

CITY OF DELTA, COLORADO
ORDINANCE NO. 1, 2024

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING CHAPTER 8.24 OF THE DELTA MUNICIPAL CODE
DECLARING GAMBLING AS A PUBLIC NUISANCE

WHEREAS, the City of Delta (“City”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Delta Home Rule Charter (“Charter”); and

WHEREAS, pursuant to C.R.S. § 31-15-401(c), the City has the power and authority to declare what is a nuisance, to abate the same, and to impose fines upon parties who may create or continue nuisances or suffer nuisances to exist; and

WHEREAS, pursuant to C.R.S. § 31-15-401(o), the City has the power and authority to enact and enforce ordinances prohibiting gambling and the use of any gambling device; and

WHEREAS, pursuant to C.R.S. § 16-13-303, the Colorado Legislature has declared that every building or part of a building, every vehicle, and any real property shall be deemed a class 1 public nuisance when, among other things, it is used or designed and intended to be used as gambling premises or as a place where any gambling device or gambling record is kept, as those terms are defined by statute; and

WHEREAS, the City Council has previously enacted Chapter 8.24 of the Delta Municipal Code to declare certain activities and circumstances as nuisances and providing for the prohibition and abatement of nuisances; and

WHEREAS, based on reports and information provided by the Delta Police Department concerning the proliferation of illegal gambling devices being operated within the City of Delta, the City Council finds and determines that illegal gambling and gambling devices should be deemed public nuisances subject to regulation under Chapter 8.24 in addition to existing state laws; and

WHEREAS, the City Council determines that it is in the best interests of the public health and safety of the citizens of Delta to amend the Delta Municipal Code as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the City Council.
2. Gambling Declared a Public Nuisance. Section 8.24.010 of the Delta Municipal Code is hereby amended by the addition of a new Section 8.24.010(B)(10) as follows:

10. Professional gambling, operation of a gambling premises, keeping of a gambling record, and keeping, operation or use of a gambling device, all as defined in C.R.S. § 18-10-102 as now existing or as may be hereafter amended.

3. Effective Date. This Ordinance shall become effective thirty (30) days after final passage and publication pursuant to Section 19(c) of the Charter.

INTRODUCED on February 6, 2024, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published as required by the Charter.

CITY OF DELTA, COLORADO

/s/ Kevin Carlson
Mayor

ATTEST:

/s/ Jolene E. Nelson
City Clerk