



Legislation Text

File #: 23-0333, Version: 1

Ordinance to Amend and Reenact City Code of Hampton, Virginia by Amending Chapter 16, Gambling, to Conform to Current State Code Authority.

PURPOSE/BACKGROUND:

The Purpose of this Ordinance Amendment is to bring the City's Gambling Ordinance in line with recent State Code changes.

Recommendation:

Approve.

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Virginia, that Sections 16-1, 16-9, and 16-12 of Chapter 16 be amended, that Sections 16-10 and 16-11 of Chapter 16 be repealed, and that a new Section 16-11 of Chapter 16 be adopted as follows:

Chapter 16 - GAMBLING

Sec. 16-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Gambling device. A "gambling device" includes:

(1) Any device, machine, paraphernalia, equipment or other thing, including books, records and other papers, which are actually used in an illegal gambling operation or activity.

(2) Any machine, apparatus, implement, instrument, contrivance, board or other thing, or electronic or video versions thereof, including but not limited to, those depending upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, so that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subparagraph; and provided further, that machines that only sell or entitle the user to items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices within the meaning of this subparagraph.

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Illegal gambling. The making, placing or receipt of any bet or wager in the city of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value, dependent upon the result of any game, contest or other event the outcome of which is uncertain or a matter of chance, whether such game, contest or event occurs or is to occur inside or outside the limits of this city, shall constitute illegal gambling. For the purposes of this subsection and notwithstanding any provision of this chapter to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or

thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subsection (2) of this section, regardless of whether the chance to win such a prize, stake, or other consideration or thing of value may be offered in the absence of a purchase. Illegal gambling includes the playing or offering for play of any skill game.

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

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

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

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Sec. 16-9. - Exemptions.

All exceptions and exemptions contained in Code of Virginia, § 18.2-333 et. seq. are adopted as if contained herein.

Sec. 16-10. - 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.