

MESA COUNTY, COLORADO
RESOLUTION NO. MCM 2023-__8__

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MESA, COLORADO IMPOSING A
TEMPORARY MORATORIUM ON THE SUBMISSION,
ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY LAND
USE OR BUSINESS THAT ENGAGES OR OPERATES AS A
SKILLED GAMING BUSINESS, DIRECTING A PROMPT
INVESTIGATION OF THE COUNTY'S REGULATORY AUTHORITY
OVER SUCH BUSINESSES; DECLARING THE INTENTION OF THE
BOARD OF COUNTY COMMISSIONER TO CONSIDER THE
ADOPTION OF APPROPRIATE COUNTY REGULATIONS WITH
RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE OF THIS
RESOLUTION

WHEREAS, a new type of business has been operating in unincorporated Mesa County and throughout Colorado. The businesses look, feel, and operate much like a Las Vegas style casino. The businesses use technology to operate in a gray area of the law which purports to distinguish games of skill from games of chance. These businesses are referred to as a "skilled gaming business"; and

WHEREAS, due to the technology, the investigation and prosecution of the businesses as illegal gambling, i.e., games of chance, is almost impossible; and

WHEREAS, The games of skill typically offered by these businesses are video machines, similar to video slot machines, which the player may win money, cryptocurrency, or other value. Because these businesses operate in a gray area of the law, sometimes known as simulated gambling, they are unregulated and uncontrolled under Colorado law. The businesses often bring problems of increased crime, no public health oversight, and no regulation of the flow of money; and

WHEREAS, Mesa County's Land Use Development Code does not contemplate such businesses. This means skilled gaming businesses can operate in several of the zoning designations allowed by the County with little to no oversight; and

WHEREAS, the City of Grand Junction, Colorado passed a similar moratorium on February 1, 2023. The City of Grand Junction's moratorium may lead to these businesses opening in unincorporated Mesa County; and

WHEREAS, a temporary moratorium disallowing new skilled gaming businesses will allow time for the County Attorney's Office, Mesa County Community Development, and/or other agencies the opportunity to evaluate potential regulation, licensure, and other avenues, including coordination with the State, to better limit the impact the businesses are having on the

community; and

WHEREAS, the County has the authority to adopt this Resolution pursuant to (i) C.R.S. 30-15-401 et seq; (ii) C.R.S. 30-28-101 et seq; and 29-20-101 et seq., and

WHEREAS, this temporary moratorium is narrowly tailored and will further the health, safety, and welfare of the People of Mesa County, Colorado.

NOW THEREFORE, THE MESA COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO HEREBY FINDS THE FOLLOWING:

That the imposition of a moratorium up to and including August 14, 2023 on the submission, acceptance, processing, and approval for a land use or business that engages or operates as a “skilled gaming business.” This moratorium does not include “skilled gaming businesses” in existence at the time of this resolution. This moratorium will allow County Staff and the Board of County Commissioners reasonable time to promulgate and implement appropriate regulations of skill gaming businesses if necessary, and

That the duration of the moratorium imposed by this Resolution is reasonable in length and is no longer than is required for the County to properly investigate, develop, and, if appropriate, adopt and implement any regulations deemed necessary with respect to land uses or businesses that operate as “skilled gaming businesses,” and

That anyone desiring to own or operate a “skilled gaming business” will not be unfairly prejudiced by the imposition of the temporary moratorium imposed by this Resolution, and

That the County has the authority to adopt this Resolution pursuant to (i) C.R.S. 30-15-401 et seq; (ii) C.R.S. 30-28-101 et seq; and 29-20-101 et seq., and

That this Resolution is necessary and proper to provide for the health, safety, and welfare of the citizens of Mesa County, and

That the adoption of this Resolution is necessary for the immediate preservation of public property, health, welfare, peace, and safety. This Resolution is necessary in order to prevent any person from filing or pursuing an application of a County permit relating to any land use or business that operates as a “skilled gaming business.” Failure to immediately adopt the moratorium provided for in this Resolution will potentially allow a person to submit an application for a permit from the County and to possibly acquire certain rights with respect to the processing of such applications before the County has the reasonable opportunity to evaluate the possible community impacts that might be associated with a land use or business operating as a “skilled gaming business.” Without appropriate regulations, the operation of these “skilled gaming businesses” could negatively affect the neighborhood areas of the County and could potentially present issues related to crime. The Board of County Commissioners determines that the adoption of the Resolution is in the best interest of the citizens of Mesa County.

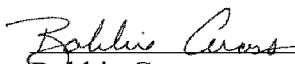
NOW THEREFORE, THE MESA COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO HEREBY RESOLVES THE FOLLOWING:

1. The moratorium imposed by this Resolution shall commence as of the date of the adoption of this Resolution, and shall expire August 14, 2023 unless sooner repealed. The period of effectiveness of this resolution is referred herein as the "Effective Period."
2. During the Effective Period, County Staff is directed to refuse to accept submissions to process or to approve applications for land uses or businesses that engage or operate as "skilled gaming businesses."
3. County staff shall thoroughly investigate the legal authority of the County to regulate "skilled gaming businesses." If deemed appropriate, County staff shall promulgate and implement reasonable regulations relating to "skilled gaming businesses."

DULY MOVED, SECONDED, AND PASSED THIS 14th day of February, 2023.

ATTEST:




Bobbie Gross
Mesa County Clerk & Recorder


Janet Rowland, Chair
Mesa County Board of County Commissioners,
State of Colorado