

ORDINANCE 170

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, COUNTY OF PIKE, COMMONWEALTH OF PENNSYLVANIA

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. Section 66506, the Board of Supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufactures; .

WHEREAS, pursuant to the Municipalities Planning Code, 53 P.S. Section 10101 et seq., as amended, The Board of Supervisors may enact and amend zoning ordinances;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania;

Legal Gambling and Off Track Betting – Legal Gambling or Off Track Betting establishments include, but are not limited to, any gaming devises, slot machines, roulette tables, black jack tables, dice tables, joker/poker machines and any other gambling or gaming devise, and any other activity which involves the dealing, operating, carrying on, conducting, maintaining, or exposing for pay, any game, but excluding small games of chance which are approved by Pennsylvania State regulations and conducted by emergency services organizations, whether or not including a restaurant, night club, bar or similar use.

- (a) Purposes - The regulations on legal gambling or off track betting establishments are intended to serve the following purposes, in addition to the overall objectives of this ordinance.
- (1) To recognize the adverse secondary impacts of legal gambling or off track betting establishments that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to, increases in criminal activity, decreases in the stability of residential neighborhoods and traffic congestion.
- (b) Such establishment shall not be located within 500 feet of any residential district and shall not be located within 500 feet of any structure whose use is principally residential.

- (c) Such establishments shall not be located within 500 feet of any structure or use of land which contains one or more of the following specified land uses:
 - (1) School or Educational Facility;
 - (2) Playground;
 - (3) Park;
 - (4) Church, Synagogue, Mosque or other similar place of worship;
 - (5) Library;
 - (6) Child Care Facility;
 - (7) Camp;
 - (8) Amusement Park;
- (d) The distance between any such legal gambling or off track betting establishment and any of the protected land use specified herein shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line or structure of such protected land use.
- (e) Off street parking shall be provided at the rate of three (3) spaces for each 100 square feet of all public areas, including, but not limited to, related dining, restaurant, bar and snack bar areas, and an additional one space per each employee of the largest shift.
- (f) The proposed establishment shall not be detrimental to the use of adjoining properties and must meet the following performance standards:
 - (1) Hours of operation: 9:00 a.m. to 2:00 a.m.;
 - (2) Lighting in accordance with current zoning requirements;
 - (3) All parking areas shall be screened and include at least a 20 foot buffer from all private properties adjacent to the site;
- (g) The proposed establishment shall not constitute a nuisance due to noise or to loitering outside of the building.
- (h) The Applicant is required to obtain approval of a land development plan under the Subdivision and Land Development Ordinance of Westfall Township, as amended.
- (i) All other Federal, State and other permits shall be obtained prior to the issuance of a certificate of occupancy.
- (j) The proposed establishment shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania and their respective agencies and instrumentalities.

- (k) The proposed establishment shall be prohibited in all districts except C-2 and C-3.
- (l) The proposed establishment shall have a minimum of one (1) contiguous acres for development. All owners of record must join in the application for development.
- (m) The Applicant is required to obtain conditional use approval which shall include a community impact analysis which includes an evaluation of the potential impacts upon the following community facilities;
 - (1) Emergency services and fire protection;
 - (2) Solid waste disposal;
 - (3) Recreation;
 - (4) Surrounding roadway systems;
 - (5) School facilities and school district budget;
 - (6) Water supply;
 - (7) Sewage disposal;
 - (8) Township revenues and expenses;

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania, this 5th day of February, 2018

ROBERT MELVIN, Chairman



JERRY DOTEY, Vice-Chairman



ROBERT BOSTINTO, Supervisor



PAUL FISCHER, Supervisor



MICHELLE WILKINS, Supervisor

ATTEST:



JODI HULSE, SECRETARY