

CHAPTER 107
GAMBLING, AMUSEMENT MACHINES, ETC.

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arrest, with or without warrant, any person violating s. 107-1.

107-4. Resisting Officer When Seizing Instruments. It is made the duty of every member of the police department to seize any table, wheel, instrument, device or thing kept for use, or used, for the purpose of gambling for money or other valuable thing, and all such tables, instruments, devices and things when so seized shall be destroyed. Any person obstructing or resisting any member of the police department in the performance of any act authorized in this section shall be punished by a fine of not less than \$25 nor more than \$50 for each offense, and the costs and disbursements of prosecution, and in default thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed 6 months.

107-1. Gambling Places; Penalty. Every person who as lessee or otherwise shall keep a gambling place, or who shall procure or permit any person to frequent, or any person to go into any building, room, booth, yard, tent, garden, boat, raft, float, vessel or any other place within the city to play for money, or any other valuable thing, at any game, or to bet upon any game, race, or play on any unknown or contingent event, or who shall set up, use, or keep for use, or permit to be used for gambling purposes within the limits of the city any gaming table or gaming device, cards, dice, apparatus, machine or implements such as is usually used for the purpose of playing at any game for money or any other valuable thing shall, upon conviction thereof, be punished by a fine of not less than \$100 nor more than \$200 and the costs and disbursements of the prosecution, and in default of thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed 6 months.

107-5. Gambling Devices. 1. PROHIBITED. No person shall possess, keep, own, operate, use or cause to be kept, operated or used in any room, tent, booth, shed, tavern, building, enclosure or upon any premises, or part thereof, or in any place within the city any clock, joker, tape, slot machine, table or implement for any game of bagatelle or pigeon hole, commonly known as pin games, whiffleboards, digger machines, rotary merchandisers, or other device of any kind of nature whatsoever, upon, in, by or through which money is or may be staked or hazarded, or into which money is, or chips, checks, or tokens are or may be placed or paid upon chance, or upon the result of the action of such clock, joker, tape, slot machine, table or implement for any game of bagatelle or pigeon hole, commonly known as pin games, whiffleboards, digger machines, rotary merchandisers, or other device of any kind or nature whatsoever, money, chips, checks, credit prizes, merchandise, or other valuable thing is or may be staked, bet, hazarded, won or lost; and such devices are prohibited in the city and are declared to be gambling devices.

107-2. Gambling. Whoever makes a bet, or enters, or remains in a gambling place with intent to make a bet or to play a gambling machine may be fined not more than \$200.

2. UNLAWFUL TO USE. It shall be unlawful to use or permit the use of any device or thing whatever whereby any person shall or may be induced to believe that he will or may receive any money, merchandise, replay, thing or consideration whatever, or any token

107-3. Seizure of Gambling Instruments; Arrest. It shall be lawful and the duty of any police officer of the city with or without warrant, to seize and remove any device or implement of whatsoever name or nature the same may be, used or intended to be used for gambling purposes, whenever and wherever found, and to

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exchangeable for any money, merchandise, replay, thing or consideration whatever, as the result in whole or part of any contest of skill between the person and the device or thing whatever so operated.

107-6. Definitions. 1. BET. The term "bet" when used in ss. 107-1 and 107-2 shall mean a bargain in which the parties agree that, dependent upon chance even though accompanied by some skill, one stands to win or lose something of value specified in the agreement. But a bet does not include:

a. Bona fide business transactions which are valid under the law of contracts including without limitation:

a-1. Contracts for the purchase or sale at a future date of securities or other commodities; and

a-2. Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guarantee and life or health and accident insurance.

b. Offers of purses, prizes or premiums to the actual contestants of any bona fide contest for the determination of skill, speed, strength or endurance to the bona fide owners of animals or vehicles entered in such contest.

2. GAMBLING. The words "gambling" or "gaming" when used in ss. 107-1 to 107-4 shall also mean and include the use of all devices or things whatever whereby any person shall or may be induced to believe that he will or may receive any money, merchandise, replay, thing or consideration whatever, or any token exchangeable for any money, merchandise, replay, thing or consideration whatever, as the result in whole or part of any contest of skill between the person and the device or thing whatever, so operated.

3. GAMBLING MACHINE. The term "gambling machine" when used in ss. 107-1 and 107-2 shall mean a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, even though accompanied by some skill and whether or not the prize is automatically paid by the machine.

4. GAMBLING PLACE. The term "gambling place" when used in ss. 107-1 and 107-2 shall mean any building or tent, any vehicle, whether self-propelled or not, or any room within any of them, one of whose principal use is any of the following: making and settling bets; receiving, holding, recording or forwarding

bets or offers to bet; conducting lotteries; or playing gambling machines.

5. PIN GAMES, ETC. The terms "bagatelle," "pigeon hole," and "pin game" as used in s. 107-5 shall mean a game played with any number of balls or spheres upon a table or board having holes, pockets or cups into which such balls or spheres may drop or become lodged, and having arches, pins and springs, or any of them, to conduct, deflect or impede the direction or speed of the balls or spheres put in motion by the player.

107-7. Penalty (General). Any person violating any of the provisions in ss. 107-2, 107-3 and 107-4 shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$200, together with the costs and disbursements of prosecution, and in default thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed 6 months, and each and every day on which any person shall operate, keep, own or have in his possession or under his control any such clock, joker, tape, slot machine, table or implement for any game of bagatelle or pigeon hole, commonly known as pin games, shuffleboards, whiffleboards, digger machines, rotary merchandisers, or other device of any kind or nature whatever, in violation of the provisions of this section, shall be deemed a separate and distinct offense.

107-8. Statement of Principle. Sections 107-5 to 107-8 are for the immediate preservation of the public peace and safety and are declared a matter of urgency, being occasioned by the fact that various persons are establishing so-called vending machines, pin games, digger games, slot machines, rotary merchandisers and other devices in the city which by offering chances or hazards have a tendency to demoralize the youth of the city. The provisions of ss. 107-5 to 107-8 do not apply to amusement devices as defined in s. 107-13.

107-10. Selling of Pools or Betting. 1. UNLAWFUL. It shall be unlawful for any person, company or corporation to engage in pool selling or bookmaking or to occupy any room, shed, tenement, tent or building, or any part thereof, or any place upon any public or private ground within the limits of the city, with books, apparatus or paraphernalia for the purpose of recording or registering bets or wagers or of

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selling pools; or to record or register bets or wagers, or sell pools upon the result of any trial or contest of skill, speed or power of endurance of man or beast, or upon the result of any political nomination, appointment or election; or, being the owner or lessee or occupant of any room, tent, tenement, shed, booth or building, or any part thereof, to knowingly permit the same to be used or occupied for any of these purposes, or therein to keep, exhibit or employ any device or apparatus for the purpose of recording or registering such bets or wagers, or the selling of such pools, or to become custodian or depository for gain, hire or reward of any money, property or thing of value staked, wagered or pledged; or to be wagered or pledged upon any such result, or to receive, register, record, forward or purport or pretend to forward to or for any race course any money, thing or consideration of value, bet or wager or money, thing for consideration offered for the purpose of being bet or wagered upon the speed or endurance of any man or beast; or to occupy any place or building, or part thereof, with books, papers, apparatus or paraphernalia for the purpose of receiving or pretending to receive or for recording or registering, or for forwarding or pretending or attempting to forward in any manner whatever any money, thing or consideration of value, bet or wagered, or to be bet or wagered, for any other person, or to receive or offer to receive any money, thing or consideration of value, bet or to be bet at any race track, or to assist or abet in any manner in any of the acts or things forbidden in this section.

2. PENALTY. Any person, or the officer or agent of any company or corporation who shall violate sub. 1 shall upon conviction thereof, be punished by a fine of not less than \$100 and not exceeding \$500 and the costs and disbursements of prosecution, and in default thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed 6 months.

107-12. Inmates of Pool Rooms; Penalty. It shall be unlawful for any person to resort to or become an inmate of any room, shed, tent or place upon any public or private grounds within the city, within or upon which is carried on any of the acts or things mentioned in s. 107-10-1 and declared unlawful thereby; and any person found guilty of violating this section shall be punished by a fine of not more than \$50, and the

costs and disbursements of prosecution and in default thereof shall be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed 6 months.

107-13. Amusement Machine Distributor License. 1. DEFINITIONS.

a. "Amusement machine" means any mechanical or electronic device operated or intended to be operated for amusement or skill where the use or operation of which is conditioned upon payment of a fee either by insertion of a coin, token or similar object in a slot, or otherwise. The term does not include a jukebox or a billiard or pool table.

b. "Distributor" means any person who leases, rents, places or installs for use or operation, on a premises in the city not owned or leased by that person, one or more amusement machines.

c. "Jukebox" means any electronic or mechanical device, or machine of any kind, nature or description, in which the operation is dependent upon the insertion of money, whether automatically or otherwise, which results in the playing of music of any type.

d. "Officer" means the president, vice president, secretary or treasurer, or his or her equivalent, of any corporation, association or other organization.

e. "Person" means any individual, partnership, firm, association, corporation or other legal entity.

2. GENERAL PROVISIONS.

a. License Required. No person shall lease, rent, place or install amusement machines for use by the public on any premises not owned or leased by that person without first having obtained an amusement machine distributor license as provided in this section.

b. Conditions for Placement. No person owning or operating any premises shall place, or permit to be placed, on such premises for use by the public any amusement machines unless the premises is licensed as a public entertainment premises under s. 108-7 and either of the following is true:

b-1. The amusement machines are owned by the person owning or operating the premises.

b-2. The amusement machines are obtained from a distributor who is duly licensed by the city.

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c. Agent Not Eligible. No person shall make application for an amusement machine distributor license acting as agent for, or in the employ of another, or for the use and benefit of another person, except when the applicant is a corporation. In this case, the corporation shall appoint an agent and invest in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the application of the corporation and of the conduct of all business therein, as the licensee itself could in any way have and exercise if it were a natural person resident in the state.

3. APPLICATION PROCEDURE.

a. Application. The application for a new or renewal amusement machine distributor license shall be in writing on a form furnished by the city clerk and shall state that the application for a license is not made for and on behalf of any other person and that the applicant is not acting as an agent for, or in the employ of, another

a-2. The application shall be in a form prescribed by the city clerk, including information related to the qualifications and history of the applicant. The application shall be completed by the person to be licensed, including the principal officers of a limited liability company, the partners in a partnership or the duly authorized agent of a corporation or other legal entity. An agent for any legal entity other than a corporation shall be subject to the prohibitions in sub. 2-c.

a-3. The application shall state:

a-3-a. The license being applied for.

a-3-b. The name and permanent address of the applicant.

a-3-c. If the applicant is a corporation, the name of the corporation exactly as it is set forth in its articles of incorporation, together with the names and addresses of all officers, directors and designated managers.

a-3-d. If the application is a partnership, the names and resident addresses of all partners, including limited partners. If any of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the partner which is a corporation.

a-3-e. If the applicant is a club, association or other organization which is neither a corporation nor a partnership, the exact name of the entity together with the names and residence addresses of all officers.

a-3-g. All convictions, including ordinance violations exclusive of traffic

violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.

a-3-h. Any other reasonable and pertinent information the common council or the proper licensing committee of the common council may from time to time require.

b. Application Fee. Applications for new and renewal licenses are subject to the fees prescribed in s. 81-4, to be paid to the city treasurer at the time of filing.

c. Disclosure. c-1. An application for a new amusement machine distributor license shall include disclosure, in a manner prescribed by the city clerk, of all amusement machines currently placed or under agreement to be placed by the distributor within the city. Disclosure shall include the addresses of the premises where the amusement machines are presently placed or are contracted to be placed, the number of machines placed or to be placed at the premises, and the legal names of the entities with whom the machines have been placed or are to be placed.

c-2. An application for the renewal of an amusement machine distributor license shall include disclosure, in a manner prescribed by the city clerk, of all amusement machines currently placed within the city. Disclosure shall include the addresses of the premises where the amusement machines are placed, the number of machines placed at the premises, and the legal names of the entities with whom the machines have been placed.

d. Qualifications. d-1. An amusement machine distributor license may be denied to any applicant who is not of good professional character or who has been convicted of a felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of being a distributor. In this paragraph, "applicant" includes any individual or partner, or any officer, director or agent of any corporate applicant.

d-2. A noncorporate applicant for an amusement machine distributor license shall be a resident of Wisconsin for at least one year prior to the date of filing the new or renewal license application. In the case of an applicant for a corporate amusement machine distributor license, the agent for the applicant shall be a resident of Wisconsin for at least one year prior to the date of filing the new or renewal license application.

e. Fingerprinting. All applicants for amusement machine distributor licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

f. Investigation. All applications for new amusement machine distributor licenses shall be referred to the chief of police and the commissioner of neighborhood services, both of whom shall investigate and report their findings to the proper licensing committee of the common council.

4. COMMON COUNCIL ACTION; APPLICATION FOR NEW LICENSE. An application for a new amusement machine distributor license shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5.

5. ISSUANCE; TERMS.

a. Approval of Licenses. All new distributor licenses shall be issued by the city clerk after having been referred to the proper licensing committee and approved by the common council. Renewal licenses may be issued by the city clerk without referral to the committee.

b. Proof of Fee Payment. The city clerk shall not issue a new or renewal license unless the applicant files with the city clerk a receipt showing payment of the fee required by s. 81-4 to the city treasurer.

c. Term; Expiration Date. See s. 81-4 for the license term and date of expiration.

d. Report Changes. Whenever any fact set forth in the application under sub. 3 changes, the licensee shall file a written notice of the change with the city clerk within 10 days.

e. Identification Tags or Stickers. Each licensee shall affix, to each amusement machine placed on a premises by the licensee, an identification tag measuring at least 2 inches by 2 inches providing the name, telephone number of license number of the licensee. Each tag or sticker shall be placed in a location which is readily visible to the general public without requiring movement of the machine.

6. DAMAGE TO MACHINES PROHIBITED. No person shall willfully or maliciously remove, destroy, tamper, injure, mutilate or alter any amusement machine or insert any slug, token or counterfeit coin in any amusement machine.

7. TRANSFER OF LICENSE OR CHANGE OF NAME. See s. 85-19 for provisions relating to the transfer of licenses and change of licensee names.

8. REVOCATION. a. Causes. Any license issued under this section may be revoked for cause by the common council after notice to the licensee and a hearing. Licenses may be revoked for the following causes:

a-1. The making of any material false statement in any application.

a-2. The conviction of the licensee, his or her agent or employee of any offense under the ordinances of the city, or the statutes of the state of Wisconsin, the circumstances of which are substantially related to the licensed activity.

a-3. For any reasonable cause which is in the best interests and good order of the city.

b. Procedures. The procedures for the due process hearing and notice of license revocation shall be the same as those set forth in s. 90-12-4 and 5 governing the commencement of proceeding, notice and hearing, and common council decision.

c. Renewal After Revocation. No person whose amusement machine distributor license has been revoked may obtain another distributor license within a period of one year from the date of revocation.

d. Surrender of Licenses and Permits.

d-1. Upon revocation of any amusement machine distributor license, the license shall be immediately surrendered by the licensee to the police department, to be returned to the city clerk with a certificate notifying the city clerk in writing of the name and address of the licensee, the number of the license and the basis for the revocation.

d-2. No licensee shall refuse to surrender the license upon request by the common council. Each day of refusal shall constitute a separate offense.

d-3. A reversal of a judgment or conviction upon appeal, and the filing of a certified copy of the judgment of appeal and reversal with the city clerk, by the chief of police or any interested party, shall operate as a reinstatement of the license, and the city clerk shall thereupon return to the licensee the license pursuant to this paragraph.

9. PENALTY. Any person who violates this section shall be fined not less than \$25 nor more than \$500 or, in default of payment thereof, be imprisoned in the county jail or house of correction of Milwaukee county not more than 90 days for each offense, and a separate offense shall be regarded as committed each day the violation continues.

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LEGISLATIVE HISTORY CHAPTER 107

Abbreviations:

am = amended

cr = created

ra = renumbered and amended

rc = repealed and recreated

rn = renumbered

rp = repealed

Section	Action	File	Passed	Effective
107 (title)	am	110326	11/2/2011	3/1/2012
107-1	am	72-1193	10/24/72	
107-2	am	72-1192	10/24/72	
107-4	am	49-1749-d	10/24/49	
107-5	am	48-3363	4/25/49	
107-6	am	72-1194	10/24/72	
107-7	am	49-1749-e	10/24/49	
107-8	am	72296	5/4/42	
107-10-1	cr	ord. #163	12/7/1896	(1896-97)
107-10-2	am	49-1749-f	10/24/49	
107-12	am	49-1749-g	10/24/49	
107-13	am	82-171	3/29/83	
107-13	rc	110326	11/2/2011	3/1/2012
107-13-0	am	180930	11/27/2018	12/14/2018
107-13-1-a	am	180930	11/27/2018	12/14/2018
107-13-1-b	rp	101560	5/3/2011	5/20/2011
107-13-1-b	am	180930	11/27/2018	12/14/2018
107-13-1-c	rn to 107-13-1-b	101560	5/3/2011	5/20/2011
107-13-1-d	rn to 107-13-1-c	101560	5/3/2011	5/20/2011
107-13-1-e	rn to 107-13-1-d	101560	5/3/2011	5/20/2011
107-13-2	am	180930	11/27/2018	12/14/2018
107-13-2-a	am	151743	4/15/2016	5/4/2016
107-13-2-c	am	101560	5/3/2011	5/20/2011
107-13-3	rc	83-479	7/12/82	
107-13-3-a	rc	121521	4/30/2013	5/17/2013
107-13-3-a	am	180930	11/27/2018	12/14/2018
107-13-3-a-3-f	rp	120842	11/8/2012	11/29/2012
107-13-3-b	rc	101560	5/3/2011	5/20/2011
107-13-3-c	am	180930	11/27/2018	12/14/2018
107-13-3-c-2	am	061571	4/17/2007	5/4/2007
107-13-3-c-3	rp	151743	4/15/2016	5/4/2016
107-13-3-d	rc	120842	11/8/2012	11/29/2012
107-13-3-d	am	180930	11/27/2018	12/14/2018
107-13-3-e	rc	120029	9/25/2012	10/12/2012
107-13-3-e	am	150634	9/22/2015	10/9/2015
107-13-3-e	am	180930	11/27/2018	12/14/2018
107-13-3-f	am	180930	11/27/2018	12/14/2018
107-13-4	am	180930	11/27/2018	12/14/2018
107-13-5	rp	101560	5/3/2011	5/20/2011
107-13-5-e	am	180930	11/27/2018	12/14/2018
107-13-6	rn to 107-13-5	101560	5/3/2011	5/20/2011
107-13-6	am	180930	11/27/2018	12/14/2018

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107-13-7	rn to 107-13-6	101560	5/3/2011	5/20/2011
107-13-7	rc	111624	4/11/2012	4/28/2012
107-13-8	rn to 107-13-7	101560	5/3/2011	5/20/2011
107-13-8-c	am	180930	11/27/2018	12/14/2018
107-13-8-d-1	am	180930	11/27/2018	12/14/2018
107-13-9	rn to 107-13-8	101560	5/3/2011	5/20/2011