

## ARTICLE TWO

### DIVISION FOURTEEN

### SOCIAL GAMES

#### SECTION 2.14.010

#### RESERVED

#### SECTION 2.14.020

#### GAMBLING

(1) No person shall participate in, operate, assist in operating, or allow to be operated on, premises under his or her control, any gambling game or activity, including a lottery.

(2) The term “gambling” shall mean any contest, game, gambling scheme, gaming device or machine in which the outcome depends, in a material degree, upon an element of chance, notwithstanding that the skill of the contestants may also be a factor therein.

(3) The term “gambling” shall not include social games; social games, mean:

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

(b) Games, other than a lottery, 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 house income from the operation of the social game.

#### SECTION 2.14.030

#### LICENSE REQUIRED

Social games are authorized in a private business, private club, or place of public accommodation, only upon issuance of a license as provided under this division. Licenses thereby issued are subject to the provisions of this division.

#### SECTION 2.14.040

#### APPLICATION FOR LICENSE

(1) Any person, partnership, or corporation applying for a license under this must include within said application:

(a) The name and title of the applicant for a licenses;

(b) The name and address of the business of establishment for which the license is requested;

(c) The name and address of the owner of the business or establishment for which a license is requested;

(d) A signed statement by the owner of the business or establishment to the effect that the applicant has permission to operate a table(s) within the establishment, and the number of tables he has permission to operate;

(e) The number of tables the applicant seeks to have licensed;

(f) The applicant's primary type of business conducted on the premises; and

(g) The list of the employees who will be operating the table(s).

(2) All applications shall be filed with the Board of Curry County Commissioners.

#### SECTION 2.14.050

#### CONSIDERATION OF APPLICATION

Consideration of the application for a social game license shall be made within twenty (20) days after said application is received unless the Board decides to take the application under advisement for a reasonable period of time for further investigation, including, but not limited to the holding of hearings.

#### SECTION 2.14.060

#### ISSUANCE OF LICENSE

(1) Upon approval of an application for a license the Board shall issue a license to the applicant. A license granted under this ordinance shall contain:

(a) The name of the applicant-licensee;

(b) The address of the establishment or business conducting social games under that license;

(c) The duration of the license;

(d) The number of tables licensed for social games under that license, which shall be a maximum of three (3); and

(e) The names of employees authorized to operate the table(s).

(2) The license shall be valid for one (1) year from date of issue unless revoked as provided herein.

SECTION 2.14.070

RESTRICTIONS ON LICENSE

(1) A license may not be transferred to another licensee or another establishment.

(2) However, other amendments to a license may be allowed at the Board's discretion.

SECTION 2.14.080

LICENSE FEE

The annual basic fee for a social games license shall be set by order of the Board of Curry County Commissioners.

SECTION 2.14.090

EXPENDITURE OF LICENSE FEES

All fees and charges collected from the issuing of social games licenses go into the General Fund of Curry County.

SECTION 2.14.100

RENEWAL OF LICENSE

It shall be the responsibility of the licensee to make application for renewal of an existing license.

SECTION 2.14.110

BETTING LIMITS

For any social game licensed under the division betting limits shall be set by order of the Board of Curry County Commissioners.

SECTION 2.14.120

AGE LIMITS

It is a violation of this division for any licensee or her or his agent, employee, officer, or servant to allow any person under the age of twenty-one (21) to participate in any activity in the licensed premises when such activity would be gambling but for the fact it is a social game. A culpable mental state is not required for a violation of this section to occur.

SECTION 2.14.130

SUSPENSION AND REVOCATION OF LICENSE

(1) The Board shall temporarily suspend any social games license issued hereunder if:

(a) Any owner or manager of the business premises has been convicted of a felon

within the last ten (10) years.

(b) Any owner or manager of the business premises has been previously convicted for any crime involving gambling, or has been involved directly or indirectly in a forfeiture proceeding regarding a gambling device as defined above.

(c) Any false or misleading information is supplied in the application or any information requested is omitted either in the original application or at other proceedings.

(d) Any owner of the business premises or the business premises itself has a license revoked or suspended by the Oregon Liquor Control Commission, during the period of the social games licenses.

(e) Any owner or manager of the business premises profits from gambling or promotes gambling, either on the licensed premises and/or in any other activity.

(f) Employees not authorized under the license operate table(s).

(g) Any other conduct involving moral turpitude on the part of any of the premises owner, his agents, his employees, or other representatives.

(2) Action taken in this respect shall be subject to the right of appeal to the Board of Commissioners meeting in regular scheduled session. Notice of such appeal must be filed with the County Clerk within ten (10) days or such action of the Board shall be deemed to be final and conclusive. A temporary suspension shall be for thirty (30) days.

(3) Permanent revocation may be made only by the Board of Commissioners, and such revocation shall only take place at a Board meeting in regular session upon application of the Sheriff, and only after the licensee has been served with notice at least fourteen (14) days prior to the Board meeting. Such notice shall include the time and date of the Board meeting and the grounds upon which the permanent revocation is sought. Notice shall be deemed to be received by licensee if the County Clerk mails such notice to the address listed by the licensee on his or her application.

#### SECTION 2.14.140

#### GAMBLING DEVICES

No person shall have in his or her possession any property, instrument or device designed or adopted for use in any gambling activity. Any such property, instrument or device is hereby declared a public nuisance and may summarily seized by any peace officer. Property so seized shall remain in the custody of the seizing agency, subject to order by a court exercising proper jurisdiction.

SECTION 2.14.150      AUTHORITY

This ordinance is created under the authority of ORS 167.121.

SECTION 2.14.160      FAILURE TO COMPLY

Penalties are as provided in Article 10 of this ordinance.