

Repealed #162A

CITY OF LAKESIDE

ORDINANCE NO. 25

AN ORDINANCE DEFINING AND REGULATING GAMBLING IN THE CITY OF LAKESIDE, PROVIDING FOR LICENSING AND FEES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND DECLARING AN EMERGENCY.

The City of Lakeside ordains as follows:

Section 1. 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 designed 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 Chief of Police of the City. Upon conviction of the person owning or controlling such property for a violation of this section, the Court shall order such property confiscated and destroyed.

Section 2. Definitions:

1) As used in this ordinance except where the context indicates otherwise, the following shall mean:

a) The term "gambling" shall mean 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.

b) The term "gambling" shall not include social games. Social games means:

1) A game involving the playing of cards only, which does not include lotteries or any game involving the use of any property, instrument, or device designed or adapted for the use in any type of gambling activity, between players 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 social game;

2) A game involving the playing of cards only, which does not include lotteries or any game in-

volving the use of any property, instrument or device designed or adapted for the use in any type of gambling activity, between players 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 income from the operation of the social game, and

3) Bingo as described in Oregon Revised Statutes.

c) A "card room" is defined to be 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 and which is located on premises operated under a valid restaurant license, retail malt beverage license, dispenser's license or special events dispenser's license issued by the Oregon Liquor Control Commission; provided, however, that this section shall not apply to any bona fide nonprofit society, club or fraternal organization as defined in ORS 167.117.

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 said City. License shall be granted only to persons of ascertained good moral character and upon the approval of the City 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 card room, the personal history and business experiences of such persons, the past criminal record, if any, of all persons who have any interest in the card room and any other matters deemed by the Council to be of necessary inquiry. Said application shall also be accompanied by a Sixty-Five Dollar (\$65.00) nonrefundable investigation fee. The term "person financially interested" shall include landlords, lessors, lessees, and the owner or owners of the building, fixtures, or equipment of the card room. The application shall also be accompanied by fingerprints and photographs of persons financially interested.

Section 5. Granting and Denial of Application: The

City 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 card room has been previously convicted of a felony within the last ten (10) years;

2) Any person who has any interest in the card room been convicted of five (5) misdemeanors, the last of which was within five (5) years;

3) Any person who has any interest in the card room has been convicted of any crime involving gambling within the last five (5) years;

4) Any person who has any interest in the card room has been directly or indirectly involved in a forfeiture proceedings regarding a gambling device as defined in the Oregon Revised Statutes where such gambling device has been ordered destroyed after November 1, 1972, or within the last five (5) years, whichever is the lesser period of time.

5) Any false or misleading information is supplied in the application or any information requested is omitted from the application; or

6) Any person who has any interest in the card room 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.

Section 6. 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.

Section 7. Employee Work Permits: Employees supervising card room activities shall obtain a work permit from the City. Applications for such work permits may be obtained from the City Recorder and shall contain such information as may be deemed necessary to allow a police background investigation. 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 5 which would

lead to the refusal to grant a license. Each application for a work permit shall be accompanied by a fee of \$ 50.00 and when approved the work permit shall be valid for one year from date issued. An annual renewal fee of \$ 50.00 shall be payable on the anniversary date. A temporary work permit may be approved by the City Recorder pending applicant's background check. If the applicant qualifies the Recorder shall issue the permit.

Section 8. License Not Transferable: No card room license shall be assignable or transferable. Change of persons having financial interest in a card room shall be reported immediately to the City Recorder who shall order an investigation by the Police Department and the change approved or denied by the City Council. Application for change of financial ownership shall be accompanied by a Sixty-five Dollar (\$65.00) nonrefundable investigation fee.

Section 9. Suspension and Revocation of License: The City Recorder shall temporarily suspend any card room license or work permit issued hereunder if:

- 1) Any person who has any interest in the card room is convicted of a felony;
- 2) Any person who has any interest in the card room is convicted of five (5) misdemeanors;
- 3) Any person who has any interest in the card room is convicted of or forfeits bail for any crime involving gambling.
- 4) Any person who has any interest in the card room is 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.
- 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 card room has a license which was in his name revoked or suspended three times by the Oregon Liquor Control Commission;
- 7) Any person who has any interest in the card room

or any employee violates any section of this ordinance.

Action in this respect shall be subject to the right of appeal to the City Council meeting in regular council session. Notice of such appeal shall be filed with the City Recorder within ten days or such action shall be deemed final and conclusive. A temporary suspension shall be for thirty days.

Permanent revocation may be made only by the City Council and such revocation shall only take place at a City Council meeting in regular council session upon application of the City Recorder or Police Chief and only after the licensee has been served with notice at least twenty days prior to the City Council meeting. Such notice shall include the time and date of the City 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 Recorder mails such notice to the address listed by the licensee or permittee on his application for a license or permit.

Section 10. 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) 1) b), and except for organizations defined under Section 12 herein, there shall be a limit on any bet of Five Dollars (\$5.00) and a 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 terms, conditions, and provisions of this ordinance and of the regulations and rules established thereby.

3) Each and all of the 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 the provisions of the laws of the State of Oregon and the City.

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 11. Each licensee shall pay to the City an annual fee of \$200 for the license, and \$100 for each social game table within card room licensed. Provided, that no card room shall operate more than four social game tables at any one time.

Section 12. Exceptions to License: A nonprofit society, club, or fraternal organization having adopted bylaws and duly elected directors and members may be granted a permit at an annual fee of \$100 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.

Section 13. Penalty: Violation of or failure to comply with any provision of this ordinance is punishable upon conviction by a fine not to exceed One Thousand Dollars (\$1,000) or imprisonment in jail not to exceed one year, or both such fine and imprisonment.

Section 14. 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 judgment 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 or validity of the portion hereof declared to be unconstitutional or invalid, is valid.

Section 15. A special City election shall be held

prepare the sample and official ballots for said election. Said Election Officer shall make arrangements for said election, and if any member of the Board of Election shall be unwilling or unable to serve as such, the Council shall appoint a qualified substitute.

Section 20. The Election Officer shall cause notice of the Special City Election to be posted in three conspicuous places within said City for a period of not less than 10 days prior to the date of holding said Special City Election and shall publish at least two times, the first publication shall not be more than 25 days nor less than 15 days preceding the election and the last publication shall be not more than 14 days nor less than 8 days preceding the election, in "The World", a newspaper of general circulation in said City.

Section 21. That the final draft of Ordinance No. 25 regulating social games within the City be filed with the City Recorder at least 30 days before the election hereunder, and that the Recorder keep and preserve the same until the results of said election are published. That the Recorder shall keep and maintain, at all times during regular business hours of the City at the City's office, at least 5 certified copies of said ordinance, available for public inspection and review. Said Recorder shall provide to any person, for his own use, a copy of said ordinance upon the payment of \$2.50 which shall be deposited to the General Fund.

Section 22. Sections 1 through 14 of this ordinance shall become effective only in the event the proposition submitted to the voters hereunder shall pass. Thereafter, said sections shall be effective 1 day after the election results are canvassed and the measure is declared passed by the Council.

Section 23. It is the opinion of the City Council that an emergency exists and that it is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Lakeside that this ordinance take effect from and after its passage and approval by the Mayor. Therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage

and approval by the Mayor.

The foregoing ordinance was duly passed by the City Council of the City of Lakeside on this 3rd day of November, 1977.

AYE: Elmer, Langley, Bibbey, Harmon, Tracy
NAY: none
ABSENT: vacant position
ABSTAIN: Hille

Jack Harmon
Mayor - Jack Harmon

ATTEST:
S.E. Herman
City Recorder - S.E. Herman

NOTE:

As the Election held 12/13/77 failed to carry sections 1 thru 14 of this Ordinance are not in effect.

S.E. Herman