

**TOWN OF SILT
ORDINANCE NO. 4
SERIES OF 2021**

AN ORDINANCE OF THE TOWN OF SILT, COLORADO (“TOWN”) AMENDING THE SCHEDULE OF USES IN SECTION 17.13.020 OF THE SILT MUNICIPAL CODE (“CODE”), TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO

WHEREAS, pursuant to C.R.S. Section 31-15-103 and Section 1 of the Town’s Home Rule Charter, the Board of Trustees (“Board”) of the Town has the authority to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order comfort and convenience of such municipality and the inhabitants thereof; and

WHEREAS, the Board wishes to make amendments to the Schedule of Uses in Section 17-30-020 and associated definitions of the Silt Municipal Code related to the land use regulation of internet sweepstakes cafés within the Town of Silt; and

WHEREAS, the Board wishes to correct an error in the Silt Municipal Code as to which zone districts an Adult entertainment business may be located; and

WHEREAS, Title 17 of the Silt Municipal Code sets forth the Town’s regulations relating to land use, development, and zoning; and

WHEREAS, the Town staff has determined that an activity known as internet sweepstakes gambling, which is defined and prohibited under state law C.R.S. § 18-10.5-101 et seq., requires some action by local government to ensure that such activities do not occur unlawfully; and

WHEREAS, pursuant to Section 17.88.010 of the Silt Municipal Code, amendments to Title 17 of the Municipal Code must be submitted to the Planning and Zoning Commission for review and recommendations; and

WHEREAS, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Planning and Zoning Commission and the Board considered this ordinance; and

WHEREAS, the Board finds and determines that the adoption of this ordinance is necessary and proper to provide for the safety, health, prosperity and order of the Town.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, ORDAINS AS FOLLOWS:

Section 1

Section 17.13.020 Appendix A is hereby amended as follows:

X = Permitted Use; SU = Special Use; PR = Prohibited Use

	AG	R-1	R-2	R-3	B-Ind	B-1	B-2	B-3	PU	DMD
Adult entertainment businesses	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>SU</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>
<u>Internet sweepstakes cafés</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>

Section 2

Chapter 17.08 Definitions of the Silt Municipal Code is hereby amended by the addition of the following definitions:

17.08.206 Electronic gaming machine

“Electronic gaming machine” means an electrically or electronically operated machine or device that is used by a sweepstakes entrant and that displays the results of a game entry or game outcome to a participant on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person conducting the sweepstakes or by that person's partners, affiliates, subsidiaries, agents, or contractors. The term includes a machine or device that:

- a. Uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries;
- b. Uses software that simulates a game that influences or determines the winning or value of the prize, or appears to influence or determine the winning or value of the prize;
- c. Selects prizes from a predetermined, finite pool of entries;
- d. Uses a mechanism that reveals the content of a predetermined sweepstakes entry;
- e. Predetermines the prize results and stores those results for delivery when the sweepstakes entry is revealed;
- f. Uses software to create a game result;

- g. Requires a deposit of any currency or token or the use of any credit card, debit card, prepaid card, or other method of payment to activate the machine or device;
- h. Requires direct payment into the machine or device or remote activation of the machine or device upon payment to the person offering the sweepstakes game;
- i. Requires the purchase of a related product at additional cost in order to participate in the sweepstakes game or makes a related product available for no cost but under restrictive conditions;
- j. Reveals a sweepstakes prize incrementally even though the progress of the images on the screen does not influence whether a prize is awarded or the value of any prize awarded; or
- k. Determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

17.08.286 Internet sweepstakes café

"Internet sweepstakes café" includes any use of an enclosed building or portions of an enclosed building that provide one (1) or more "electronic gaming machine" or "simulated gambling device," as defined in § 18-10.5-102, C.R.S. or in this Code. As defined, these terms do not include "bona fide amusement devices," as authorized in § 44-3-103(47), C.R.S., that pay nothing of value, cannot be adjusted to pay anything of value, and are not used for gambling.

17.08.531 Simulated gambling device

"Simulated gambling device" means a mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person conducting the game or by that person's partners, affiliates, subsidiaries, agents, or contractors; except that the term does not include bona fide amusement devices, as authorized in section 44-3-103 (47), C.R.S. that pay nothing of value, cannot be adjusted to pay anything of value, and are not used for gambling.

- a. "Simulated gambling device" includes:
 - I. A video poker game or any other kind of video card game;
 - II. A video bingo game;
 - III. A video craps game;

IV. A video keno game;

V. A video lotto game;

VI. A video roulette game;

VII. A pot-of-gold;

VIII. An eight-liner;

IX. A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols;

X. An electronic gaming machine, including a personal computer of any size or configuration that performs any of the functions of an electronic gaming machine;

XI. A slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by section 9 (4)(c) of article XVIII of the Colorado constitution; and

XII. A device that functions as, or simulates the play of, a slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by section 9 (4)(c) of article XVIII of the Colorado constitution.

b. "Simulated gambling device" does not include any pari-mutuel totalizator equipment that is used for pari-mutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under article 32 of title 44, C.R.S.

Section 3

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing, this 12 day of July, 2021, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED, this 26 day of July, 2021.

TOWN OF SILT


Mayor Keith B. Richel

ATTEST:


Town Clerk Sheila M. McIntyre, CMC

