

1 **Ordinance to Amend and Reenact City Code of Hampton, Virginia by amending**  
2 **Chapter 16, Gambling, to conform to current state code powers.**

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4 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Sections 16-  
5 1, 16-9, and 16-12 of Chapter 16 be amended, that Sections 16-10 and 16-11 of Chapter  
6 16 be repealed, and that a new Section 16-11 of Chapter 16 be adopted as follows:  
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8 **Chapter 16 – GAMBLING**

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10 **Sec. 16-1. – Definitions.**

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12 For the purposes of this chapter, the following words and phrases shall have the  
13 meanings respectively ascribed to them by this section:  
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15 *Gambling device.* A "gambling device" includes:

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17 (1) Any device, machine, paraphernalia, equipment or other thing, including books,  
18 records and other papers, which are actually used in an illegal gambling operation or  
19 activity.  
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21 (2) Any machine, apparatus, implement, instrument, contrivance, board or other thing,  
22 *or electronic or video versions thereof*, including but not limited to, those depending  
23 upon the insertion of a coin or other object for their operation, which operates, either  
24 completely automatically or with the aid of some physical act by the player or operator,  
25 so that, depending upon elements of chance, it may eject something of value or  
26 determine the prize or other thing of value to which the player is entitled; provided,  
27 that the return to the user of nothing more than additional chances or the right to use  
28 such machine is not deemed something of value within the meaning of this  
29 subparagraph; and provided further, that machines that only sell or entitle the user to  
30 items of merchandise of equivalent value that may differ from each other in  
31 composition, size, shape or color, shall not be deemed gambling devices within the  
32 meaning of this subparagraph.  
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36 *Illegal gambling.* The making, placing or receipt of any bet or wager in the city of  
37 money or other thing of value, made in exchange for a chance to win a prize, stake or  
38 other consideration or thing of value, dependent upon the result of any game, contest  
39 or other event the outcome of which is uncertain or a matter of chance, whether such  
40 game, contest or event occurs or is to occur inside or outside the limits of this city,  
41 shall constitute illegal gambling. *For the purposes of this subsection and*  
42 *notwithstanding any provision of this chapter to the contrary, the making, placing, or*  
43 *receipt of any bet or wager of money or other consideration or thing of value shall*  
44 *include the purchase of a product, Internet access, or other thing made in exchange*  
45 *for a chance to win a prize, stake, or other consideration or thing of value by means of*  
46 *the operation of a gambling device as described in subsection (2) of this section,*

47 *regardless of whether the chance to win such a prize, stake, or other consideration or*  
48 *thing of value may be offered in the absence of a purchase. Illegal gambling includes*  
49 *the playing or offering for play of any skill game.*

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53 *Skill. The knowledge, dexterity, or any other ability or expertise of a natural person.*

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55 *Skill game. The term “skill game” means an electronic, computerized, or mechanical*  
56 *contrivance, terminal, machine, or other device that requires the insertion of a coin,*  
57 *currency, ticket, token, or similar object to operate, activate, or play a game, the*  
58 *outcome of which is determined by any element of skill of the player and that may*  
59 *deliver or entitle the person playing or operating the device to receive cash or cash*  
60 *equivalents whether the payoff is made automatically from the device or manually.*  
61 *“Skill game” includes (i) a device that contains a meter or measurement device that*  
62 *records the number of free games or portions of games that are rewarded and (ii) a*  
63 *device designed or adapted to enable a person using the device to increase the*  
64 *chances of winning free games or portions of games by paying more than the amount*  
65 *that is ordinarily required to play the game.*

66  
67 *Unregulated location. Any location that is not registered or operated by the Virginian*  
68 *Lottery or Virginia Lottery Board, the Department of Agriculture and Consumer*  
69 *Services, the Virginia Alcoholic Beverage Control Authority, or the Virginia Racing*  
70 *Commission.*

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74 **Sec. 16-9. – Exceptions from chapter – Contests of speed or skill. *Exemptions.***

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76 ~~(a) Nothing in this chapter shall be construed to prevent any contest of speed or skill~~  
77 ~~between persons, animals, fowl or vehicles, where participants may receive prizes or~~  
78 ~~different percentages of a purse, stake or premium dependent upon whether they win~~  
79 ~~or lose, or dependent upon their position or score at the end of such contest.~~

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81 ~~(b) Any participant who, for the purpose of competing for any such purse, stake or~~  
82 ~~premium offered in any such contest, knowingly and fraudulently enters any~~  
83 ~~contestant other than the contestant purported to be entered or knowingly and~~  
84 ~~fraudulently enters a contestant in a class in which such contestant does not belong,~~  
85 ~~shall be guilty of a Class 3 misdemeanor. *All exceptions and exemptions contained in*~~  
86 ~~*Code of Virginia, § 18.2-333 et. seq. are adopted as if contained herein.*~~

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88 **Sec. 16-10. – Same – Games of chance in private residences.**

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90 ~~Nothing in this chapter shall be construed to make it illegal to participate in a game of~~  
91 ~~chance conducted in a private residence, provided such private residence is not~~  
92 ~~commonly used for such games of chance and that there is no operator, as defined~~  
93 ~~in section 16-1.~~

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~~Sec. 16-11. – Same – Bingo games and raffles permitted by law.~~

~~Nothing in this chapter shall apply to any bingo game, instant bingo, raffle or duck race conducted solely by organizations as defined in Code of Virginia, § 18.2-340.16 which have received a permit as set forth in Code of Virginia, § 18.2-340.25, or which are exempt from the permit requirement under Code of Virginia, § 18.2-340.23.~~

~~Sec. 16-12. -10. – Immunity of witness testifying in prosecution under chapter; compulsory testimony.~~

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**Sec. 16-11. Operation of gambling devices at unregulated locations; civil penalty.**

*(1) In addition to any other penalty provided for in this chapter and by law, any person who conducts, finances, manages, supervises, directs, sells, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000 per gambling device located in such unregulated location.*

*(2) The city may cause an action in equity to enjoin immediately the operation of a gambling device in violation of this section and to request an attachment against all such devices and any moneys within such devices as set forth in Code of Virginia, § 8.01-533, and to recover the civil penalty of up to \$25,000 per gambling device.*

*(3) In any action brought under this section, the City may recover reasonable expenses incurred by the investigative agency for investigating and preparing the case, and attorney fees.*

*(4) Any civil penalties assessed under this section in an action in equity shall be paid into the general fund.*