

ORDINANCE NO. 2022-_____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, REPEALING CHAPTER 10 OF THE AURORA CITY CODE AND, REPEALING THE REQUIRMENT FOR AMUSEMENT ENTERPRISE LICENSES, AMUSEMENT DEVICE DISTRIBUTOR'S LICENSES, AMUSEMENT DEVICE VENDOR'S LICENSES, AND AMENDING CHAPTER 26 RELATING TO SELF-SERVICE DEVICES

WHEREAS, the City of Aurora, Colorado, (the "City"), is a home rule municipality, organized and existing under and by virtue of Article XX, Section 6 of the Colorado Constitution, and as such the City has the authority to regulate matters of local concern including taxation and local business licensing; and

WHEREAS, the City Council no longer wishes to mandate the dual license requirements for Carnival Games, Amusement Enterprise, Amusement Device Distributor, and Amusement Device Vendor, and as such wishes to amend existing business regulations and the requirements for existing operators by requiring only a general business license; and

WHEREAS, the City believes that it is necessary and proper to enact this ordinance to amend the licensing requirements for the business activities described herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. Chapter 10 is hereby repealed.

Section 2. Chapter 86, Article IV, Division 1 is hereby repealed

Section 3. Chapter 86, Article IV, Division 2 is hereby repealed

Section 4. Chapter 86, Article VI, Division 1 is hereby repealed

Section 5. Chapter 26, Article VIII, of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Article VIII. Self-Service Devices, **Amusement Devices, and Carnival Games.**

Section 26-411. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement device means any device or machine which, upon payment of consideration, may be operated by an individual for use as a game, entertainment, amusement, or test of mental or physical skill, whether or not registering a score; provided, however, that this term shall not include devices licensed by the State of Colorado for wagering, slot racing, model racing, model motoring, televisions, radios, pool tables or billiard tables, children's rides, or jukeboxes or similar electronic or mechanical music machines which do not involve games of chance or skill or interactive entertainment.

Amusement center shall mean any commercial establishment that has four (4) or more amusement devices

Carnival game means any game, scheme or device, either represented as or appearing to be a game of skill, which is intended to be played by a person for the purpose of winning a noncash prize. Such game shall include but not be limited to and, by way of illustration only, the following: fishing line, cork gun shoot, dart shoot, pitch games, ring throw games, star and dot shootout, six-cat and lucky wheel games.

Self-service device means an unattended machine which dispenses currency or coins or provides a service or merchandise to the general public.

Section 26-412. Information required.

- (a) A self-service **or amusement** device shall have information clearly posted on it which discloses the **general business license number**, name, address and telephone number of the owner, manager or other person responsible for the device **unless the device is owned and operated by the business where the device is located.**

Section 26-413. Prohibited Devices and Games

- (a) **It shall be unlawful for any person to:**

- (1) **Knowingly permit, market, place, or display for use any amusement device which is capable of reimbursing or allowing the player to obtain reimbursement in coin, token, money, gift card, merchandise, merchant credit, monetary equivalents, cryptocurrency, or other consideration in excess of the charge made for the operation of such device.**

- (a) **Section 26-413(a) shall not apply to amusement devices in an amusement center where the prize**

awarded to the player is a noncash, merchandise prize or a coupon, voucher, ticket, token or electronic credit redeemable only for a noncash, merchandise price;

- a. The value of which does not exceed the cost of playing the amusement device or the total aggregate cost of playing multiple amusement devices;
- b. That is not and does not include an alcoholic beverage;
- c. That is not eligible for repurchase; and
- d. That is not exchangeable for cash, cash equivalents, cryptocurrency, or anything easily monetized.

(b) Section 26-413(a) shall not apply to Crane Games as defined in Sec. 44-30-103 C.R.S., as amended.

(2) Knowingly permit any amusement device marketed, placed, or displayed for purposes of gambling or professional gambling in violation of Article V, Division 3 of Chapter 94 of the Aurora City Code.

(3) Promote, provide, or permit any game, carnival game, or amusement device represented or appearing to be a game of chance or skill knowing or having good reason to know that the game or device has been designed, constructed, rigged, or operated so as to deprive or cheat the player, who has paid money or given other remuneration or consideration, of any reasonable prospect of winning prizes displayed or touted as being winnable.

(4) Permit any device to remain in operation in a commercial location that does not have the information required by section 26-412.

Section 26-414. Abatement

- (a) An amusement device in violation of the following provisions is declared a public nuisance and subject to seizure by city personnel authorized to enforce this section. Any such amusement device seized and not ordered returned shall be demolished or destroyed upon adjudication by the courts upon finding any of the following:

- a. **The amusement device is a gambling device in violation of section 26-413(2).**
- b. **The amusement device is in violation of section 26-413(1) and the owner, operator, or a responsible party for where the device was located was provided written notice of this section and that the device was in violation of 26-413(1) and the owner, operator or responsible party failed to immediately discontinue operation of the device or immediately correct the prizes awarded by the device to comply with section 26-413(1)**

Section 6. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Section 8. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this ____ day of _____, 2022.


PASSED AND ORDERED PUBLISHED BY REFERENCE this ____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ,
City Clerk

APPROVED AS TO FORM:



HANOSKY-HERNANDEZ,
Sr. Assistant City Attorney