

ORDINANCE NO. #87

AN ORDINANCE OF INDIAN LAKE BOROUGH, SOMERSET COUNTY, PENNSYLVANIA, PROHIBITING GAMBLING WITHIN THE BOUNDARIES OF THE BOROUGH, INCLUDING, BUT NOT LIMITED TO, THE PROHIBITION OF PARIMUTUEL RACING ACTIVITIES AND ANY PARTICIPATION THEREIN.

WHEREAS, the Borough Council of Indian Lake has determined that it is in the best interests of the community to prohibit gambling within the boundaries of Indian Lake Borough; and,

WHEREAS, the Borough has determined that it shall be unlawful to engage in such activities within the boundaries of the Borough; and,

WHEREAS, the Borough desires to express its specific intent to prohibit any parimutuel racing activity and any participation therein within the Borough boundaries.

ARTICLE I.
DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

1. **Contest of Chance:** The contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon the element of chance, notwithstanding that the skill of the contestants may also be a factor.
2. **Gambling:** The person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. The intrinsic nature of gambling is the payment of a price for a chance to obtain that which one seeks, but which one could not obtain unless the element of chance were present, and unless one had paid the price for the availability of the chance.

Gambling does not include bona fide business transactions valid under the law of contracts for purchase or sale at a future date of securities or commodities and agreements to compensate for lost cause by the happening of chance, including contracts of indemnity or guarantee and life, health or accident insurance.

**ARTICLE II.
GAMBLING PROHIBITED**

It shall be unlawful to gamble at any place in the Borough of Indian Lake, including, but not limited to, the participation in any parimutuel racing activity.

**ARTICLE III.
PROMOTING GAMBLING, PROFITING FROM GAMBLING**

It shall be unlawful to promote gambling or profit from gambling at any place within the Borough of Indian Lake, including, but not limited to, the promotion of or the profit from any parimutuel racing activity.

**ARTICLE IV.
POSSESSION OF GAMBLING RECORDS**

It shall be unlawful for any person, firm or corporation, or any other entity, to knowingly possess any gambling record anywhere within the Borough of Indian Lake, including, but not limited to, the possession of any record of any participation in any parimutuel racing activity. Knowingly means knowing that the record is a gambling record, whether or not the person knows the possession is a violation of the law. The following are affirmative defenses to a charge of violating this Article:

A. The person, firm, corporation or other entity possessing the record did not use it or intend to use it in connection with any gambling; or,

B. The person, firm, corporation or other entity possessing the record used it or intended to use it only in a Small Game of Chance as is specifically excepted herefrom in Article VI hereof.

ARTICLE V.
POSSESSION OF A GAMBLING DEVICE

It shall be unlawful for any person, firm, corporation or other entity to possess any gambling device, knowing the character of the device. No person, firm, corporation or entity shall, knowing the character of such device, manufacture, sell, transport, place or conduct or negotiate a transaction concerning such device, knowing that the device is to be used in unlawful gambling. It is an affirmative defense to a charge of violating this Article that the device was used or intended to be used for no purpose except for a Small Game of Chance as is specifically excepted herefrom in Article VI hereof.

ARTICLE VI.
EXCEPTIONS

Nothing in this Ordinance shall be interpreted to prohibit any activity or any possession of any record or device relating to any gambling activity permitted within the Borough in accordance with the specific allowance of Small Games of Chance, as defined in the statutes of the Commonwealth of Pennsylvania, is specifically set forth in Indian Lake Borough Resolution No. 1989-2 and as specifically adopted by Public Referendum in the Borough on May 16, 1989.

ARTICLE VII.
SEVERABILITY

The provisions of this Ordinance are severable, and if any sentence, article or other part of this Ordinance shall be found to be invalid, such invalidity shall not affect the remaining provisions.

ARTICLE VIII.
PENALTY FOR VIOLATION

Any person, firm, corporation or other entity who violates any provision of this Ordinance shall, for each and every violation, upon conviction, be sentenced to pay a fine

of not less than Twenty-Five (\$25.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and costs of prosecution, and in default of payment of the fine and costs, to imprisonment for not more than ninety (90) days.

ARTICLE IX.
REPEALER

Any Ordinance or Resolution or any part of any Ordinance or Resolution inconsistent herewith is hereby repealed.

ORDAINED AND ENACTED this 13th day of December, 1989.

ATTEST:

INDIAN LAKE BOROUGH

Melba D. Campbell
Secretary

By John C. Bachman
President

EXAMINED AND APPROVED this 13th day of December, 1989.

Edward P. Logan
Mayor