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REVIEWED BY
PREPARED BY

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CITY ATTORNEYS OFFICE

A PENDING ORDINANCE TO AMEND CHAPTER 20, OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF THE CITY OF ROCK HILL CONCERNING SIMULATED GAMBLING DEVICES

BE IT ORDAINED by the Governing Body of the City of Rock Hill, in Council assembled:

SECTION 1. That this Ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30, Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That final adoption of this Ordinance will be effected by a positive majority vote and pursuant to applicable public hearing requirements.

SECTION 3. That the City of Rock Hill desires to clarify its position that Simulated Gambling Devices are illegal under South Carolina law and that the Council deems it necessary to the public's health, safety, welfare, and morals to adopt an ordinance clarifying the City's position that these activities are unlawful and that no zoning approvals, permits, and any other official City action shall be allowed to authorize or permit the placement of Simulated Gambling Devices in business locations in the City or the opening of establishments that allow patrons to play Simulated Gambling Devices in the City.

SECTION 4. That **Chapter 20, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE II. GAMBLING** of the Code of the City of Rock Hill, be and the same is hereby amended by adding **Section 20-43. Simulated Gambling Devices** as follows:

See "Exhibit A" attached hereto

SECTION 5. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. That this Ordinance shall be and become finally binding after the same shall have received first and final readings, given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the ___ day of

_____, 2012.

A. Douglas Echols, Jr., Mayor

John A. Black III, Mayor Pro Tempore

Susie B. Hinton, Councilmember

Kathy S. Pender, Councilmember

James C. Reno, Jr., Councilmember

Osbey Roddey, Councilmember

Kevin H. Sutton, Councilmember

ATTEST:

Anne P. Harty,
Municipal Clerk

Exhibit A

Section 20-43: Simulated Gambling Devices

A. Definitions

a. That, the following terms (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Ordinance shall have the respective meanings specified below:

i. "Simulated Gambling Device" means any Device that, upon connection with an Object, is available to play or operate a Computer Simulation of any Game, and which may deliver or entitle the person or persons playing or operating the Device to a Payoff.

ii. The term "Device" means any mechanical or electrical contrivance, computer, terminal, video, or other equipment that may or may not be capable of downloading games from a central server system, machine, computer, or other device or equipment. The term "Device" also includes any associated equipment necessary to conduct the operation of the Device.

iii. The term "upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an Object to a Device.

iv. The term "Object" means a coin, bill, ticket, token card, swipe card, usage allotment or similar object, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration. An object does not have to be a physical object.

v. The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.

vi. The term "Computer Simulation" includes simulations by means of a computer, computer system, video display, video system, or any other form of electronic video presentation.

vii. The term "Game" includes slot machine, poker, bingo, craps, keno, any other type of game ordinarily played in a casino; a game involving the display of the results of a raffle, sweepstakes, drawing, contest, or other promotion; or lotto, sweepstakes, and any other game associated with gambling or that

could be associated with gambling; but the term "Game" does not necessarily imply "gambling" as that term may be defined elsewhere.

viii. The term "Payoff" means cash, monetary, sweepstakes winnings or other credit, billets, tickets, tokens, or other electronic credits to be exchanged for cash or merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

ix. The use of the word "Gambling" in the term "Simulated Gambling Device" is for the convenience of reference only. The term "Simulated Gambling Device" as used in this Section is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

B. Simulated Gambling Activities are Unlawful. All Simulated Gambling Activities are unlawful. All activities relating to the acceptance, review, and action upon applications for businesses or establishments using or operating Simulated Gambling Devices are hereby prohibited since such activities are unlawful. Accordingly, based upon the foregoing, no applications for licenses, permits, or any other official City action to authorize or permit any business or establishment to use or operate Simulated Gambling Devices shall be allowed.

C. Severability

If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.