

ORDINANCE NO. 638 of 2026

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WEST PITSTON,
LUZERNE COUNTY, PENNSYLVANIA BY AMENDING CHAPTER 38 OF THE
BOROUGH ORDINANCES REGARDING AMUSEMENTS AND AMUSEMENT DEVICES.

WHEREAS, the Borough Ordinance Chapter 38 regulates Amusements and Amusement Devices within the Borough of West Pittston, and in particular, Article II, Sections 38-9 through 38-16 set forth, inter alia, definitions, application, license and fee requirements, and enforcement of same for Mechanical or Electronic Amusement Devices;

WHEREAS, the Borough Council has determined that, in order to effectively administer the licensing and regulation of Amusement Devices within the Borough, Sections 38-9, 38-10, 38-11, 38-12, 38-13, 38-14, 38-15, and 38-16 must be modified to more properly characterize the amusement devices in use based on changing technologies, amend the licensing requirements for operation, use and maintenance of same, and provide for an increase in fees to administer such use.

BE IT HEREBY ORDAINED AND ENACTED, by the Council of the Borough of West Pittston, County of Luzerne, Commonwealth of Pennsylvania;

FIRST THEREOF:

Section 38-9, in its original form, and as amended, is hereby repealed, and replaced with the following language:

§ 38-9 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE – Any machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disk, or key into any slot, crevice or other opening or by the payment of any price, 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. It shall include but not be limited to such devices as skill games, games of chance, marble machines, pinball machines, photoelectric shooting or target machines, electronic video games, air hockey tables, football games and all games, operations or transactions similar thereto under whatever name they may be designated or described. This section shall also include any jukebox or similar instrument or device operating solely for the emission of music.

OPERATOR – Any person, firm, partnership, corporation, or association displaying or maintaining for use and operation any mechanical amusement device or pool table or otherwise permitting the use or operation of such device for a fee or charge.

PERSON – Every natural person, partnership, association or corporation; and whenever used in any clause prescribing or imposing a penalty, the term, as applied to partnerships or associations, shall mean the partners or members thereof and, as applied to a corporation, the officers thereof.

POOL TABLES – Any table with cushions and/or pockets upon which games of pool and/or billiards in any form are played upon payment of a price, whether or not operated by the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening.

SECOND THEREOF:

Section 38-10, in its original form, and as amended, is hereby repealed and replaced with the following language:

§38-10 Registration and License.

It shall be unlawful for any operator to display or keep or maintain for use and operation or otherwise permit the use and operation of any mechanical or electronic amusement device, pool table, or other similar machine anywhere within the Borough of West Pittston, without first having registered with and obtained a license from the Code Enforcement Officer of the Borough of West Pittston or the Wyoming Area Regional Police Department, either of whom are hereby authorized to enforce this ordinance. A separate license shall be required for each mechanical or electronic amusement device in the control of the operator. The license for each machine shall be renewed annually in accordance with this ordinance and in particular Section 38-14, upon the payment of the license fee set forth in Section 38-12, and said license shall be valid for one year.

THIRD THEREOF:

Section 38-11, in its original form, and as amended, is hereby repealed and replaced with the following language:

§38-11 Application; issuance; seal.

- A. Every operator desiring to register with and obtain a license as required herein shall apply to the Code Enforcement Officer of the Borough of West Pittston or the Wyoming Area Regional Police Department. Application forms may be secured from the Borough and shall set forth the following information:
 - (1) The name and business address of the operator
 - (2) Contact information for the operator.
 - (3) The type, manufacturer and serial number of each mechanical or electronic amusement device or pool table or similar machine or device for which application is being made, as well as the number of mechanical or electronic amusement devices, pool tables, or similar machines or devices present at the business.
 - (4) Such other information as the Code Enforcement Officer or the Wyoming Area Regional Police Department may deem necessary for the proper administration and enforcement of this chapter.
- B. Upon approval of the application, the Code Enforcement Officer or the Wyoming Area Regional Police Department shall issue a license indicating and listing the mechanical or

electronic amusement device or pool table the operator is permitted to maintain on its premises, and may also issue a seal to be affixed to each mechanical or electronic amusement device or pool table registered and licenses pursuant to this ordinance.

FOURTH THEREOF:

Section 38-12, in its original form, and as amended, is hereby repealed and replaced with the following language:

§38-12 Fees

- A. Registration and license fees shall be paid by the operator to the Code Enforcement Officer or the Wyoming Area Regional Police Department at the time the application is filed. Such fees shall be as follows:
 - (1) For each mechanical or electronic amusement device: two hundred fifty (\$250.00) dollars per license year.
 - (2) For each pool table: two hundred fifty (\$250.00) dollars per year.
- B. No deductions or refunds of any fee shall be granted in case of a fee payable for less than a full calendar year or in the case of any device destroyed, stolen, sold or otherwise disposed of or transferred after the payment of fee. Transfer of registration from one device to another will be performed free of charge.
- C. In the case of the loss, defacement or destruction of any original license or seal, the person to whom such certificate or seal was issued shall apply to the Code Enforcement Officer, who will then issue a new seal or license upon payment of a fee of five (\$5.00) dollars.

FIFTH THEREOF:

Section 38-13, in its original form, and as amended, is hereby repealed and replaced with the following language:

§38-13 Miscellaneous

- A. A copy of the license must be visibly posted upon the premises where any mechanical or electronic amusement device or pool table is displayed or maintained for use and operation, and the seal which shall be affixed to the mechanical or electronic amusement device or pool table for which issued in accordance with the direction of the Code Enforcement Officer or the Wyoming Area Regional Police Department.
- B. Any premises which any mechanical or electronic amusement device or pool table is displayed or maintained shall be open to examination and inspection by duly authorized agents of the Code Enforcement Officer or the Wyoming Area Regional Police Department during all hours that such premises are open to use by the public.
- C. No mechanical or electronic amusement device or pool table shall be used for gambling or other illegal purposes.
- D. Any premises or places of business primarily or substantially devoted to the display or maintenance of mechanical or electronic amusement devices or pool tables shall be subject to the provisions of the Zoning Ordinance of the Borough of West Pittston. For

the purposes of this subsection, any premises upon which are displayed and maintained more than three (3) mechanical or electronic amusement devices and/or pool tables shall be considered as being substantially devoted to the display or maintenance of mechanical or electronic devices or pool tables.

- E. Any operator granted a license shall not permit the operation of any mechanical or electronic amusement device by a person under the age of eighteen (18) years of age during the regular class hours of any day in which school is in session.
- F. After the Police Department has responded to three (3) complaints pertaining to disturbances related to the operation of such devices at any licensed premises, the Borough Council shall have the right to review the complaints, and, if it decides the complaints were legitimate, it shall have the right to suspend or revoke the license.

SIXTH THEREOF:

Section 38-14, in its original form, and as amended, is hereby repealed and replaced with the following language:

§38-14 License expiration and renewal.

Licenses issued under this Article expire on December 31 of each year. Applications for renewal accompanied by the required annual license fees shall be submitted in the month of December and may consist of a signed verification of the original application contents as long as there have been no changes.

SEVENTH THEREOF:

Section 38-15, in its original form, and as amended, is hereby repealed and replaced with the following language:

§38-15 Transfer of License.

Licenses shall apply to the operator and the location to which issued. A license may be transferred from one mechanical or electronic amusement device or pool table, provided that the total number of devices or pool tables does not increase. No charge is required for this transfer; however, the license must be amended to reflect the new device or pool table. Transfer of a license from one person or operator to another person or operator is prohibited except upon approval of Borough Council after submission of an amended application and payment of license fees specified by Borough Council.

EIGHTH THEREOF:

Section 38-16, in its original form, and as amended, is hereby repealed and replaced with the following language:

§38-16 Violations and Penalties

Any person or operator violating any provision of this chapter shall, upon summary conviction before the District Justice, be subject to a fine of not exceeding six hundred (\$600.00) dollars, plus costs of prosecution, and, in default of payment of fine and costs, such person or operator

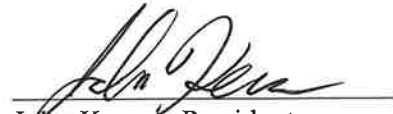
may be imprisoned in the county jail for not more than thirty (30) days. Each and every day in which any person or operator shall be in violation of this chapter shall constitute a separate offense.

NINTH THEREOF:

All remaining provisions for the Amusements and Amusement Device Ordinance not herein repealed and replaced are incorporated herein by reference thereto, and fully ratified hereby.

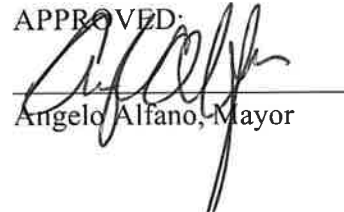
This ordinance shall take effect on the 6 day of May, 2026.

DULY ORDAINED AND ENACTED INTO LAW, under the authority of the Local Tax Enabling Act, as amended.


John Kearns, President

ATTEST:

Kendra-lee O'Brien

APPROVED:

Angelo Alfano, Mayor

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that at the regular meeting of the West Pittston Borough Council to be held on Wednesday, May 6, 2026 at 6:30 p.m. prevailing time, at the West Pittston Borough Building, 555 Exeter Avenue, West Pittston, Pennsylvania, a proposed Ordinance shall be considered and proposed for enactment and passage, and public comment is solicited. Said proposed Ordinance is entitled as follows:

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WEST
PITTSTON, LUZERNE COUNTY, PENNSYLVANIA BY AMENDING CHAPTER
38 OF THE BOROUGH ORDINANCES REGARDING AMUSEMENTS AND
AMUSEMENT DEVICES.**

In summary, the ordinance amends and updates the rules and regulations regarding amusement devices in the Borough.

A copy of the full text of the said proposed Ordinance is available for examination at the Borough Building in the office of the Borough Secretary during regular office hours, Monday through Friday. Also, a copy of the proposed Ordinance has been provided to the newspaper of general circulation in which this legal notice is being published.

Joseph D. Burke, Jr., Esquire
West Pittston Borough Solicitor
1460 Wyoming Avenue
Forty Fort, PA 18704

Please Publish on April 24, 2026