

ORDINANCE NO. 601

AN ORDINANCE AMENDING ORDINANCE 9.04.100 PERTAINING TO DISORDERLY HOUSE-GAMBLING WITHIN THE TOWN OF MILLS, WYOMING.

WHEREAS, W.S. §15-1-103 (a) (xvi) permits the Town to suppress or prohibit all gambling games or devices except antique gambling devices as defined in W.S. §6-7-101 (a) (x) and authorize the destruction thereof, and;

WHEREAS, the unregulated conduct of games of chance and illegal gambling constitutes a threat to safety, well being of the citizens of the Town of Mills.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING THAT ORDINANCE 9.04.100 IS HEREBY AMENDED AS FOLLOWS:

9.04.100 Disorderly house – Gambling

~~Any person who within the town, keeps an ill-governed or disorderly house, or who suffers any drunkenness, lewd dancing, indecent exposure, or unlawful games, when within his power to prevent, in any house or upon any premises owned or possessed by him or under his management or control, or who conducts or permits or suffers to be conducted within or upon the premises, any gambling game or who keeps any instrument or device whatsoever with which or by means of which patrons of any grocery market, restaurant, bar, tavern or of any other public establishment are enticed, influenced, or permitted to wager or bet any money or other valuable thing upon the result or outcome, or to play any game or engage in any sort of contest for the winning of any money or other valuable thing whatsoever, shall be deemed guilty of a misdemeanor. (Ord.280 (part), 1979)~~

**Section 1. Definitions**

**a. As used in this Ordinance:**

**(I) "Calcutta wagering"** means wagering on the outcome of amateur contests, cutter horse racing, dog sled racing, professional rodeo events or professional golf tournament in which those who wager bid at auction for the exclusive right to "purchase" or wager upon a particular contestant or entrant in the event and when the outcome of the event has been decided the total wagers comprising the pool, less a percentage "take-out" by the event's sponsor, is distributed to those who "purchased" or wagered upon the winning contestants or entrants;

**(ii) "Gain"** means the direct realization of winnings;

**(iii) "Gambling"** means risking any property for gain contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, but does not include:

**(A) Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries;**

**(B) Bona fide business transactions which are valid under the law or contracts;**

**(C) Other acts or transactions now or hereafter expressly authorized by law;**

**(D) Bingo games conducted, or pull tabs sold, by charitable or nonprofit organizations where the tickets for the bingo are sold only in the Town and pull tabs are sold only on the premises owned or occupied by the charitable or nonprofit organization provided that:**

**(I) Bingo games and pull tab games shall only be conducted by charitable or nonprofit organizations, which have been in existence in the state for at least three (3) years;**

**(II) In conducting bingo games or pull tab games the organization shall use only volunteers who are bona fide**



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TOWN OF MILLS

members of the charitable or nonprofit organization or employees or contractors who are paid by the organization to assist in the operation of the game;

(III) Players of bingo games or pull tab games shall be eighteen years or older;

(IV) At least sixty-five percent (65%) of all gross sales shall be redeemed as winnings each month. The net proceeds after payment of winnings shall be restricted as follows:

(1) No more than forty percent (40%) of net proceeds shall be paid to distributors or manufacturers of supplies or equipment necessary to conduct the game; and

(2) Seventy-five percent (75%) of the net proceeds remaining after payment for all costs and supplies shall be donated within one (1) year by the organization to a bona fide charitable or benevolent purpose.

(V) The charitable or nonprofit organization conducting the bingo game or pull tab game may purchase supplies or equipment necessary to conduct the game from a distributor or manufacturer at a price based on a per card or pull tab basis subject to the limitations provided in subdivision (D) (IV) (1) of this paragraph

(VI) The charitable or nonprofit organization conducting the bingo game or pull tab game has obtained a license from the Town of Mills prior to conducting any such game..

(E) Any game, wager or transaction which is incidental to a bona fide social relationship is participated in by natural persons only and in which no person is participating, directly or indirectly, in professional gambling; or

(F) Calcutta wagering on contests or events conducted by a bona fide nationally chartered veterans', religious, charitable, educational or fraternal organization or non-profit local civic or service club organized or incorporated under the laws of this state, provided that:

(I) The contest or event is conducted solely in the state;

(II) No person under the age of 18 years shall participate either directly or indirectly in Calcutta wagering.

(III) Any rules affecting the contest or requirements for participants are clearly posted;

(IV) The total prizes or prize money paid out in any one (1) contest or event does not exceed ninety percent (90%) of the total wagers;

(V) A minimum of ten percent (10%) of the total wagers on each contest or event is donated within one (1) year by the sponsoring organization to a bona fide charitable or benevolent purpose;

(VI) No separate organization or professional person is employed to conduct the contest or event or assist therein;

(VII) The sponsoring organization before conducting the contest or event has obtained a license from the Town of Mills.

(VIII) The sponsoring organization has complied with the relevant sections of the internal revenue code of 1954, as amended, relating to taxes on wagering.

(G) Display or private use of antique gambling devices in the owner's residence;

(H) Raffles conducted for charitable purposes.

(I) Any lottery game conducted in compliance with the Wyoming Lottery Act W.S. §9-7-102 et seq.

(iv) "Gambling device" means any device, machine, paraphernalia or equipment except an antique gambling device that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine;

(v) "Gambling premise" means any building, room, enclosure, vehicle, vessel or other place, whether open or enclosed, used or intended to be used for professional gambling. Any place where a gambling device is found is presumed to be intended to be used for professional gambling;

(vi) "Gambling proceed" means all money or property at stake or displayed in or in connection with professional gambling;

(vii) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling;

(viii) "Professional gambling" means:

(A) Aiding or inducing another to engage in gambling, with the intent to derive a profit therefrom; or

(B) Participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one (1) or more of the other participants.

(ix) "Profit" means benefit other than a gain, which is realized or unrealized and direct, including benefits from unequal advantage in a series of transactions but does not include benefits of proprietorship or management of a business wherein a game, wager or transaction described in (a) (iii) (E) occurs;

(x) "Antique gambling device" means a mechanically or electronically operated slot machine that is at least twenty-five (25) years old and used only for display or personal amusement in the owner's residence, in public and private museums, in possession of a dealer or distributor of lawful gaming equipment or displayed at state or local historic sites;

(xi) "Charitable or nonprofit organization" means an organization recognized as a charitable or nonprofit organization under Wyoming statutes and which possesses a valid exemption from federal income tax issued by the Internal Revenue Service under provisions of 26 U.S.C. §501©.

#### **Section 2 Gambling prohibited**

A person who engages in gambling commits a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

#### **Section 3 Gambling devices, gambling records, gambling proceeds**

All gambling devices, gambling records and gambling proceeds are subject to seizure by any peace officer and shall be disposed of in accordance with law. An antique gambling device as defined in this ordinance shall not be subject to seizure unless it is used in any way in violation of this ordinance.

#### **Section 4. Gaming permits.**

(A) Any person, firm, or organization desiring to conduct games of chance as provided by section 1 (a) (iii) (D), (F) or (I) of this Ordinance shall apply for a gaming permit with the Town of Mills prior to conducting any such games. The application shall contain the name of the applicant, the address where such games will be conducted along with a complete description of all gaming activity hosted thereon. All applications for a gaming permit shall be accompanied by the payment of the annual fee as established by resolution by the Town Council. Any person, firm or organization conducting any games of chance without having a valid gaming permit shall be guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

(B) The holder of the gaming permit shall at all times have on hand and available sufficient funds with which to pay the largest possible daily prize or prizes or any combination thereof and shall make such payment no later than the end of the next gaming day.

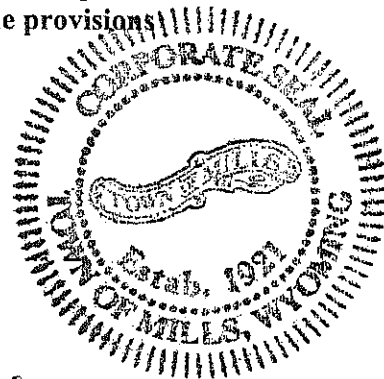
#### **Section 5. Effective Date.**

This ordinance shall be in full force and effect ten (10) days following its passage and approval on third and final reading.

#### **Section 6. Repeal of Conflicting Ordinances.**

All existing Ordinances or parts of Ordinances of the Town of Mills, Wyoming are hereby amended or repealed insofar as they may be inconsistent with the provisions of this Ordinance.

PASSED ON FIRST READING the 26 day of June 2013  
PASSED ON SECOND READING the 10 day of July 2013  
PASSED ON THIRD READING the 24 day of July 2013



TOWN OF MILLS, WYOMING

By:

Marrolyce Wilson  
Marrolyce Wilsqn, Mayor

ATTEST:

Lisa Whetstone  
Lisa Whetstone  
Deputy Clerk-Treasurer

I, Lisa Whetstone, Deputy Clerk/Treasurer of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 598 passed on Final Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held by the Council Members on the 24 day of July, 2013.

Lisa Whetstone  
Lisa Whetstone, Deputy Clerk-Treasurer

I, Lisa Whetstone, Deputy Clerk/Treasurer appointed, duly qualified and acting as Town Clerk of the Town of Mills, Wyoming do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 598 approved and passed as certified above, and following its passage by the Town Council, was posted in the Town Clerk's Office and at the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming on the 24 day of July, 2013.

Lisa Whetstone  
Lisa Whetstone, Deputy Clerk-Treasurer