

**UNION CITY BOROUGH  
ERIE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1172**

**AN ORDINANCE OF UNION CITY BOROUGH AMENDING BOROUGH ORDINANCE NO. 1118, GENERALLY KNOWN AS THE ZONING ORDINANCE, TO PROVIDE FOR DEFINITIONS AND REGULATION OF PERMITTED USE ZONES FOR REDEMPTION GAMES, OTHERWISE KNOWN AS GAMES OF SKILL; ADDING SECTION 701.04 TO PROVIDE FOR USE OF ACCESSORY STRUCTURES ON ADJOINING LOTS; AND PROVIDING FOR A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, on or about May 22, 2018, the Borough Council of the Union City Borough (the “Borough”) adopted Ordinance No. 1118, and has subsequently adopted Ordinances amending Ordinance 1118 as appropriate from time to time, these Ordinances collectively are known as the Union City Borough Zoning Ordinance (the “Zoning Ordinance”); and

**WHEREAS**, the Borough has the power and duty to enact ordinances that promote the health, safety, and general welfare of the residents and visitors, including zoning ordinances; and

**WHEREAS**, the Zoning Ordinance does not address games commonly known as “games of skill,” which mix chance and skill in such a way as to evade classification as a “*per se* gambling device” under Pennsylvania law; and

**WHEREAS**, the Borough is desirous of revising the Zoning Ordinance to regulate the places in which such games may be operated; and

**WHEREAS**, the Zoning Ordinance does not currently allow a landowner of adjoining lots to erect Accessory Structures on a subservient and adjacent parcel; and

**WHEREAS**, the Borough Council finds that it is appropriate to use subservient adjacent lots in accordance with the regulations contained herein; and

**WHEREAS**, the Borough Council believes that these amendments are in the best interest of the citizens and residents of the Borough.

**NOW THEREFORE**, this 16<sup>th</sup> day of September 2024, be it enacted and ordained by the Borough Council of the Union City Borough, Erie County, Pennsylvania, as follows:

1. Recitals. The recitals set forth above are incorporated herein as if more fully set forth.

2. Amendment of Section 202. That Section 202 of the Zoning Ordinance, entitled “Specific Terms” be amended in applicable part through the inclusion of the underlined terms and deletion of the terms struck out as follows, to be placed in alphabetical order with the existing terms in Section 202:

...

Arcade Game: a device operated by coin, token, access device as that term is defined in 18 Pa.C.S.A. §1406(d), or other legal tender, designed for amusement, the distinguishing feature of which is competition between human players or between the game software and one or more human players, and which may or may not result in a token prize or payout, so long as the payout is not redeemable for cash.

...

Commercial Recreation, Indoor – a facility that offers various indoor recreational opportunities for its patrons (paying or non-paying) including ice skating, billiards, bowling, ~~video-arcade~~ games, paint ball, indoor shooting ranges, and similar pursuits, but not to include redemption games.

...

Redemption Game: a device operated by coin, token, access device as that term is defined in 18 Pa.C.S.A. § 1406(d), or other legal tender, designed for amusement, the distinguishing feature of which is a game that may or may not involve an element of chance, and which results in a cash prize or token payout redeemable for cash.

Redemption Game Facility: any building or premises which offers any redemption games, regardless of the number of games offered, and regardless of the principal use of the lot or parcel of land.

...

3. Amendment of Section 505. That Section 505 of the Zoning Ordinance, entitled District Use Table, be amended in applicable part through the inclusion of the underlined terms as follows:

Key:	P = Permitted Use SE = Special Exception	R-1	R-2	RLB	C-1	C-2	I-1
<b>Non-Residential Uses</b>							
...							
<u>Redemption Game Facility</u>					P	P	
...							

4. Addition of Section 701.04. That Section 701 of the Zoning Ordinance, entitled “Accessory Buildings or Structures” be amended in through the inclusion of the underlined terms, to be placed in numerical order with the existing terms in Section 701:

...

701.04 Accessory Structures on Adjoining Lots

Where a single landowner occupies adjoining lots, with a principal building on one lot and no principal building on the adjoining subservient lot, an accessory structure shall be permitted on the subservient lot, which shall comply with the following:

- A. The accessory structure must not have foundations, footings or other construction which affixes it to the ground.
- B. If the accessory structure is a shed or other outbuilding, it must not exceed 144 square feet.
- C. The accessory structure may be located within an otherwise required setback area along the lot line separating the dominant and subservient lots.

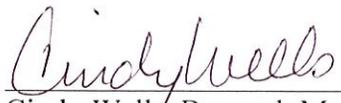
5. Repealer. Any Ordinances, rules, or resolutions, or parts of Ordinances in conflict herewith are hereby repealed.

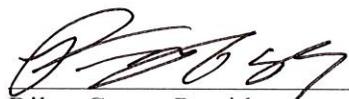
6. Severability. The provisions of this Ordinance are severable. If any sentence clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

7. Effective Date. This Ordinance shall become effective immediately upon its approval by the Mayor or as soon as may be otherwise permitted by applicable law.

DULY ENACTED AND ORDAINED this 16<sup>th</sup> day of September 2024, by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

  
Cindy Wells, Borough Manager

  
Riley Cross, President

APPROVED  
  
Robert Wolf, Mayor

I certify that the above is a true copy of the Union City Borough, Erie County, Pennsylvania, Ordinance No. 1172, adopted by the Union City Borough Council on September 16<sup>th</sup>, 2024, and advertised in the Corry Journal on August 30<sup>th</sup>, 2024 and September 6<sup>th</sup>, 2024.

  
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Cindy Wells, Borough Manager

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