

Chapter 11.44
LOTTERIES, SLOT MACHINES AND GAMBLING

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11.44.010 Bet Defined.

A "bet" is a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:

- A. Bona fide business transactions which are valid under the law of contracts including but not limited to contracts for the purchase or sale at a future date of securities or other commodities, and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance;
- B. Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the bona fide owners of animals or vehicles entered in such a contest. (KSA 21-4302)

(History: Ord. POC-625 ' 71(part), 72)

11.44.020 Gambling Defined.

"Gambling" is

- A. Making a bet; or
- B. Entering or remaining in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling device.

(History: Ord. POC-625 ' 71(part),72; POC-598 ' 68,70; PO-84 ' 21,61)

11.44.030 Gambling Device Defined.

A "gambling device" is a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device.

(History: Ord. POC-625 ' 71(part),72)

11.44.040 Permitting Premises to Be Used for Commercial Gambling.

"Permitting premises to be used for commercial gambling" is intentionally:

- A. Granting the use or allowing the continued use of a place as a gambling place; or
- B. Permitting another to set up a gambling device for use in a place under the defendant's control.

(History: KSA 21-4305; Ord. POC-625 ' 72,72; POC-598 ' 70)

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11.44.050 Possession of Gambling Device.

- A. "Possession of a gambling device" is knowingly possessing or having custody or control, as owner, lessee, agent, employee, bailee or otherwise, of any gambling device.
- B. It shall be a defense to a prosecution under this section that the gambling device is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or the defendant's possession. A slot machine shall be deemed an antique slot machine if it was manufactured prior to the year 1950. (KSA 21-4307)

(History: Ord. POC-1053 ' 2, 79; POC- 625 ' 73, 72; POC-598 ' 71; PO-84 ' 20)

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