

ORDINANCE NO. 104**AN ORDINANCE DEFINING AND REGULATING SOCIAL GAMES IN THE CITY OF COOS BAY, PROVIDING FOR LICENSING AND FEES, PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE NO. 2; AS AMENDED BY ORDINANCE NO. 138 AND 142.**

The City of Coos Bay ordains as follows:

Section 1. Gambling Prohibited. No person shall participate in operate or assist in operating any gambling game or activity, including a lottery. No person shall have in his possession any property, instrument or device designated or adapted for use in any type of gambling activity. Any such property, instrument or device is a nuisance and may be summarily seized by any police officer. Property so seized shall be placed in the custody of the Department of Public Safety of the city, Upon conviction of the person owning or controlling such property for a violation of this section, the Municipal Judge shall order such property confiscated and destroyed.

Section 2. Definitions. For purposes of this ordinance, the following mean:

Card room. Any space, room or enclosure furnished or equipped with a table used or intended to be used as a card table for the playing of cards only, and the use of which is available to the public; provided, however, that this definition shall not apply to any bona fide nonprofit society, club or fraternal organization as defined in section 13 of this ordinance.

Gambling. Any contest, game, gaming scheme, gaming device or machine in which the outcome depends in a material degree upon an element of chance, notwithstanding the skill of the contestants may also be a factor therein. Gambling does not include "social games" or bingo, lotto, or raffles operated in compliance with Oregon law by a charitable, religious or fraternal organization, or off-track wagering operated in compliance with Oregon law. [Section 2 definition of gambling amended by Ordinance No. 142, section 1, passed June 20, 1989.]

Player. A person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity.

Social games.

(a) A game involving the playing of cards between players only, which does not include lotteries or any game involving the use of any property, instrument, or device designed or adapted for the in any type of gambling activity, in a private home where no house player, house bank or house odds exist, and there is no house income from the operation of the game, and

(b) A game involving the playing of cards between players only, which does not include lotteries or any game involving the use of any property, instrument, or device designed or adapted for use in any type of gambling activity, in a private business, private club, or place of public accommodation where no house player, house bank or house odds exist

and there is no house income from the operation of the social game.

Section 3. Application for License. From and after this date, it shall be unlawful for any person, firm or corporation to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any card room in the city without having a valid license from the city. License shall be granted only to persons of ascertained good moral character and upon the approval of the Council.

Section 4. License Investigation. An applicant for a card room license shall submit his application to the City Recorder, which application shall be under oath and shall include, among other things, the true names and addresses of all persons financially interested in the business, the personal history and business experiences of such persons, the past criminal record, if any, of all persons who have any interest in the business and any other matters deemed by the Council to be of necessary inquiry. The application shall be accompanied by a non-refundable investigation fee of \$65. The term "person financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees, and the owner or owners of the building, fixtures or equipment. The application shall also be accompanied by fingerprints and photographs of persons financially interested.

Section 5. Special Event License. A bona fide nonprofit society, club or fraternal organization as defined in section 13 shall submit its application for a card room license to the Recorder on the application form provided which shall include, among others, the name of the organization, the date and place for the proposed event, and whether or not the general public will be allowed to attend. No investigation fee shall be required.

Section 6. Granting and Denial of Application. The Council shall either approve the application and grant the license applied for or deny the application and refuse to grant the license. The license shall not be granted if:

- (1) Any person who has any interest in the business has been previously convicted of a felony within the last ten (10) years;
- (2) Any person who has any interest in the business has been convicted of five misdemeanors or major traffic offenses, or any combination of misdemeanors and major traffic offenses totaling five, the last of which was within five years of the date of the application;
- (3) Any person who has any interest in the business has been convicted of any crime involving gambling within the last five (5) years or any person who has any interest in the business has forfeited bail after November 1, 1971, for any crime involving gambling;
- (4) Any person who has any interest in the business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device as defined in the Oregon Revised Statutes where such gambling device has been ordered destroyed within the last five (5) years;
- (5) Any false or misleading information is supplied in the application or any information requested is omitted from the application;
- (6) Any person who has any interest in the business has had a license which was in his name revoked or suspended three times by the Oregon Liquor Control Commission, the last of which

was in the last five years;

(7) Any person who has any interest in the business has any employee who violates any section of this ordinance; and

(8) Any other conduct involving moral turpitude on the part of any person who has any interest in the business.

Section 7. Responsibility of Licensee. Each card room shall have assigned to it a person whose duty shall be to supervise the games and see to it that they are played strictly in accordance with this ordinance and within the provisions of the Oregon Revised Statutes, No licensee shall permit any person to engage in unlawful gambling in or upon any licensed premises. The licensee shall be vicariously liable for any conduct of any employee in regard to any gambling activity or social game conducted in or upon licensed premises.

Section 8. Employee Work Permits. Employees in card rooms and employees supervising card room activities shall obtain a work permit from the city. Applications for such work permits may be obtained from the Recorder and shall contain such information as may be deemed necessary to allow a police background investigation. The City Manager may deny a permit based upon recommendations from the Public Safety Department when it is documented that such employment should not be permitted. No work permit shall be issued to any person who has not been a resident of Coos County, Oregon, for at least six (6) months preceding the issuance of such permit, and/or who has been involved in any of the conduct described in section 6 which would lead to the refusal to grant a license. Each application for a work permit shall be accompanied by a fee of \$25, renewable annually from date of application. A temporary work permit may be approved by the City Manager pending applicant's background check.

Section 9. License Not Transferable. No card room license shall be assignable or transferable. Change of persons having financial interest in a licensed business shall be reported immediately to the City Manager, who shall order an investigation by the public safety department. The change shall be approved or denied by the Council. Applications for a change of financial ownership shall be accompanied by a non-refundable investigation fee of \$65.

Section 10. Suspension and Revocation of License.

(1) The City Manager shall temporarily suspend any card room license or work permit issued hereunder if;

(a) Any person who has any interest in the business is convicted of a felony;

(b) Any person who has any interest in the business is convicted of five misdemeanors;

(c) Any person who has any interest in the business is convicted of or forfeited bail for any crime involving gambling;

(d) Any person who has any interest in the business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device as defined in the Oregon Revised Statutes where such gambling device has been ordered destroyed or a bond has been forfeited in lieu of the gambling device being destroyed;

- (e) Any false or misleading information is supplied in the application or any information requested is omitted from the application;
 - (f) Any person who has any interest in the business has had a license which was in his name revoked or suspended three times by the Oregon Liquor Control commission;
 - (g) Any person who has any interest in the business or any employee violates any section of this ordinance;
 - (h) Any person who has any interest in the business engages in any other conduct involving moral turpitude; and
 - (i) Any licensee shall permit any person to engage in unlawful gambling in or upon any licensed premises.
- (2) Any action taken by the City Manager under section 10(l) shall be subject to the right of appeal to the Council when meeting in regular Council session. Notice of appeal shall be filed with the Recorder within twenty (20) days or such action shall be deemed final and conclusive. A temporary suspension shall be for thirty (30) days.
- (3) Permanent revocation may be made only by the Council and such revocation shall only take place at a Council meeting in regular Council session upon application of the City Manager and only after the licensee has been served with notice at least twenty (20) days prior to the Council meeting. Such notice shall include the time and date of the council meeting and the grounds upon which the permanent revocation is sought. Notice shall be deemed to have been received by the licensee or permittee if the City Manager mails notice to the address listed by the licensee or permittee on his application for a license or permit.

Section 11. Regulations. It shall be unlawful to operate a card room in violation of any of the following regulations and rules:

- (1) With respect to the social games set forth in section 2, and except for organizations defined under section 13, there shall be a limit on any bet of \$20 and a 3 (three) raise limit.
- (2) Licensees and permittees holding or obtaining licenses and permits under the provisions of this ordinance shall thereby automatically agree to be bound by and observe each and all of the regulations and rules established thereby.
- (3) Each and all other games conducted or operated in the city pursuant to the provisions of this ordinance shall be conducted and operated in full conformity with and subject to all provisions of the laws of the state of Oregon and the city of Coos Bay.
- (4) All card rooms shall be open to police inspection during all hours of operation. Card room licenses and work permits shall be available for inspection during all hours of operation.
- (5) No licensee or permittee shall participate in any card game nor procure players, back, farm out, assign or sublet any card games lawfully permitted under this ordinance on the premises in which said licensee or permittee has any interest or works.

(6) The playing of all card games shall be so arranged as to provide free access and visibility to any interested party. Doors leading into the card room must remain unlocked during all hours of operation.

(7) No person under the age of 21 shall be permitted to participate in any card game or to enter or remain upon such premises.

(8) No charge shall be collected from any player for the privilege of participating in any game.

Section 12. License Fees. There shall be collected for each card room licensed hereunder, the sum of \$50 per table per month, payable quarterly in advance.

Section 13. Bona Fide Non-Profit Society, Club or Fraternal Organization License.

(1) A non-profit society, club or fraternal organization having adopted by-laws and duly elected directors and members may be granted a license at an annual fee of \$120 per table, when it appears that the tables are for the exclusive use of members of the society, club or fraternal organization and no charge is made for participation. The society, club or fraternal organization shall have been in continuous existence conducting its affairs in the city for a period of two years immediately preceding application for a license, and only if the conduct of a card room is not the primary reason for existence of the society, club or fraternal organization.

(2) A non-profit society, club or fraternal organization having adopted by-laws and duly elected directors and having been in existence for at least two years preceding application may apply for a license to allow social games at a special event sponsored by such organization. The license fee shall be \$25 per event, There shall be no charge per table.

Section 14. Penalty. Violation of, or failure to comply with, any provision of this ordinance is punishable upon conviction by a fine not to exceed \$1000.

Section 15. Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 16. Repeal. Ordinance No. 2, as amended by Ordinance No. 44, passed December 29, 1983, is repealed.

Passed by the Council and approved by the Mayor July 13, 1987.