

AN ORDINANCE OF THE CITY OF GILLETTE AMENDING CHAPTER FOURTEEN TO INCLUDE A NEW SECTION TITLED “GAMES OF SKILL”AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Governing Body of the City of Gillette desires to revise Chapter 14, to include Section 14-42 in the Gillette City Code.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

SECTION ONE. Chapter 14 of the Gillette City Code, is amended to include the following offense:

§14- 42 Games of Skill.

A. Legislative Finding and Declaration.

- (1) The City of Gillette expressly finds and declares that:
 - (a) The use of an electronic system or device that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone, for the purpose of wagering (“Device”) jeopardizes the public morality;
 - (b) Device(s) are unregulated and therefore the owner is under no obligation to require that the Device is inspected by a neutral party to make sure the Device is functioning properly thereby jeopardizing the public health and safety of the citizens of Gillette.
 - (c) The Device(s) are unregulated and therefore no mechanism exists that allows a patron to collect the prize money advertised by the Device for a win other than to request the funds from the bar thereby jeopardizing the public health and safety of the citizens of Gillette.
 - (d) The Device(s) are found predominately in liquor establishments. According to City Code minors are allowed in certain establishments until 2:00am. Because the Device(s) are unregulated, minors are not prohibited from using

the Device to wager thereby jeopardizing the public health and safety of minors.

(e) The City cannot prohibit the Device(s) as gambling devices.

(f) The City is authorized to regulate Device(s) to promote the health, safety and welfare of the citizens of the City of Gillette.

(2) This Ordinance is adopted to promote the health, safety and welfare of the citizens of the City of Gillette.

B. Definitions.

(1) For the purposes of this Chapter only, the following words and phrases shall mean:

(a) “Device” means an electronic system or device that affords an opportunity for the exercise of skill or judgment where the outcome is not completely controlled by chance alone, for the purpose of wagering.

(b) “Wager” means the act of betting a sum of money on the outcome of an unpredictable event.

(c) “Permit” means a permit issued by the Gillette City Clerk.

(d) “Certificate or Certification” means the required certification from an independent third party authorized by law to designate the Device as a skill game.

C. Applications and Fees

(1) The City retains authority to license and regulate, or prohibit the use of Devices. The City retains sole authority to approve or deny a Permit, or to place conditions on the issuance of the Permit.

(2) Any person, corporation or association requesting a Permit authorized by this Section shall apply to the City Clerk before 3:00pm for issuance on the same day.

- (3) The application shall be made under oath. The application shall be filed in the office of the City Clerk and shall contain the following information:
- (a) The location and/or building in which the Device(s) will be placed, no location and/or building may have more than (5) Devices; and
 - (b) The name, age and residence of the applicant, and of each applicant or partner if the application is made by more than one (1) individual or by a partnership; and
 - (c) A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law within ten (10) years prior to the filing of the application; and
 - (d) If the applicant is a corporation:
 - (i) The name, age and residence of each officer, director and stockholder holding or owning, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation; and
 - (ii) Whether any officer, director or stockholder with ten percent (10%) or more ownership has been convicted of a felony under Wyoming law within ten (10) years.
 - (e) If the applicant is a limited liability company:
 - (i) The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent (10%) or more of the outstanding ownership or membership interest of the limited liability company; and
 - (ii) If any officer, manager or member with ten percent (10%) or more ownership has been convicted of a felony under Wyoming law within ten (10) years.
 - (f) The number of Devices and the maximum payout of each Device; and

- (g) Proof of the ability to pay the combined maximum payout of every Device at a location in the form of insurance, surety bond, or an escrow account funded with the maximum winnings; and
 - (h) Certificate for each Device from an independent third party designating the machine as a skill game; and
 - (i) Any software or game update requires a new Certificate; and
 - (j) Annual Certification is required for every Device; and
 - (k) Proof of Certification must be displayed on each Device to allow for inspection; and
 - (l) The site and the zoning of the site where the applicant will place the Device; and.
 - (m) The name and address of the owner of the machine and a copy of any rental or lease agreement between the owner and Permittee.
- (4) No person or partner shall have any interest, directly or indirectly, in a Permit unless he signs and verifies the application for the Permit. No corporation shall be granted a Permit unless two (2) or more of the officers or directors sign and verify the application on behalf of the corporation and also verify upon their oath as individuals that the statements and provisions contained therein are true, except that if all the stock of the corporation is owned by one (1) individual then that individual may sign and verify the application and verify upon his oath that the statements and provisions contained therein are true. No limited liability company shall be granted a Permit unless at least one (1) of the officers, managers, or if there are no officers or managers, at least one (1) of the members who is duly authorized to act on behalf of the limited liability company signs and verifies the application on behalf of the company and also verifies upon his oath that the statements and provisions contained therein are true.
- (5) A Permit shall not be held by or issued to:

- (a) The Mayor, member of the City Council or County Commissioner for Campbell County, Wyoming;
 - (b) Any person employed by the State, the City of Gillette, the Campbell County Sheriff's Department as a law enforcement officer or any person who holds office as a law enforcement officer through election.
 - (c) Any person under the age of twenty-one (21) years.
- (6) A Permit is valid for one year from July 1. The fee for a Permit is one thousand two hundred dollars (\$1,200.00); and five hundred dollars (\$500.00) for each Device. Any location and/or building may have a maximum of five (5) Devices. Additional Devices added during the year are not prorated.
 - (7) Applications for renewal shall be filed no later than thirty (30) days prior to expiration.
 - (8) The applicant shall provide with the application or application for renewal the fee of one thousand two hundred dollars (\$1,200.00) for the Permit; and five hundred (\$500.00) dollars for each Device.
 - (9) Fees required to be tendered under this Section shall be paid to the Gillette City Clerk by means of cash, personal check, or business check.
 - (10) An applicant for a renewal Permit may appeal to the City Administrator from an adverse decision by the City Clerk. No applicant for a new Permit shall have a right of appeal from the decision of the City Clerk denying an application.
 - (11) Permits are nontransferable.
 - (12) Every Permittee shall display its Permit at all times in a prominent place at each public entrance.

D. Prohibited Use of Devices

- (1) It is unlawful for any person, corporation or association to offer to the public or to utilize a Device, without a Permit.

- (2) It is unlawful for any person, corporation or association to offer to the public or to utilize a Device, without a Certificate.
- (3) It is unlawful for any person, corporation or association to offer to the public or to utilize a Device between the hours of 2:00am and 6:00am.
- (4) It is unlawful for any person, corporation or association, with or without a Permit, to offer use of a Device to any person under the age of twenty-one (21) years.
- (5) It is unlawful for any person, corporation or association to place more than five (5) Devices at any location and/or building.
- (6) It is unlawful for any person under the age of twenty-one (21) years to use a Device.

E. Penalties

- (1) Any person, corporation or association who violates any provision of this Ordinance is guilty of a misdemeanor and shall be fined not more than seven hundred and fifty dollars, imprisoned for not more than six (6) months, or both. Each day of non-compliance with any provision of this ordinance shall constitute a separate offense. Each Device in non-compliance with any provision of this ordinance shall constitute a separate offense.
- (2) In addition, to the above penalties, any person, corporation or association who is convicted of violation of any provision of this Ordinance is subject to an administrative fee:
 - (a) First conviction for a violation of this Section, the Permittee shall pay the City Clerk, an administrative fee in the amount of five hundred dollars (\$500.00);
 - (b) Second conviction, within a twelve (12) month period, for a violation of this Section, the Permittee shall pay the City Clerk, an administrative fee in the amount of one thousand dollars (\$1,000.00);

- (c) Third conviction, within a twelve (12) month period, for a violation of this Section, the Permittee shall pay the City Clerk, an administrative fee in the amount of one thousand five hundred dollars (\$1,500.00) and its Permit will immediately be revoked;
 - (d) All administrative fees shall be paid to the City Clerk within ten (10) days. Failure to pay an administrative fee will result in immediate revocation of the Permit.
- (3) In addition, to the above penalties, all non-permitted Devices, wagering records, and wagering proceeds are subject to seizure by any peace officer and shall be disposed of in accordance with Wyoming law.
 - (4) In addition, to the above penalties, the City reserves the right to immediately revoke any Permit for an egregious violation of this Section. An egregious violation of this Section is determined at the sole discretion of the City.

F. Inspection

- (1) The City police may enter and inspect every location and/or building or place business that offers a Device for purposes of inspection of the Certificate or to check identification of patrons using the Device pursuant to this Section, or any other lawful reason, during regular business hours.

G. Effective Date

- (1) This ordinance is effective July 1, 2020.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2020.

Louise Carter-King, Mayor

(S E A L)

ATTEST:

Cindy Staskiewicz, City Clerk