

ORDINANCE NO. 866

AN ORDINANCE PROVIDING FOR THE REGULATION OF SOCIAL GAMES WITHIN THE CITY OF PRINEVILLE; PROVIDING FOR PROCEDURES AND PENALTIES; AND REPEALING ORDINANCE NO. 732.

The People of the City of Prineville ordain as follows:

Section 1. Prohibitions. No person shall participate in, operate, or assist in operating, any gambling game or activity.

Section 2. Definitions.

1. The term "Gambling" shall mean any contest, game, gaming scheme or gaming device played for anything of value in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein; except the term "Gambling" shall not include social games.

2. The term "Social Games" means:

a. A game, other than a lottery, between players in a private home where no house player, house bank or house odds exists, and there is no house income from the operation of the social game; and

b. Games, other than lottery, between players in a private business, in a private club or place of public accomodation where no house player, house bank or house odds exist, and there is no income from the operation of the social game.

Section 3. Application for Premise License.

1. No person who owns, manages, or operates a private business, private club, or place of public accomodation shall permit a social game between players at a place without first securing a premises license for such purpose from the Prineville City Council.

2. The cost of a premise license shall be \$100.00 annually. There shall be no pro rata refund of said fee in the event the license is revoked.

3. Application for a premise license shall include the following:

a. Name of proposed licensee, date of birth, social security number, ODL number, location of place of business, place of residence for the past five (5) years and any criminal records.

b. The type or types of social games to be played, number of participants, number of gaming tables to be used and maximum betting of game.

4. The premise license issued under this Section shall not be assignable or transferable. A change in ownership of licensed business shall require a new application for license.

5. The premises shall provide all cards and gaming equipment.

Section 4. Granting and Denial of Application for Premise License.
When reviewing an application for a premise license, the City Council shall consider:

1. Applicant's criminal record, if applicable;
2. Completeness, authenticity, and accuracy of the application.
3. Prior gaming violations; and
4. Evidence of good character.

Section 5. Suspension and Revocation of Premise License.

1. A premise license shall be temporarily suspended if there are reasonable grounds to suspect that the holder of the premise license has violated any provision of this Ordinance or has committed any act that would have denied him or her from receiving the initial license under Section 4.

Section 6. Hearing on Revocation of Premise License. Any premise licensee who has been temporarily suspended pursuant to Section 5 of this Ordinance, shall be entitled to a hearing to be held by the City Council.

Section 7. Regulations.

1. The City Council may limit the types of games played.
2. Violation of the following acts is hereby unlawful:
 - a. There shall be a maximum of three (3) gaming tables.
 - b. The deal shall be on a rotating basis.
 - c. All premises shall be opened to police inspection during all hours of operation. The premise license must be displayed for public view at all times.
 - d. 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 premises must remain unlocked during all hours of operation with games limited to legal liquor hours.
 - e. No person under the age of twenty-one (21) shall be permitted to participate in any card game or to enter or remain upon such premises.
 - f. No charge shall be collected from any player for the privilege of participating in any game.
 - g. No signs or advertising of gambling, playing of cards or advertising specific forms of card playing, enticing participants or procuring players shall be permitted. Signs visible from inside the building informing the public in which areas cards may be played will be allowed.
 - h. With respect to the social games set forth in this Ordinance; there shall be a limit on any bet of \$2.00, and a three-raise limit.
 - i. No premise licensee shall participate in any social gaming, nor procure players, back, farm out, assign, or sublet in card games lawfully permitted under this Ordinance on the premises in which said licensee has an interest or works.
 - j. No premise licensee shall permit persons who are visibly intoxicated to participate in gaming activities. The licensee shall supply the Police Department with the hours of operation of the establishment. These hours must be displayed in public view in the premises at all times.
 - k. No alcoholic drinks or beverages shall be purchased for or furnished at no cost to the players by a premise owner, manager, employee or supervisor.
 - l. No guns or firearms of any kind will be allowed on anyone's person inside the premise, except as carried by official law enforcement officers.
 - m. Each premise shall have assigned to it a person whose duties shall include supervision of any games played within the premises and see to it that they are played strictly in accordance with this Ordinance and within the provisions of the Oregon Revised Statutes. No premise licensee shall permit any person to engage in unlawful gambling in or upon any licensed premises. The premise licensee shall regulate the times for the use of its premises.

Section 8. Powers of City. The City and its law enforcement agencies shall have, in addition to any other powers that it may have conferred by statute, ordinance or otherwise, the right to inspect and examine, in connection with social games, all premises, equipment and supplies in, upon or about premises where cards are played. In the course of exercising their duties under this Section, they may summarily seize and remove from such premises and impound any gaming equipment or supplies for the purposes of examination and inspection of said gaming equipment and supplies.

Section 9. Penalties. Upon certification by any member of a law enforcement agency that any of the Section 7 regulations have been violated, the affected premise license shall be suspended until a court hearing and trial has been completed. Violation of this Ordinance is punishable, upon conviction, by a fine of not more than \$2,500.00, or imprisonment in the County Jail for a period not to exceed one (1) year, or both, and where other City Ordinances or State of Oregon laws are violated, such violations are punishable in accordance with such acts. Each day of violation constitutes a separate offense. Conviction of a violation shall result in the permanent revocation of a license.

Section 10. Severance Clause. If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment of validity of the portion hereof declared to be unconstitutional or invalid, is valid.


Section 11. Repeal. Ordinance No. 732 is hereby repealed.

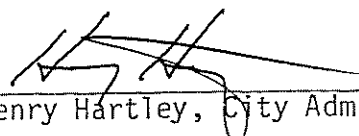
Passed by the City Council this 14th day of December, 1982.

Approved by the Mayor this 14th day of December, 1982.

First Reading November 23, 1982.

Second Reading December 14, 1982.


David C. Asher, Mayor


Henry Hartley, City Administrator/Recorder