

Article 3-7

BINGO AND PULL TAB REGULATIONS

Sections:

- 3-701 Bingo and Pull Tab Regulations**
- 3-702 Definitions**
- 3-703 Requirement of License.**
- 3-704 Residency.**
- 3-705 Financial Responsibility.**
- 3-706 Application for Licenses.**
- 3-707 Application Approval, Revocation, Suspension, or Restriction of License.**
- 3-708 Conduct of Games.**
- 3-709 Restriction on Players.**
- 3-710 Posting of Odds.**
- 3-711 Pull Tabs, Use of.**
- 3-712 Examination of Books, Records and Personnel.**
- 3-713 Gratuities Prohibited.**
- 3-714 Penalties.**
- 3-715 Separability; General Repealer; Effective Date.**

- 3-701 Bingo and Pull Tab Regulations**

DECLARATION OF PURPOSE.

(a) It is hereby declared that the unregulated conduct of games of chance sponsored by nonprofit organizations is a threat to the health, safety, and welfare of the citizens of the City of Rock Springs.

(b) It is further declared that the purpose of this article is to:

- (i) protect the health, safety, and welfare of the public;
- (ii) to protect the economic welfare and interest in fair play of participants in games of chance;
- (iii) ensure that the fund-raising potential of games of chance are fairly and fully available to non-profit organizations within Sweetwater County;
- (iv) to prevent purposes for which

games of chance are sponsored by non-profit organizations from being subverted by improper elements; and

(v) to monitor and control the organization, sponsorship, conduct, and accounting of games of chance in order for the City of Rock Springs to promote the public welfare.(Ord. No. 90-04, 5-15-90)

3-702 Definitions

(a) BINGO -- shall mean a game of chance played with individual cards having randomly numbered squares ranging from one (1) to seventy-five (75), in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers which are selected at random. Such cards shall have five (5) vertical rows headed respectively by the letters B.I.N.G.O. with each row having five numbered or free squares. Cards may be used for multiple games ("Hard Cards") or for one game only ("Specials").

(b) GAMING DAY -- shall mean the twenty-four hour period beginning at 6:00 a.m. on one calendar day and ending at 6:00 a.m. on the succeeding calendar day.

(c) GROSS PROCEEDS -- shall mean all money collected or received from the conduct of bingo games, raffles, pull tabs, or admissions thereto.

(d) MINOR -- shall mean a person under the age of 18 years.

(e) NON-PROFIT ORGANIZATION -- shall mean any group of persons recognized as a nonprofit organization under the laws of the State of Wyoming. (Ord. No. 89-32, 12-19-89; Ord. No. 90-04, 5-15-90)

(f) ORGANIZATION -- shall mean any association of two (2) or more persons, legal or natural, associated for any legal purpose.

(g) PERSON -- shall mean an individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity.

(h) PULL TABS -- shall mean single or

banded tickets or cards each with its face covered to conceal one or more numbers or symbols, where one or more card or ticket in each set has been designed in advance as a winner. This definition shall also include the devices known as "Pickle Cards", "Break Opens", "Nevada Tickets", "Pickles", or similar devices.

(i) SET (OF PULL TABS) -- shall mean a prepackaged group of pull tabs in which the value, number and distribution of winning and non-winning pull tabs is known and determined by the manufacturer. Also known as a "Deal".

3-703 Requirement of License.

(a) No person or organization shall conduct a bingo game to which the public is invited or shall sell pull tabs to the public without a license issued by the City of Rock Springs under the requirements of this Article.

(b) Licenses shall only be issued to non-profit organizations properly organized under the laws of the State of Wyoming.

(c) The fee for such a license shall be Twenty Five Dollars (\$25.00). (Ord. No. 90-04, 5-15-90).

3-704 Residency.

(a) Any person holding or sponsoring a gaming license under this Article must be a bona fide legal resident of the State of Wyoming or, if an organization, be properly chartered and registered under the laws of the State of Wyoming. (Ord. No. 90-04, 5-15-90).

3-705 Financial Responsibility.

(a) The holder of any gaming license under this Article 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. (Ord. No. 90-04, 5-15-90).

3-706 Application for Licenses.

(a) Any person or organization desiring a gaming license under this Article shall

submit to the City Clerk, with a non-refundable annual license fee, an application made under oath which contains:

(i) Name, business address, mailing address, phone number and trade name of the applicant.

(ii) The location and zone where the gaming activity will be conducted.

(A) If the premises are not owned, a copy of the lease or rental agreement.

(B) If the premises are not yet constructed, an architect's drawing or suitable plan of the premises.

(iii) The name, residence, date of birth and criminal record (excluding minor traffic offenses, misdemeanor convictions older than then (10) years from the date of application, and juvenile offenses) of all owners, or partners, including limited general partners, and known managerial employees.

(iv) Whether alcohol will be served on the same premises.

(v) Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

(vi) Such other identification and information necessary to discover the truth of the matters herein before specified as required to be set forth in the application. (Ord. No. 90-04, 5-15-90)

3-707 Application Approval, Revocation, Suspension, or Restriction of License.

(a) The City of Rock Springs may issue a gaming license to any person or organization which has complied with the provisions of this Article except as provided hereinafter in subsection (b). The Governing Body may further restrict a license application as it deems fit to protect the health, safety, and welfare of the citizens of the City of Rock Springs. The Governing Body may refuse to issue a license or revoke, suspend, or restrict a gaming license if it finds that the applicant or license holder has violated the laws of the State of

Wyoming, the ordinances of the City of Rock Springs or any local, state or federal rules to which it is subject.

(b) The Governing Body shall not issue a gaming license to:

(i) any person who has been convicted of a felony within the last ten (10) years or who presently has a felony charge pending in any Court.

(ii) any person who has ever been convicted of a gambling-related offense in any municipal, State or Federal Court of the United States.

(iii) any person who is or has ever been a professional gambler as defined in Wyoming Statutes or Rock Springs City Ordinance.

(iv) any firm, organization or corporation in which any person specified in sub paragraphs (i) through (iii) of this subsection is an officer or director, whether compensated or not, or in which such person has a direct or indirect financial interest.

(c) Any person to whom the Governing Body has refused the license and privilege to conduct gaming pursuant to these provisions or who has had a license revoked, suspended or restricted may request, in writing, a hearing before the Governing Body. Said hearing shall be conducted as soon as is practicable and decision of the Governing Body after such hearing shall be final. (Ord. No. 90-04, 5-15-90).

(95-16, Amended, 10/03/1995)

3-708 Conduct of Games.

(a) Any time a game is conducted for the benefit of another organization, a bona fide volunteer member of the benefitted organization shall be present at the game.

(b) When the receipts from a game which was conducted for the benefit of another organization are counted, a bona fide volunteer member of the benefitted organization shall be present and shall monitor the counting and distribution of the proceeds.

(c) All games shall be organized and conducted in a fair and unbiased manner. No activities which would reasonably be considered unfair to either the players or the

benefitted organization are permitted.

(d) Any game conducted from 12:01 a.m. to 6:00 a.m. shall be considered to be conducted the previous day unless no gaming session was conducted on that day.

(e) All games which are advertised or otherwise published shall be played. Games may have qualifying conditions, such as a minimum number of players, but such conditions must be included in any advertising or other publicity.

3-709 Restriction on Players.

(a) Minors may be present at a gaming session only when accompanied by a parent or guardian. Minors may participate in the sessions only to the extent of marking the parent's or guardian's bingo cards. At no other time may a minor participate in any other gaming activity addressed in this Chapter.

(b) No intoxicated person or person under the influence of drugs or any incompetent person shall be allowed to participate in any gaming activity under this Chapter.

(c) No paid employee or agent of a sponsoring organization shall be allowed to participate in any gaming activity for the benefit of that organization. (Ord. No. 90-04, 5-15-90).

3-710 Posting of Odds.

(a) There shall be posted in a conspicuous place at any location where gaming activities are, a sign not less than 18" x 18" and lettered no smaller than 1/2", stating the odds of winning in each of the games to be played at that location and at that session. The odds shall be styled "1 chance in ___ chances of winning ___ (prize)".

(b) For bingo the odds shall be calculated for a single bingo card played with 99 other random bingo cards. Odds need not be posted for games with guaranteed winners or for prizes which the odds of winning are less than five hundred to one (500:1).

(c) For pull tabs the odds shall be calculated for a single pull tab from a

particular unopened set.

(d) Any advertising for a gaming activity must publish the odds for any prize or combination of prizes. Advertising includes all signs, flyers, handbills, radio, television or radio advertisements whether published, posted or distributed in the City of Rock Springs or not.

3-711 Pull Tabs, Use of.

(a) The number and amounts of pull tabs from a set which have won or lost, the amount of payout, or any similar information which would reveal other than the posted odds of winning or losing may be tabulated for accounting and managerial purposes but shall not be communicated to any player or potential player.

(b) No set of pull tabs may be removed from play or availability for purchase until at least ninety-five percent (95%) of the payout for the set has been made to players.

(c) Any set of pull tabs must be purchased by the operator as a sealed pre-mixed set. It is specifically forbidden for an operator to purchase or otherwise acquire winning and non-winning pull tabs separately.

(d) No organization, distributor, or manufacturer, or any representative thereof, either with knowledge or in circumstances whereunder it reasonably should have known, shall possess, display, put out for play, sell, or otherwise furnish to any person any deal of pull tabs:

(i) in which the winning pull tabs have not been completely and randomly distributed and mixed among all other pull tabs in the set;

(ii) in which the location or approximate location of any of the winning pull tabs can be determined in advance opening the pull tabs in any manner or by any device, including but not limited to any pattern in the manufacture, assembly, or packaging of pull tabs by the manufacturer, by any markings on the pull tabs or container, or by the use of a light or illuminating device.

3-712 Examination of Books, Records and Personnel.

(a) The City Clerk, Police Department, and the Governing Body of the City of Rock Springs shall have the power to examine or cause to be examined the books and records of any individual or organization to which a gaming license is issued so far as they relate to any transactions connected with holding and conducting a game of chance. Any manager, officer, director, agent, member, or employee may be questioned under oath in relation to the conduct of any game of chance but any information shall not be disclosed except for purposes of law enforcement or licensing or as necessary to administer this Chapter.

3-713 Gratuities Prohibited.

(a) No person owning, operating or conducting a permitted gaming activity shall accept any tip, gratuity, or any other thing of value from any player of a game.

(b) No operator, sponsoring organization, employees of an operator or sponsoring organization shall receive either directly or indirectly any gifts, trips, prizes, provisions, or other thing of value from any manufacturer or distributor of gaming suppliers or equipment except for nominal promotional prizes or benefits but in no case may the value of such prize exceed One Hundred Dollars (\$100.00) per calendar year.

3-714 Penalties.

(a) Any person or organization violating the provisions of this Article or causing the provisions of this Article to be violated shall be guilty of a misdemeanor and subject to the general penalty section of the City of Rock Springs Ordinances. Each day of operation shall constitute a separate violation.

(b) Any license holder which violates the provisions of the Chapter shall have its gaming license suspended for the remainder of the license period or six (6) months, whichever is greater.

(i) Any violation of this Chapter by any manager, director, owner or supervisor of a license holding organization shall be deemed to be a violation by the

organization. (Ord. No. 90-04, 5-15-90).

**3-715 Separability; General
Repealer; Effective Date.**

(a) If any section, sub-section, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(b) All ordinances in conflict herewith are hereby repealed.

(c) This ordinance shall be in full force and effect upon and after its passage; provided, however, any person or organization engaged in the operation of a gaming activity at the time of the enactment of this Chapter shall have three (3) months, unless otherwise provided for by this Chapter, in which to comply with the licensing provisions of this Chapter. (Ord. No. 89-14, 9-19-89; Ord. No. 90-04, 5-15-90).