

Borough of Lilly

LILLY PENNSYLVANIA

ORDINANCE

Ordinance No.: June 2025-1

*An Ordinance of the Lilly Borough Council
Regulating and Licensing Mechanical and
Electrical Amusement Devices*

WHEREAS, Section 1202(20)(ii) of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.) authorizes boroughs to "license and regulate businesses"; and

WHEREAS, Section 1203 of the Borough Code authorizes borough councils to "make and adopt all ordinances . . . not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth as may be expedient or necessary for the proper management, care and control of the borough and its finances and the maintenance of peace, good government, safety and welfare of the borough and its trade, commerce and manufactures."; and

WHEREAS, on February 22, 1958, Council enacted Ordinance No. 1958-1 which provided for the regulation and licensing of mechanical amusement devices; and

WHEREAS, on July 6, 1993, Council enacted Ordinance No. 1993-3 amending certain provisions of Ordinance 1958-1; and

WHEREAS, Council has determined that an update of the Borough's mechanical device ordinances is necessary.

NOW THEREFORE, **BE IT ORDAINED** by the Lilly Borough Council as follows:

Section 1. *Short Title of Ordinance.* This Ordinance shall be referred to as the Lilly Borough Mechanical and Electrical Amusement Device Ordinance.

Section 2. *Definitions.*

“Billiard or Pool Table” - A rectangular table with a flat surface covered in fabric, typically felt, used for playing pool.

“Juke Box” - Any music vending machine or contrivance.

“Mechanical, Electronic or Video Amusement Device” - Includes any mechanical, electronic or video amusement or skill device which, upon activation, may be operated or used as a game, entertainment or amusement, whether or not registering a score and whether or not a prize is offered.

Section 3. *Gambling Devices Not Permitted.* Nothing in this Ordinance shall in any way be construed as to license or permit any gambling device whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law or that may be contrary to any future laws of the Commonwealth of Pennsylvania.

Section 4. *License Required.* Any person, firm, corporation or association displaying for public patronage or keeping for operation any mechanical, electronic or video amusement device or juke box as defined in Section 2 hereof shall be required to obtain a license from the Borough, upon payment of a license fee. Application for license shall be made to the Borough Secretary, upon a form to be supplied by the Borough.

Section 5. *License Fees.*

- (a) Every applicant for an amusement license shall pay a fee in the amount of one hundred fifty dollars (\$150.00) for the privilege of operating or maintaining for operation each mechanical, electronic or video amusement device as defined in Section 2 herein.
- (b) Every applicant for an amusement license shall pay a fee in the amount of twenty-five dollars (\$25.00) for the privilege of operating or maintaining for operation each billiard or pool table as defined in Section 2 herein.

- (c) Every applicant for an amusement license shall pay a fee in the amount of twenty dollars (\$20.00) for the privilege of operating or maintaining for operation each juke box as defined in Section 2 herein.
- (d) Said fees may be amended from time to time by Resolution of the Council.

Section 6. *License Year.* The license year shall be the calendar year with a notice of assessment on or before December 15 of each year and to be paid by January 15 of the permit year. Any device installed after July 1 shall pay one-half of the annual fee within ten days of installation.

Section 7. *Display of License.*

- (a) The license(s) shall be posted conspicuously at the location of the machine(s) in the premises wherein the device is to be operated.
- (b) Not more than one machine shall be operated under one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated at the premises.
- (c) If licensee shall move the place of business to another location within the Borough, the license may be transferred to such new location upon application to the Borough Secretary, giving the street and number of the new location. There shall be no fee for this application to transfer.

Section 8. *Revocation of License.* Every license issued hereunder is subject to the right, which is hereby expressly reserved, to revoke same should the licensee, directly or indirectly permit the operation of any mechanical, electronic or video amusement device or juke box contrary to the provisions of this Ordinance. Said license may be revoked by the Borough after written notice to the licensee, which notice shall specify the violation. Within ten days of the date of the notice, licensee may request a hearing before the Council. Said request must be in writing and submitted to the Borough Secretary.

Section 9. *Penalties.* Any person, firm, corporation or association who shall violate any provision of this Ordinance shall, upon a finding of a violation(s), pay a civil penalty not to exceed one thousand dollars (\$1,000.00), plus costs and attorney fees. Each day that a violation continues shall constitute a separate offense.

Section 10. *Repeal of Conflicting Ordinances.* Ordinances 1958-1 and 1993-3 are herein and hereby Repealed along with any other ordinances and/or resolutions and/or provisions thereof inconsistent herewith are likewise repealed to the extent of any inconsistencies.

Section 11. *Severability of Provisions.* It is the intention of the Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein and it is further the intention of the Council that if any provision of this Ordinance be declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 12. *Effective Date.* This Ordinance shall become effective on January 1, 2026.

ORDAINED AND ENACTED this eleventh day of June, 2025

BOROUGH OF LILLY

By: William D. Patterson
William D. Patterson - President

Attest: Claudine M. Falger (Seal)
Claudine M. Falger - Secretary

APPROVED this 4th day of June, 2025

Michael C. Sklodowski
Michael C. Sklodowski - Mayor