

0231

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING CHAPTER 601, )  
SOCIAL GAMES, OF THE KLAMATH COUNTY ) ORDINANCE NO. 21.06  
CODE )  
\_\_\_\_\_ )

WHEREAS, the Director of the Klamath Basin Senior Citizen's Center has requested that the Board of County Commissioners amend the Klamath County Code to allow BINGO games in Klamath County; and

WHEREAS, the Klamath County Board of Commissioners have held two public hearings and have determined that it is in the best interest of Klamath County to amend the Social Games ordinance to include BINGO;

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that Chapter 601, Social Games, of the Klamath County Code is amended to read as follows<sup>1</sup>:

CHAPTER 601 CONTENTS

CHAPTER 601  
SOCIAL GAMES

601.005	Definitions.....	137
601.100	<del>[Card Table]</del> <u>Social Gaming License</u> .....	137
601.120	Supervisor.....	138
601.150	Reduced License Fees.....	139

<sup>1</sup> Portions deleted from the old Code are placed in brackets and lined out and portions to be added are boldface and underlined.

601.200 Regulations . . . . . 139

601.210 Suspension and Revocation of Licenses . . . . . 139

601.400 Penalties . . . . . 140

601.500 Severability . . . . . 140

- Ordinance No. 21.01 - 12/04/80
- Ordinance No. 21.01A - 09/23/81
- Ordinance No. 21.02 - 05/19/93
- Ordinance No. 21.03 - 03/16/94
- Ordinance No. 21.04 - 11/28/2000
- Ordinance No. 21.05 - 10/05/2004
- Ordinance No. 21.06 -**

**CHAPTER 601  
SOCIAL GAMES**

**601.005 Definitions.** As used in this Ordinance, except where the context indicates otherwise, the following shall mean:

~~(1) "Contest of Chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of contestants may also be a factor therein.~~

~~(2) "Gambling" means where a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. "Gambling" does not include:~~

~~(a) Social games; or~~

~~(b) Bona fide business transactions valid under the law of contracts for the purchase or sale at a future date of securities or commodities, including but not limited to contracts or indemnity or guaranty and life, health or accident insurance.~~

~~(3) "Gambling Device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of unlawful gambling, whether it consists of gambling between persons or gambling by a person involving the playing of a machine. Amusement devices which do not return to the operator or player thereof anything but free additional games or plays shall not be considered to be a gambling device.]~~

(1) "Gaming Room" means any space, room, or enclosure furnished or equipped with a table or tables intended to be used as a card table for the playing of cards or equipped for Bingo, the use of which is available to the public.

([4] 2) "Social Games" means:

(a) A game involving the playing of cards and/or Bingo only, which does not include lotteries, 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; and

(b) a game involving the playing of cards and/or Bingo only, which does not include lotteries, between players in a private business, private club, or a 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.

(c) in accordance with ORS 167.117(7)(c) "gambling" does not include social games.

~~[(5) "Card Room" means any space, room, or enclosure furnished or equipped with a table 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, this section shall not apply to any bona fide nonprofit society, club, or fraternal organization as defined herein.]~~

**601.100 [Card Table] Social Gaming License.**

(1) ~~[From and after Jan. 1, 1981, i]~~ 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 or any space, room or enclosure where social games are conducted as defined in this Ordinance without having a valid license from said County.

(2) There shall be a license fee collected for each card table and each location where Bingo is played, including a reduced license fee ~~[licensed hereunder, except]~~ as provided in Section 601.150 of this Ordinance~~[, a]~~. The fee to be determined periodically by Order of the Board of County Commissioners and to be effective thirty (30) days after passage of the Order by the Board of County Commissioners. For new applicants for the period from July 1 to December 31, the annual fee shall be reduced by one-half for the first annual license.

(3) Such ~~[card table]~~ Social Gaming license shall be issued in the name of the owner, proprietor or lessee of the premises for which the permit is sought, and is applicable only to those premises.

(4) Such licenses shall be granted only upon the approval of the Board of County Commissioners of Klamath County.

(5) Such license shall not be granted if:

(a) Any person financially interested in the [~~business~~] premises to be licensed has been previously convicted of a felony within the last 10 years; or

(b) Any person financially interested in the [~~business~~] premises to be licensed has been convicted of or forfeited bail for any crime involving gambling within the last five years; or

(c) The applicant has knowingly or willfully supplied false or misleading information in the application; or

(d) Any person financially interested in the [~~business~~] premises to be licensed has had a license which was in his name revoked or suspended three (3) or more times by the Oregon Liquor Control Commission, the last of which was in the last three years; or

(e) Any person financially interested in the [~~business~~] premises to be licensed has violated any section of this Ordinance; or

(f) Any person financially interested in the [~~business~~] premises to be licensed has been convicted of any offense involving moral turpitude within the last five years.

(6) No license issued pursuant to this Ordinance shall be assignable or transferable. The addition or the substitution of a person financially interested in a licensed [~~business~~] premises shall be reported immediately to the Board of Commissioners of Klamath County.

(7) Licenses may only be granted to individuals, firms, or corporations who have successfully applied and received a license from the Oregon Liquor Control Commission to sell alcoholic beverages on the premises, as long as said license remains unrevoked.

(8) The Board of County Commissioners may, in their discretion, obtain and consider the recommendations of the Sheriff of Klamath County, Oregon, with respect to the granting or denial of licenses.

**601.120 Supervisor.** Each business granted a [~~card-table~~] social gaming license shall assign a person whose duty shall be to supervise the games and see that they are played strictly in accordance with this Ordinance and the provisions of Oregon State Law.

**601.150 Reduced License Fees.** A nonprofit society, club, or fraternal organization having adopted bylaws and duly elected directors and members may be granted a social gaming license at an annual fee to be determined periodically by Order of the Board of County Commissioners and to be effective thirty (30) days after passage of the Order by the Board of County Commissioners [~~per table~~] when it appears that the social game is [~~tables are~~] for the exclusive use of members of the society, club or fraternal organization, no charge is made for participation, and the conduct

of social games is not the primary reason for existence of the society, club, or fraternal organization. The society, club, or fraternal organization shall have been in continuous existence, actively conducting its affairs in the County of Klamath for a period of two years immediately preceding application for a license. The annual fee is payable on or before January 1 of each year, and shall be prorated for new applicants for the period of July 1 to December 31 to one-half the annual fee.

#### **601.200 Regulations.**

(1) All [~~card rooms and all~~] areas where social games are played shall be open to police inspection during all hours of operation. Doors leading into [~~card~~] rooms must remain unlocked during all hours of operation. [~~Card room and dealer~~] **Social Game** licenses shall be posted in a conspicuous place during all hours of operation.

(2) The playing of all [~~card~~] **social** games, except those conducted in organizations as defined in KCC [~~601.005-(5)~~] **601.150** herein, shall be so arranged as to provide equal access and visibility to any interested party.

(3) No person under the age of 21 shall be permitted to participate in any card game.

(4) No charge shall be collected from any player for the privilege of participating in any **card** game. **All fees collected for Bingo shall be returned as prizes to winning players.**

(5) The limit on social games shall be determined periodically at the will of the Board of County Commissioners by order of the Board of County Commissioners.

(6) No participant in any social game shall be charged a price for any consumer goods which is higher or lower than the price charged non-participants.

(7) A copy of the regulations and rules set out in this Ordinance and the limits established by the Board of County Commissioners shall be posted in a conspicuous place by the card room license in all areas where social games are played.

#### **601.210 Suspension and Revocation of Licenses.**

(1) The Sheriff of Klamath County shall temporarily suspend any [~~card room~~] **Social Game** license issued hereunder if [~~+~~

~~(a) Any person granted a license hereunder shall violate any of the requirements of licenses as listed in Section 601.100 of this Chapter.~~

~~(b) A] any person granted a license hereunder violate [d the] s any provision[s] of this Chapter.~~

(2) Any temporary suspension shall be for a period of thirty (30) days and shall be effective ten (10) days after notice is mailed to the licensee's last address on the application. Such suspension shall be subject to appeal to the Board of County Commissioners. Notice of such appeal or request for hearing shall

be filed with the County Clerk within ten (10) days of the action or it shall be deemed final and conclusive.

(3) Permanent revocation may be made only by the Board of County Commissioners and such revocation shall only take place at a public hearing by that body sitting in regular session, upon application of the District Attorney and only after the licensee has been served with written notice at least twenty (20) days prior to the public hearing by the Board of County Commissioners. Such notice shall include the time and date of the public hearing and the grounds upon which the permanent revocation is sought. Such notice shall be deemed to have been received by the licensee or permitted if the notice is mailed to the address listed by the licensee on his application for such license.

**601.400 Penalties.**

(1) Whoever violates or fails to comply with any provision of this Chapter shall be fined not more than seven hundred twenty dollars (\$720.00) for the first offense.


(2) For a second or subsequent offenses within a year of a previous offense a person shall be fined not more than one thousand dollars (\$1,000.00).


(3) The Board of County Commissioners shall have the discretion to recommend disapproval of any Oregon Liquor Control Commission license renewal if the licensee under this Chapter is guilty of two (2) violations of this Chapter in any calendar year.


**601.500 Severability.** The provisions of this Ordinance are severable and any invalid section, subsection, sentence, clause, phrase, or portion of this ordinance if, for any reason is held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not effect the validity of the remaining portions of the Ordinance.

DONE and DATED this 15<sup>th</sup> day of February, 2005.


KLAMATH COUNTY BOARD OF COMMISSIONERS

  
Chairman

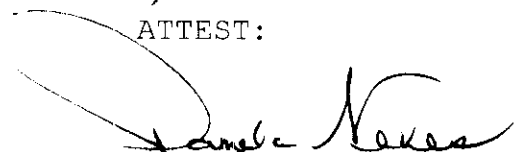
  
Commissioner

  
Commissioner

APPROVED FOR LEGAL SUFFICIENCY:

  
Reginald R. Davis  
Klamath County

ATTEST:

  
Recording Secretary