordinance. Upon application, a new label shall be issued to the owner, vendor, and/or vendee each year. All owners shall immediately report any Skill-Based Gaming Device that does not have a label affixed to it as required by this Ordinance. No owner shall allow the use of any Skill-Based Gaming Device without first having a license affixed. The Township shall be required to investigate the applicant and the location where such a Skill-Based Gaming Device is to be maintained and determine whether the location used for the purpose requested will create a fire or health hazard or nuisance before affixing the license. The location must be

supervised to avoid the use by minors. If the location creates any such issue or does not meet these requirements, the license shall be denied and all previous payments for licensure shall be forfeit to the Township. All owners shall immediately report the repair or replacement of any Skill-Based Gaming Device to the Township and pay a fee for the required replacement label. Any Skill-Based Gaming Device without a current label displayed shall be a violation of this Ordinance.

ARTICLE VII

REMOVAL OF UNIDENTIFIED OR UNLICENSED DEVICES

The owner shall remove from their premises any Skill-Based Gaming Device that does not display a current license five days after being notified by the Township. Failure to remove the Skill-Based Gaming Device shall be a violation of this Ordinance by the owner. Each subsequent day the Skill-Based Gaming Device remains shall be an additional violation. Any Skill-Based Gaming Device may be confiscated by the Township anytime that the Skill-Based Gaming Device is found to be unlicensed or unidentified and held as property of the Township until said time that the owner is compliant with this Ordinance and all associated fees and fines are paid. The owner may claim said property after all associated fees and fines are paid in relation to the conditions it was removed including the removal fee and storage fees. Any confiscated Skill-Based Gaming Device may be discarded or sold after 90 days remaining in the Township's control and possession, and any proceeds received therefrom shall be paid to the Township to satisfy all fees and penalties due. Any remaining proceeds shall be forfeited and retained by the Township.

ARTICLE VIII

COMPLIANCE

SECTION 1. Inspection for Compliance.

Any person, or their employees, shall allow immediate access to their premises by Township representatives, upon request to inspect for compliance with this Ordinance, to affix labels to a Skill-Based Gaming Device, and shall accurately provide any information requested during the time of the inspection, including but not limited to device payout records, video surveillance footage, network routing and communication methods, or information about service providers. Providing false or misleading information or denying or delaying entry to the premises is a violation of this Ordinance and further shall result in denial of licensure to the person, vendor, and/or vendee of any device at the premises for a period of one year.

SECTION 2. Compliance Period.

The requirements and timing for compliance under this Ordinance shall be determined by the date of a device's installation as follows:

- A. Any establishment currently operating a skill-based gaming or amusement device within the Township prior to the effective date of this Ordinance shall have ninety (90) days to come into full compliance. This includes the submission of a completed license application, payment of all applicable annual and per-device fees, and the filing of required attestations.
- B. Any device installed or placed into operation on or after the effective date of this Ordinance must be fully licensed and compliant prior to being made available for public use. No grace period shall apply to new installations.

ARTICLE IX

PENALTIES FOR NON-COMPLIANCE

SECTION 1. Unlicensed Devices.

Any person who operates an unlicensed Skill-Based Gaming Device shall, in addition to the penalties provided under Section 2 of this Article, be subject to the following penalties:

- A. Any person who is cited for three (3) violations within a twelve (12) month period shall automatically have revoked any license such person may possess from the Township of Washington for any Skill-Based Gaming Device.
- B. Any person who has been granted a license who is cited for more than three (3) violations within a twelve (12) month period shall be precluded from obtaining a license for twenty-four (24) months on any Skill-Based Gaming Device.

SECTION 2: Violations and Penalties.

Any person who violates any provision of this Ordinance shall be fined not less than \$500 for each violation, together with costs, and/or imprisonment for not more than 90 days if the amount of such judgement and costs are not paid. Nothing in this section shall be construed to limit or deny the right of the Township or any person to equitable relief or other remedies as may otherwise be available, with or without process of law.

ARTICLE X

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. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been

adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein. All Ordinances, or parts thereof, conflicting herewith or repealed hereby, be and the same are hereby repealed.

ARTICLE XI

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption by the Washington Township Board of Supervisors.

[SIGNATURES APPEAR ON THE NEXT PAGE]

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania in lawful session assembled the 12th day of March, 2026.

ATTEST:

**WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS**



Jennifer Bombalski, Secretary and Treasurer

Absent

Richard C. Gardner, Chairman



Joseph D. Olszewski, Vice-Chairman



Matthew A. Thornton, Member

WASHINGTON TOWNSHIP SUPERVISORS
 285 Pine Run Church Road, Apollo, PA 15613
 724-727-3515 FAX 724-727-2681
 e-mail washtwp@washingtontownship.com

SKILL-BASED GAMING DEVICE LICENSE APPLICATION
Township Ordinance 179

Name of Business	Phone#		
Business Address	City	State	Zip Code
Owner of Business	Phone#		
Mailing Address	City	State	Zip Code
Name of Person Completing Application	Phone#		
Address of Skill-Based Gaming Devices	City	State	Zip Code
Tax Map#			

SKILL-BASED GAMING DEVICE LICENSING FEES
Fees are non-refundable & Licenses are non-transferable

Type (Manufacturer & Model)	# of Machines		Each	Fee
_____	_____	X	\$100	_____
_____	_____	X	\$100	_____
_____	_____	X	\$100	_____
_____	_____	X	\$100	_____
_____	_____	X	\$100	_____
_____	_____	X	\$100	_____
			Sub-Total	_____
			Annual License Fee	<u>\$500.00</u>
			TOTAL	_____

CERTIFICATION

I (or we), the undersigned applicant, owner and/or proprietor for the device(s) listed above, hereby acknowledge, subject to the penalties of PA C.S. §4904 (relating to unsworn falsification to authorities), that the Township of Washington, Westmoreland County, Pennsylvania has provided me with Ordinance #179, which I have read and agree to follow in full. I (or we) aver all skill-based gaming devices will be monitored to ensure they are never used by anyone under eighteen or anyone visibly under the influence of drugs or alcohol. I (or we) further aver that each device is determined by player skill rather than chance, does not award cash prizes through a randomized system, does not use pre-programmed win/loss rations, and contains an essential skill component. I (or we) also acknowledge that no Township employee or agent has made any guarantees or promises on non-prosecution, whether expressed or implied.

Signature of Applicant

Date

Signature of Owner or Proprietor

Date

TOWNSHIP APPROVAL

Permit #: _____

Check #: _____

Approved by: _____ Date: _____

SITE MAP

Please label and number each Skill-Based Gaming Device and all entrances on the floor plan below, and provide a description of each device per Washington Township Ordinance #179, Article IV, Section 2 Items G-I.

Entrance

Description of Devices
