

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing section 5542., of Jackson County Code, 1984, related to the use of unlicensed gambling devices and enacting in lieu thereof one new section with a with severability clause.

ORDINANCE NO. 6007, August 4, 2025

INTRODUCED BY Manuel Abarca IV, Donna Peyton, and Venessa Huskey, County Legislators

WHEREAS, Jackson County finds that unregulated Entertainment Devices offering Monetary Prizes, including devices that constitute illegal gambling under Missouri law, are proliferating within the County; and

WHEREAS, the County further finds that Unlicensed Gambling Devices and illegal Games of Chance can result in detrimental impacts to the neighborhoods in which they are located, including increased crime, nuisance activity, and negative secondary effects on surrounding residents and businesses; and

WHEREAS, the County also finds that Unlicensed Gambling Devices can result in detrimental impacts to players, including financial hardships and increased reliance on public assistance; and

WHEREAS, the Legislature recognizes that not all electronic gaming devices operate as Games of Chance and that certain devices operate using predetermined, fully disclosed outcomes or through the application of skill of the user that do not involve chance as defined by Missouri law; and

WHEREAS, nothing in this Ordinance is intended to legalize or authorize any gambling device or gambling activity prohibited by Missouri law, and any device that meets the definition of a gambling device under state law remains unlawful except as expressly authorized by state statute; and

WHEREAS, the absence of a clear regulatory framework distinguishing illegal gambling devices from lawful, predetermined entertainment devices and skill devices creates uncertainty for legitimate businesses, complicates enforcement efforts, and may lead to inconsistent application of nuisance and criminal laws across jurisdictions within Jackson County; and

WHEREAS, Jackson County has a substantial governmental interest in ensuring that devices operating within its jurisdiction are transparent to consumers, subject to appropriate technical and operational standards, and regulated in a manner that is consistent with Missouri law; and

WHEREAS, the Legislature intends that this Ordinance reduce the presence of illegal gambling devices in Jackson County, support neighborhood safety and quality of life, and provide clear rules for lawful entertainment devices so that law enforcement resources can be focused on genuine criminal activity; and

WHEREAS, the Jackson County Prosecuting Attorney has identified the need for clearly defined nuisance-abatement authority to address chronic violators and locations

associated with repeated unlawful conduct, while preserving the operation of lawful, compliant entertainment devices that do not constitute gambling under state law; and

WHEREAS, the Legislature desires to enact a comprehensive framework that (1) prohibits the use of premises for illegal gambling devices, (2) defines and prohibits Unlicensed Gambling Devices, (3) establishes a registration and compliance system for predetermined, non-chance entertainment devices, and (4) provides civil, administrative, and criminal remedies against operators who knowingly violate this ordinance or state gambling laws now therefore;

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 5542., Jackson County Code, 1984, is hereby enacted to read as follows:

5542. Use of Premises for Gambling and Regulation of Certain Entertainment Devices.

5542.1. Use of Premises for Gambling Prohibited.

- a. It shall be unlawful for any person to knowingly permit any gambling table, gambling device, or other unlicensed gambling device, at which any unlawful game of chance may be played for money or property, to be set up, maintained, or used in any room, house, building, or other premises belonging to that person, in that

person's possession, or under that person's control.

- b. Nothing in this section shall be construed to prohibit lawful and licensed gambling devices at approved casinos or gambling establishments licensed under Missouri state law or otherwise expressly authorized by state statute or the Missouri Gaming Commission.

5542.2. Definitions.

For purposes of this section:

- a. "Gambling" and "Gambling device" shall have the meanings assigned to such terms in § 572.010, RSMo, as amended, and any successor provisions.
- b. "Game of chance" means any contest, game, scheme, or device in which the outcome is determined in whole or in material part by chance, randomness, or a future contingent event not under the control or influence of the player, and is not known or reasonably knowable to the player prior to the expenditure of consideration.
- c. "Monetary prize" means any prize, award, or thing of value paid, credited, or delivered to a player in the form of cash, coin, currency, check, bank transfer, negotiable instrument, store credit, gift card, or any ticket, token, voucher, or other item redeemable, directly or indirectly, for any of the foregoing.

d. “Unlicensed gambling device” means any device that:

1. constitutes a gambling device under Missouri law; and
2. is not licensed, approved, or authorized by the Missouri Gaming Commission or other applicable state authority; and
3. is maintained or offered for use anywhere in the County other than at a location authorized by state law to conduct licensed gambling.

e. “Entertainment device” means an electronic, mechanical, or electromechanical device that:

1. operates for the entertainment or amusement of the user; and
2. either (i) includes a pre-reveal feature, or (ii) operates as a Game of Skill as defined in this section; and
3. does not constitute a gambling device under Missouri law.

f. “Pre-reveal feature” means a function of an entertainment device that allows the user to view the outcome of the next play or game before the user expends any

consideration for that play or game.

- g. "Skill" means a player's capacity, developed through learning, practice, judgment, strategy, dexterity, or physical or mental ability, to influence or determine the outcome of a game or contest in a manner that is not materially dependent on chance.
- h. "Game of Skill" means any game, contest, or device in which the outcome of a play, over the long run and in individual instances, is predominantly determined by the player's application of Skill, and not by chance, and in which the player's actions can materially influence the result of each play.
- i. "Registered entertainment device" means an entertainment device that has been registered with Jackson County under subsection 5542.4 and is operated in compliance with this section.
- j. "Operator" means any person, firm, or entity, other than a person, firm, or entity acting solely in the capacity of a Licensed Premises, that owns, leases, places, services, or otherwise controls the operation of one or more Entertainment Devices covered by this section, whether directly or through an agent.
- k. "Licensed Operator" means any Operator holding a current Operator license issued by the County under subsection 5542.4(b).

- I. "Licensed Premises" means any room, house, building, or other premises located within Jackson County that holds a current Licensed Premises license issued by the County under subsection 5542.4(c).
- m. "Nuisance Premises" means any premises declared a public nuisance pursuant to subsection 5542.6.
- n. "Calendar Year" means the period from January 1 through December 31.
- o. "Environmental Health" means the County's Environmental Health division, including the Director of Environmental Health or the Director's designee.

5542.3. Unlicensed Gambling Devices Prohibited.

- a. No person shall maintain, place, or offer for use by any person any unlicensed gambling device that offers, or purports to offer, a monetary prize to any person, regardless of the frequency with which such monetary prize is conferred or the odds of any individual user realizing a monetary prize.
- b. Each unlicensed gambling device maintained, placed, or offered for use in violation of this section shall constitute a separate offense.
- c. Nothing in this section shall be deemed to prohibit or restrict:

- i. gambling devices lawfully operated at state-licensed casinos or gambling establishments under Missouri law; or
- ii. devices expressly permitted or regulated by other provisions of Missouri law or by rules of the Missouri Gaming Commission.

5542.4. Registration and Regulation of Entertainment Devices, Operators, and Licensed Premises.

a. Registration Required.

- 1. No person shall act as an Operator of any Entertainment Device within Jackson County unless that person holds a valid Operator license issued by the County under this subsection.
- 2. No room, house, building, or other premises within Jackson County shall host or offer any Entertainment Device for play unless the premises has been licensed as a Licensed Premises under this subsection.
- 3. No Entertainment Device shall be placed, installed, or offered for play within Jackson County unless that device has been registered as a Registered Entertainment Device under this subsection.

b. Operator License.

1. **Application.** Any person, firm, or entity seeking to operate one or more Entertainment Devices within Jackson County shall apply for an Operator license on forms prescribed by the County, providing such information as the County may reasonably require, including ownership, contact information, and a list of jurisdictions in which the Operator conducts similar business.
2. **Fee.** The annual fee for an Operator license shall be One Thousand Dollars (\$1,000.00), payable at the time of application or renewal.
3. **Term.** Operator licenses shall expire on December 31 of each calendar year. Applications for renewal for the following calendar year may be filed beginning October 1 of the preceding calendar year. A renewal issued on or after October 1 for the following calendar year shall also extend and renew the Operator license for the remainder of the current calendar year without payment of an additional fee for that period.
4. **Issuance.** The County shall issue an Operator license to any applicant who submits a complete application, pays the required fee, and is not subject to an active revocation or ineligibility order under subsection 5542.5(e). The County shall approve or deny a complete application within thirty (30) days, and any denial shall be in writing stating specific reasons and appeal rights.

5. **Change in Control.** A Licensed Operator shall notify Environmental Health within ten (10) business days of any change in ownership or control exceeding fifty percent (50%) or any change of legal entity.

c. Licensed Premises.

1. **Application.** Any person, firm, or entity in control of a premises seeking to host Entertainment Devices shall apply for a Licensed Premises license on forms prescribed by the County, which may include proof of occupancy, business licensing, and a copy of the Operator agreement required under paragraph (f).
2. **Fee.** The annual fee for a Licensed Premises license shall be Five Hundred Dollars (\$500.00), payable at the time of application or renewal. A Licensed Operator may pay the Licensed Premises fee on behalf of the premises.
3. **Term.** Licensed Premises licenses shall expire on December 31 of each calendar year. Applications for renewal for the following calendar year may be filed beginning October 1 of the preceding calendar year. A renewal issued on or after October 1 for the following calendar year shall also extend and renew the Licensed Premises license for the remainder of the current calendar year without payment of an additional fee for that period.

4. **Device Cap.** A Licensed Premises may host Registered Entertainment Devices according to its total square footage, up to a maximum of eight (8) Registered Entertainment Devices, as follows:

- i. Up to one thousand two hundred (1,200) square feet: three (3) devices.
- ii. One thousand two hundred one (1,201) to one thousand six hundred (1,600) square feet: four (4) devices.
- iii. One thousand six hundred one (1,601) to two thousand (2,000) square feet: five (5) devices.
- iv. Two thousand one (2,001) to two thousand four hundred (2,400) square feet: six (6) devices.
- v. Two thousand four hundred one (2,401) to two thousand eight hundred (2,800) square feet: seven (7) devices.
- vi. Two thousand eight hundred one (2,801) square feet or more: eight (8) devices.

For purposes of this subsection, floor area shall mean the total square

footage of the Licensed Premises as reflected in approved building plans, tax assessment records, occupancy or zoning records, or other official records maintained by the County or applicable local government. In the event of conflicting official records, Environmental Health may rely on the most recent approved building plans or occupancy records.

5. **Issuance.** The County shall issue a Licensed Premises license to any applicant who submits a complete application, pays the required fee, provides evidence of a current Operator–Location agreement as required by subsection 5542.4(f), holds all applicable municipal licenses (if any) for the operation of Registered Entertainment Devices, the premises' underlying business license has been active for at least six (6) consecutive months, and all other applicable municipal, County, state, and federal licenses unrelated to Registered Entertainment Devices are in good standing, and is not subject to an active revocation or ineligibility order under subsection 5542.5(e). A Licensed Premises license shall be issued with respect to a specific Licensed Operator, and a premises that hosts Entertainment Devices placed by more than one Licensed Operator shall hold a separate Licensed Premises license for each such Licensed Operator. The Device Cap in paragraph (4) applies to the total number of Registered Entertainment Devices at the premises across all Licensed Operators. The County shall approve or deny a complete application within thirty (30) days, and any denial shall be in writing stating specific reasons

and appeal rights.

6. **Continuing Conditions.** A Licensed Premises license shall remain valid only while the premises' underlying business license has been active for at least six (6) consecutive months and all applicable municipal, County, state, and federal licenses remain in good standing. Failure to satisfy these continuing conditions shall constitute grounds for suspension or revocation under subsection 5542.5(d).
7. **Change in Control.** A Licensed Premises shall notify Environmental Health within ten (10) business days of any change in ownership or control exceeding fifty percent (50%) or any change of legal entity.

d. Registration of Entertainment Devices.

1. Each Entertainment Device placed or maintained within Jackson County shall be registered with the County as a Registered Entertainment Device.
2. Registration shall include, at a minimum:
 - i. the name and license number of the Licensed Operator;
 - ii. the address and license number of the Licensed Premises where the device will be located;

- iii. the manufacturer, model, and serial number or other unique identifier of the device;
- iv. the category of the device as (A) a Pre-reveal Entertainment Device, or (B) a Game of Skill Entertainment Device, as defined in this section;
- v. a sworn statement by the Licensed Operator that the device meets the definition of an Entertainment Device and does not constitute a Gambling Device under Missouri law; and
- vi. payment of the device registration fee.

3. **Certification Requirement.** As a condition of registration, each Entertainment Device Make (meaning a make/brand and model operating on the same major firmware and content version with identical functional characteristics) shall be certified by an independent third party as meeting the operational standards of this section. Cosmetic variations in cabinets, harnessing, or peripherals that do not affect functional characteristics shall not, by themselves, create a different Entertainment Device Make. A single certification for an Entertainment Device Make satisfies the certification requirement for all Registered Entertainment Devices within that

Entertainment Device Make, provided no material hardware or software changes have been made. Certification may be satisfied by either:

- i. a report of compliance from an independent gaming testing laboratory, such as Gaming Laboratories International (GLI), or a substantially equivalent laboratory approved by the County; or
- ii. submission of (A) a technical operational description prepared and signed by a third party who holds a degree from an ABET-accredited engineering or computing program at a regionally accredited American university, and (B) a legal opinion letter from an attorney licensed to practice in Missouri, attesting that the device, as described and configured, meets the definitions and requirements of this section and does not constitute a Gambling Device under Missouri law.

4. **Fee.** The annual fee for registration of each Entertainment Device shall be Five Hundred Dollars (\$500.00), payable at the time of registration or renewal.

5. **Replacement Devices.** A Licensed Operator may replace a Registered Entertainment Device with another Entertainment Device during the term of the existing registration upon payment of a ten dollar (\$10.00) administrative

transfer fee, provided that:

- i. the replacement device is an Entertainment Device as defined in this section;
- ii. the Licensed Operator submits updated registration information to the County within ten (10) business days identifying the manufacturer, model, and serial number or other unique identifier of the replacement device and the Licensed Premises at which it is placed; and
- iii. the number of Registered Entertainment Devices at the Licensed Premises does not exceed the maximum established in subsection 5542.4(c)(4).

6. **Relocation of Devices.** A Licensed Operator may relocate a Registered Entertainment Device from one Licensed Premises to another Licensed Premises during the term of the existing registration upon payment of a ten dollar (\$10.00) administrative transfer fee, provided that:

- i. both premises are duly licensed as Licensed Premises under this section;

ii. the Licensed Operator submits updated registration information to the County within ten (10) business days identifying the new Licensed Premises at which the device is placed; and

iii. the number of Registered Entertainment Devices at each Licensed Premises does not exceed the maximum established in subsection 5542.4(c)(4).

7. **Term.** Device registrations shall expire on December 31 of each calendar year. Applications for renewal for the following calendar year may be filed beginning October 1 of the preceding calendar year. A renewal issued on or after October 1 for the following calendar year shall also extend and renew the device registration for the remainder of the current calendar year without payment of an additional fee for that period.

8. **Issuance.** The County shall register an Entertainment Device as a Registered Entertainment Device upon submission of a complete registration, payment of the required fee, satisfaction of the certification requirement in paragraph (3), and verification that the device meets the definition of an Entertainment Device and is associated with a Licensed Operator and Licensed Premises. The County shall approve or deny a complete registration within thirty (30) days, and any denial shall be in writing stating specific reasons and appeal rights.

9. **Identification Decal.** For each Registered Entertainment Device, the County may issue, and require the display of, a registration decal or similar marking that displays the calendar year for which the registration is valid. No Registered Entertainment Device shall be operated unless the required decal is affixed in a conspicuous location on the device, as prescribed by the County, and is visible to patrons and enforcement personnel.

e. Safe Harbor for Registered Entertainment Devices.

1. A Registered Entertainment Device that is operated in full compliance with this section shall not be treated by the County as an Unlicensed Gambling Device solely by reason of awarding a Monetary Prize, and shall not constitute a nuisance per se.
2. This safe harbor shall not apply to any device that:
 - i. has been materially altered or tampered with; or
 - ii. is operated in a manner inconsistent with the representations made in its registration; or
 - iii. functions, in fact, as a Gambling Device under Missouri law.

f. Operator–Location Agreement.

1. As a condition of licensing, each Licensed Premises shall maintain a written agreement with each Licensed Operator for the placement and operation of Entertainment Devices on the premises.
2. Such agreement shall:
 - i. specify the revenue-sharing or compensation structure between the Licensed Operator and the Licensed Premises;
 - ii. address installation, maintenance, and service obligations for the devices;
 - iii. provide for compliance with the requirements of this section 5542., including, but not limited to, recordkeeping, inspections, and user protections; and
 - iv. allocate responsibilities for the payment of licensing and registration fees, which may be paid by the Licensed Operator on behalf of the Licensed Premises.
3. The Licensed Operator and the Licensed Premises shall be jointly and severally responsible for the payment of all lawful winnings and Monetary

Prizes owed to users of Entertainment Devices under this section.

4. No premises shall be licensed as a Licensed Premises unless and until the County has received evidence of a current, signed Operator–Location agreement satisfying the requirements of this subsection.

g. Obligations of Licensed Premises.

1. **Time-on-Device Limitation.** A Licensed Premises shall not knowingly allow any individual user to play Entertainment Devices on the premises for more than two (2) consecutive hours in a single day. Licensed Premises shall make reasonable efforts, consistent with the nature and size of the business, to monitor and enforce this limitation. The County may adopt reasonable regulations specifying how such limitations may be implemented or monitored.
2. **Order and Nuisance Compliance.** Licensed Premises shall maintain order in the area surrounding Entertainment Devices, shall not permit disorderly conduct or unlawful activity in connection with the operation of such devices, and shall comply with applicable nuisance and public safety laws.
3. **Security Cameras.** Licensed Premises shall maintain operational security cameras providing clear video coverage of the area or areas surrounding Entertainment Devices at a minimum resolution of 1080p, and shall retain

recordings for not less than thirty (30) days. Recordings shall be used solely for lawful security, compliance, or law-enforcement purposes and shall be deleted after the retention period unless preservation is requested by law enforcement or required by law. Such recordings shall be made available upon lawful request by law enforcement or authorized County personnel.

4. **Access for Inspection.** Licensed Premises shall permit reasonable access during normal business hours to law enforcement officers and authorized County administrative personnel for the purpose of inspecting Entertainment Devices and verifying compliance with this section.
5. **Premises Safety.** The safety and security of the Licensed Premises, including the area surrounding Entertainment Devices, shall remain the responsibility of the person in control of the premises. Nothing in this section shall be construed to relieve any person of duties imposed by other provisions of law.
6. **Age Restriction and Signage.** No Licensed Premises shall permit any person under the age of eighteen (18) years to play Entertainment Devices. Licensed Premises shall ensure that clear, legible signage stating that play is limited to persons eighteen (18) years of age or older and that individual play is limited to two (2) consecutive hours per day is prominently displayed on or immediately adjacent to each Registered Entertainment Device. The

County may by regulation prescribe the form, size, and content of such signage. Signage shall also include a County contact (web or phone) for questions or complaints. Licensed Premises shall also post, in a conspicuous location proximate to the Entertainment Devices, the current Licensed Premises license or a County-issued premises license certificate or decal displaying the license number and the calendar year for which the license is valid.

7. **Public Restrooms.** Licensed Premises shall maintain clean, publicly accessible restrooms during operating hours, in compliance with standards established by the County's Environmental Health division.
8. **Revenue Composition.** In each Calendar Year, the Licensed Premises' gross receipts derived from Entertainment Devices shall not exceed fifty percent (50%) of the Licensed Premises' total gross receipts. For purposes of this paragraph, "gross receipts" means all receipts reported for business licensing or tax purposes, exclusive of sales tax. Where multiple Licensed Operators place Entertainment Devices at a Licensed Premises, device receipts shall be aggregated for purposes of this threshold. Licensed Premises shall maintain books and records sufficient to substantiate compliance with this limitation, and such records shall be available for inspection upon lawful request by authorized County personnel.

h. Obligations of Operators.

1. Operators shall ensure that all Registered Entertainment Devices placed or maintained within the County comply with the technical and operational standards established by this section and by any regulations adopted thereunder.
2. Operators shall cooperate with County inspections, provide requested documentation regarding device configurations and software, and maintain records sufficient to verify compliance, including logs of device placement, movement, and removal.
3. Operators shall not place any Entertainment Device at a premises that is not licensed as a Licensed Premises under this section, and shall promptly remove devices from any premises whose license has been suspended, revoked, or expired.

i. Inspections and Administrative Regulations.

1. Registered Entertainment Devices, Operators, and Licensed Premises shall be subject to inspection by authorized County personnel during normal business hours to verify compliance with this section.
2. The County may by regulation adopt additional technical, operational, certification, and recordkeeping standards for Entertainment Devices,

Operators, and Licensed Premises, consistent with this section and Missouri law, and may prescribe forms, documentation, and procedures necessary to administer this section, including sticker placement, signage format, and filing timelines.

j. Effect of Noncompliance.

1. Failure by an Operator, Licensed Operator, or Licensed Premises to comply with this subsection 5542.4, or failure of a Registered Entertainment Device to meet the requirements of this subsection, may result in administrative action under subsection 5542.5, including fines, suspension, or revocation of licenses or registrations, in addition to any civil or criminal remedies available under this section or state law.

5542.5. Administrative Remedies and Enforcement.

a. Authority.

1. The County is authorized to enforce the provisions of this section 5542. through administrative actions against Operators, Licensed Operators, Licensed Premises, and Registered Entertainment Devices, including the imposition of fines, suspensions, and revocations as set forth herein.
2. Unless otherwise designated by ordinance, the County's Environmental Health division, through the Director of Environmental Health or the

Director's designee, shall administer and enforce this section and may adopt reasonable rules and procedures consistent with this section and Missouri law.

b. Notice of Violation and Opportunity to Cure.

1. Except as provided in paragraph (d)(4) relating to emergency action, before imposing any administrative fine, suspension, or revocation under this subsection, the County shall issue a written notice of violation to the Operator and, where applicable, to the Licensed Premises.
2. The notice of violation shall:
 - i. identify the specific provisions of this section alleged to have been violated;
 - ii. describe the facts or circumstances constituting the violation;
 - iii. state the proposed administrative action or range of sanctions; and
 - iv. provide a reasonable period, not less than ten (10) days, within which the Operator or Licensed Premises may cure the violation or respond.

3. If the violation is cured within the time specified and no further action is warranted, the County may close the matter without further sanction, except that repeated or willful violations may still be considered in determining future penalties.
4. Upon refusal of access to conduct an inspection authorized by this section, Environmental Health may seek an administrative inspection warrant as provided by law.

c. Administrative Fines.

1. For any violation of this section 5542. or of any regulation adopted thereunder by an Operator, Licensed Operator, Licensed Premises, or owner of a Registered Entertainment Device, the County may impose an administrative fine not to exceed One Thousand Dollars (\$1,000.00) per violation.
2. Each day that a violation continues after the expiration of any cure period specified in a notice of violation may constitute a separate violation. In the case of violations involving devices, each affected device may be treated as a separate violation.
3. In determining the amount of any fine, the County may consider:

- i. the nature and severity of the violation;
- ii. whether the violation was knowing or willful;
- iii. any history of prior violations by the Operator or Licensed Premises;
- iv. the number of devices and locations involved; and
- v. any corrective actions taken.

d. Suspension and Revocation.

1. In addition to or in lieu of fines, the County may suspend or revoke:
 - i. an Operator license;
 - ii. a Licensed Premises license; and/or
 - iii. the registration of one or more Registered Entertainment Devices;

upon a finding that the Operator, Licensed Premises, or device has committed repeated violations or any willful or material violation of this section.

2. Grounds for suspension or revocation may include, but are not limited to:
 - i. operating any Unlicensed Gambling Device;
 - ii. knowingly making materially false statements in any application, registration, or required filing;
 - iii. tampering with or altering a Registered Entertainment Device so that it ceases to qualify as an Entertainment Device;
 - iv. refusal to permit lawful inspections under this section; or
 - v. failure to pay required licensing or registration fees; or
 - vi. repeated failure to comply with the Revenue Composition requirement in subsection 5542.4(g)(8).
3. The County may condition reinstatement of any suspended license or registration upon proof of compliance, payment of outstanding fines or fees, and such other conditions as the County deems reasonably necessary to prevent recurrence of the violation.
4. Emergency Suspension. Where the County has reasonable cause to

believe that an Operator, Licensed Premises, or Registered Entertainment Device is engaged in conduct that constitutes illegal gambling, presents an immediate threat to public safety, or involves knowing tampering with device compliance features, the County may order an immediate temporary suspension of the relevant license or device registration, effective upon written or oral notice, pending further proceedings under this subsection.

e. Ineligibility for Future Licensing.

1. Upon revocation of an Operator license or Licensed Premises license for repeated or willful violations, the County may declare the Operator or premises ineligible to apply for a new license under this section for a period not to exceed three (3) years from the date of revocation.
2. The period of ineligibility shall be stated in the written notice of revocation.

f. Administrative Hearings; Appeals.

1. Any Operator, Licensed Operator, or Licensed Premises aggrieved by the imposition of an administrative fine, suspension, revocation, or declaration of ineligibility under this subsection may request an administrative hearing by filing a written request with the County's Environmental Health division within ten (10) days after service of the notice of the action.
2. Upon timely request, the Environmental Health division shall provide an

opportunity for a hearing before a hearing officer designated by the Director of Environmental Health. The Operator, Licensed Operator, or Licensed Premises shall have the right to present evidence, call witnesses, and be represented by counsel at their own expense.

3. Following the hearing, the hearing officer shall issue a written decision affirming, modifying, or rescinding the administrative action. The decision shall constitute the County's final administrative action, subject to appeal to the County municipal court as provided by law.
4. Unless otherwise ordered in the notice of emergency suspension, the filing of a timely request for hearing shall stay the effectiveness of a non-emergency suspension or revocation pending the outcome of the hearing.

g. Cumulative Remedies.

1. The administrative remedies provided in this subsection 5542.5 are cumulative and in addition to any other remedies available to the County, including but not limited to:
 - i. civil actions for nuisance abatement under subsection 5542.6;
 - ii. criminal prosecution under subsection 5542.7; and

- iii. any enforcement action available under state law.
2. Nothing in this subsection shall be construed to limit the authority of the Jackson County Prosecuting Attorney or any law enforcement agency to enforce state law.

5542.6. Nuisance Premises and Abatement.

a. Nuisance Premises Defined.

1. A premises within Jackson County shall be deemed a Nuisance Premises if:
 - i. one or more Unlicensed Gambling Devices are maintained or offered for use on the premises after the Operator or person in control of the premises has received written notice of violation under this section and has failed to remove or disable such devices within the time specified in the notice; or
 - ii. the premises is the site of repeated or willful violations of this section 5542., including repeated failure to maintain order or comply with the obligations of a Licensed Premises under subsection 5542.4(g), after notice and an opportunity to cure; or

iii. the premises is associated with repeated criminal activity directly related to gambling or the operation of devices that constitute Gambling Devices under Missouri law.

b. Safe Harbor for Registered Entertainment Devices.

1. The presence or operation of Registered Entertainment Devices that are operated in full compliance with this section shall not, standing alone, constitute a public nuisance or grounds for declaring a premises a Nuisance Premises.
2. Nothing in this subsection shall preclude the County from considering other unlawful or chronic criminal activity at or associated with a premises in determining whether it constitutes a Nuisance Premises.

c. Abatement Actions.

1. The Jackson County Prosecuting Attorney is authorized to bring civil actions in the County municipal court in the name of the County to abate any Nuisance Premises under this subsection, including actions seeking injunctive relief, closure orders, imposition of conditions on continued operation, civil penalties, or such other remedies as may be authorized by law.
2. In any such action, the County may seek an order requiring the removal,

disabling, or seizure of Unlicensed Gambling Devices located on the premises, and may request that the court impose reasonable conditions on the future use of the premises to prevent recurrence of the nuisance.

3. Nothing in this subsection shall be construed to limit any nuisance or abatement authority available to the County or the Prosecuting Attorney under state law or other provisions of the Jackson County Code.
4. A judicial finding that a premises constitutes a Nuisance Premises under this subsection may be considered grounds for suspension or revocation of the Licensed Premises license under subsection 5542.5(d).

5542.7. Criminal Offenses and Penalties.

a. Offenses.

1. A person commits an offense under this subsection if the person knowingly and willfully:
 - i. maintains, places, or offers for use any Unlicensed Gambling Device in violation of subsection 5542.3; or
 - ii. tampers with, alters, or disables any feature of a Registered Entertainment Device so that it ceases to qualify as an Entertainment

Device under this section and instead functions as a Game of Chance or Gambling Device; or

iii. knowingly makes any materially false statement or omission in any application, registration, or filing required under this section; or

iv. obstructs or refuses to permit a lawful inspection of any Entertainment Device or Licensed Premises as authorized by this section, after having received written notice from the County; or

v. acts as an Operator or offers Entertainment Devices for play at a premises without the required Operator license, Licensed Premises license, or device registration under subsection 5542.4, after having received written notice from the County of the licensing or registration requirement; or

vi. acts as an Operator or Licensed Premises during a period in which the relevant license has been suspended or revoked under subsection 5542.5; or

vii. falsifies, forges, alters, counterfeits, or knowingly uses any license, license certificate, premises license posting, or registration decal required by this section, or affixes or displays any such decal or

certificate that was not issued by the County for the relevant Entertainment Device or Licensed Premises and Calendar Year, after having received written notice from the County.

b. Penalties.

1. Any person who commits an offense under this subsection shall, upon conviction, be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in jail for a period not exceeding one hundred eighty (180) days, or by both such fine and imprisonment.
2. Each Unlicensed Gambling Device, or each Registered Entertainment Device knowingly operated in violation of this section, and each day that such violation continues, may constitute a separate offense.
3. In determining the appropriate sentence, the court may consider as aggravating factors any prior convictions under this section, the number of devices involved, the duration of the violation, and whether the violation occurred after written notice from the County.

c. State Law Not Limited.

1. The criminal penalties provided in this subsection 5542.7 are in addition to, and not in lieu of, any penalties that may be imposed under state law. Nothing in this section shall be construed to preclude prosecution under any applicable provision of Missouri law.

5542.8. Entertainment Device Fund.

- a. **Establishment.** There is hereby created a special, non-lapsing fund of the County to be known as the “Entertainment Device Fund.” All fees, charges, and penalties collected by the County under this section 5542., including without limitation Operator license fees, Licensed Premises license fees, and Registered Entertainment Device registration fees, shall be deposited into the Entertainment Device Fund.
- b. **Purpose; Authorized Uses.** Monies in the Entertainment Device Fund shall be used for the purposes of administration, community improvement, and law enforcement related to this section, including but not limited to program administration and staffing, inspections and compliance activities, public education and outreach, data systems, and grants as provided herein.
- c. **Grants; Appropriation Authority.** The County Legislature may appropriate and grant monies from the Entertainment Device Fund to governmental or non-governmental agencies, organizations, or entities to carry out eligible purposes

under this subsection, including administration, community improvement, and law enforcement.

- d. **Accountability.** The Director of Environmental Health, or the Director's designee, shall maintain records of receipts and disbursements of the Entertainment Device Fund and shall provide an annual report to the County Executive and the County Legislature summarizing fund activity for the prior fiscal year.
- e. **Non-Lapsing.** Monies in the Entertainment Device Fund shall not lapse at the end of the County's fiscal year and shall remain available for the purposes stated herein.

5542.9. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed or amended hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

5542.10. Severability Clause.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact

that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section B. Effective Date.

This Ordinance shall take effect on the ninetieth (90th) day following its signature by the County Executive.

Effective Date: This Ordinance shall be effective on the 90th day following the signature of the County Executive.

APPROVED AS TO FORM:

Whitney Miller

Whitney Miller (Dec 4, 2025 15:56:44 CST)
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 6007 introduced on August 4, 2025, was duly passed on December 15, 2025 by the Jackson County Legislature. The votes thereon were as follows:

Yea 9 Nays 0
Abstaining 0 Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

12.15.2025
Date

Mary Jo Spino

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 6007.

12-15-25
Date

Phil LeVota

Phil LeVota, County Executive