

MUNICIPALITY OF NORRISTON
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 23-06

AN ORDINANCE OF THE MUNICIPAL OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 320, TITLED “ZONING” OF THE GENERAL LAWS OF NORRISTOWN TO CREATE A NEW SUBSECTION 320-271 TO BE TITLED “AMUSEMENT DEVICES” TO REGULATE THE USE OF AMUSEMENT DEVICES, TO AMEND THE USE REGULATION SUBSECTIONS OF THE MAIN STREET MIXED-USE DISTRICT (MSMU), THE NEIGHBORHOOD COMMERCIAL DISTRICT (NC), THE COMMERCIAL RETAIL DISTRICT (CR), THE DOWNTOWN RIVERFRONT DISTRICT (DR), THE TOWN CENTER DISTRICT (TC), THE TOWN CENTER II DISTRICT (TCII), AND THE LIMITED INDUSTRIAL MIXED USE DISTRICT (LIMU) TO ALLOW FOR AMUSEMENT DEVICES AND/OR ARCADES AS A PRIMARY AND/OR ACCESSORY USE, TO AMEND § 320-11. DEFINITIONS. TO INCLUDE “AMUSEMENT DEVICES” AND “ARCADE”, AND TO AMEND § 320-304. PARKING USE REQUIREMENTS. TO INCLUDE ARCADES.

WHEREAS, the Municipality of Norristown is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*

WHEREAS, in accordance with the Charter and Pennsylvania law, the Municipal Council has the authority to enact and amend at any time it deems proper the provisions of the Municipality’s General Laws including those provisions relating to zoning within the Municipality;

WHEREAS, after review of its General Laws, particularly its existing zoning regulations, Municipal Council has determined it would be in the best interest of the Municipality and consistent with the Municipality’s existing Comprehensive Plan to amend its zoning code as codified in Chapter 320 to allow for the regulation of amusement devices.

NOW, THEREFORE, be it **ORDAINED** that Norristown Municipal Council amends its General Laws as follows:

SECTION I. Chapter 320, titled “Zoning,” Article XXIII Supplemental Regulations, §320-271 is hereby amended in its entirety to state as follows:

§ 320-271. Amusement Devices.

- A. *Amusement Devices are permitted as a primary use in a place of business where four or more amusement devices are located.*
- B. *Amusement Devices are permitted as an accessory use in a place of business where up to three amusement devices are located.*

- (1) *A maximum of sixty (60) square feet shall be used for amusement devices.*

C. Regulations for all amusement devices.

- (1) *Adequate space shall be provided for each device so as to allow its use without overcrowding. A minimum width of two (2) feet shall be provided per device where the device is designed for use by one (1) player and three and one-half (3 ½) feet where the device is designed for use by two (2) or more players. The depth of the space in front of the device shall be at least five (5) feet, and there shall be a minimum aisle width beyond this five (5) feet of an additional three (3) feet.*
- (2) *All amusement game machines shall be placed on the premises in accordance with the above-described space requirements and also in such manner that the location of the machines will not constitute a safety or fire hazard. In the event that the location of the machines constitutes a violation of Chapter 159, Fire Prevention, or if, in the opinion of the Fire Marshal, the placement of the machines constitutes a public safety and fire hazard, the Fire Marshal shall have the right to order that the machines be removed or relocated to cure such defect. In the event that the Fire Marshal, in the exercise of his office, determines that the location of the machines and/or the condition of the premises constitutes an emergency situation detrimental to the public health and safety, the Fire Marshal is hereby authorized to order the establishment closed until the proprietor complies with the rules and regulations of Chapter 159, Fire Prevention, and corrects any other violation determined by the Fire Marshal.*
- (3) *A license shall be required to operate a place of business with any number of amusement devices. The license shall be on a form supplied by the Municipality of Norristown. The approved license shall be posted in plain view near the amusement devices. A fee to operate a place of business with any number of amusement devices shall be paid annually to the Municipality of Norristown. The fee shall be determined each year by resolution.*
- (4) *The proprietor shall have proper supervision of the premises to regulate and control the players and spectators in the area where amusement devices are located, and all amusement game devices shall at all times be kept in plain view of any person or persons who supervise the place where the devices are used.*

- (5) *Each establishment using amusement devices shall comply with all laws of the Commonwealth of Pennsylvania and ordinances of the Borough of Norristown.[1]*
- (6) *The proprietor shall supervise and police the area where amusement game machines are located.*
- (7) *As regulated by the Pennsylvania Liquor Control Board rules and regulations, unless accompanied by an adult, no person under the age of twenty-one (21) years shall be permitted on the premises where liquor is served and consumed on the premises. Where amusement devices are located on the premises where liquor is served or used, the use of amusement devices by a person under the age of twenty-one (21) years is prohibited at all times.*
- (8) *The proprietor shall govern and police the area where the amusement devices are in use in such a manner as to prevent overcrowding of players and spectators of the amusement devices; so that there is no conduct permitted at the premises by the players and spectators of the amusement devices which would constitute an adverse effect upon the health, welfare and morals of the general public or constitute a violation of Pennsylvania law.*

SECTION II.

Chapter 320, titled "Zoning," Article II Definitions, §320-11. Definitions. is hereby amended to include the following:

AMUSEMENT DEVICE

A mechanical, electrical or electronic device operated by the public for use as a game, entertainment or amusement using skill, strategy, luck or some combination thereof. An amusement device may be operated by coin, credit card, or some other form of payment. Amusement devices shall include pinball machines, ski-ball, video games, arcade games, driving or piloting simulators, marksmanship simulators, shuffle boardgames, shuffle bowling, or similar devices. Amusement devices shall not include the following: vending machines for the sale of food, beverages, cigarettes or other merchandise; jukeboxes or music vending machines; or adult bookstores, adult motion picture theaters, adult entertainment centers, or other adult uses as defined in this section, unless specifically permitted by this chapter.

ARCADE

A place of business where four or more amusement devices are located as the primary use. Also called a game room.

SECTION III.

Chapter 320, titled "Zoning," Article VI MSMU Main Street Mixed-Use District, §320-56. Use Regulation. is hereby amended to include the following:

A. Permitted Uses.

- (5) *Up to three amusement devices as an accessory use to a permitted residential mixed-use conversion permitted in this section, according to the regulations of § 320-271, Amusement Devices.*

B. Special Exceptions.

(2) Stand-alone commercial/office uses:

- (g) *Arcade or place of business with four or more amusement devices, according to the regulations of § 320-271, Amusement Devices.*

SECTION IV. Chapter 320, titled “Zoning,” Article VIII NC Neighborhood Commercial District, §320-76. Use Regulations. is hereby amended to include the following:

A. Permitted Uses.

- (17) *Arcade or place of business with four or more amusement devices, according to the regulations of § 320-271, Amusement Devices.*
- (18) *Up to three amusement devices as an accessory use to any nonresidential use permitted in this section, according to the regulations of § 320-271, Amusement Devices.*

SECTION V. Chapter 320, titled “Zoning,” Article IX CR Commercial Retail District, §320-86. Use Regulations. is hereby amended to include the following:

A. Class I Permitted Uses.

- (16) *Arcade or place of business with four or more amusement devices, according to the regulations of § 320-271, Amusement Devices.*
- (17) *Up to three amusement devices as an accessory use to any nonresidential use permitted in this section, according to the regulations of § 320-271, Amusement Devices.*

SECTION VI. Chapter 320, titled “Zoning,” Article XII DR Downtown Riverfront District, §320-116. Use Regulations. is hereby amended to include the following:

A. Permitted Uses.

- (18) *Arcade or place of business with four or more amusement devices, according to the regulations of § 320-271, Amusement Devices.*
- (19) *Up to three amusement devices as an accessory use to any nonresidential use permitted in this section, according to the regulations of § 320-271, Amusement Devices.*

SECTION VII. Chapter 320, titled “Zoning,” Article XIII Town Center District, §320-129. Use Regulations. is hereby amended to include the following:

A. Permitted Uses.

- (13) *Arcade or place of business with four or more amusement devices, according to the regulations of § 320-271, Amusement Devices.*
- (14) *Up to three amusement devices as an accessory use to any nonresidential use permitted in this section, according to the regulations of § 320-271, Amusement Devices.*

SECTION VIII. Chapter 320, titled “Zoning,” Article XIX TCII Town Center II District, §320-141. Use Regulations. is hereby amended to include the following:

A. Permitted Uses.

- (2)
 - (i) *Arcade or place of business with four or more amusement devices, according to the regulations of § 320-271, Amusement Devices.*
- (4) *Up to three amusement devices as an accessory use to any nonresidential use permitted in this section, according to the regulations of § 320-271, Amusement Devices.*

SECTION IX. Chapter 320, titled “Zoning,” Article XV LIMU Limited Industrial Mixed Use District, §320-151. Use Regulations. is hereby amended to include the following:

B. Class II Permitted Uses.

- (9) *Arcade or place of business with four or more amusement devices, according to the regulations of § 320-271, Amusement Devices.*
- (10) *Up to three amusement devices as an accessory use to any nonresidential use permitted in this section, according to the regulations of § 320-271, Amusement Devices.*

SECTION X. Chapter 320, titled “Zoning,” Article XXVI Off-Street Parking and Loading, §320-304. Parking Use Requirements. is hereby amended to include the following:

A. Standards.

Arcade or place of business with four or more amusement devices – one parking space for each four amusement devices.

SECTION XI: SEVERABILITY

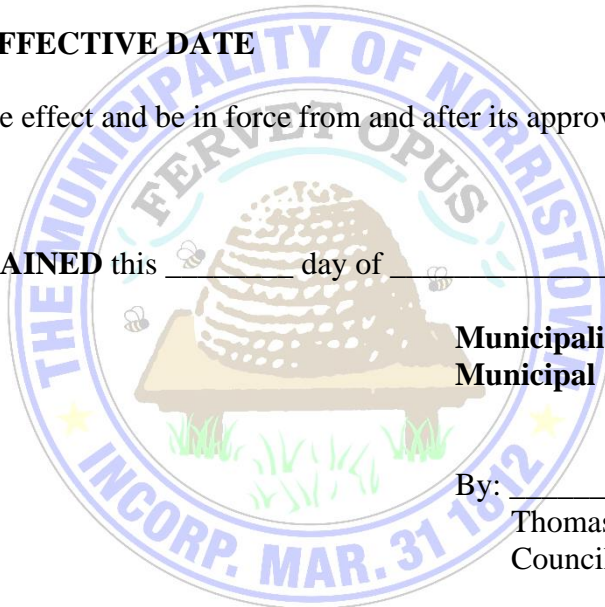
In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

SECTION XII: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its approval as required by the law.

ENACTED AND ORDAINED this _____ day of _____, 2023.

Seal:



**Municipality of Norristown
Municipal Council**

By: _____
Thomas Lepera
Council President

Attest: _____

Crandall O. Jones
Municipal Administrator