

ORDINANCE NO. 2104

**AN ORDINANCE AMENDING IN PART CENTRAL POINT MUNICIPAL CODE CHAPTER 9.32 -GAMBLING AND ADDING CHAPTER 9.33 ESTABLISHING SOCIAL GAMING**

Recitals:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. City code prohibits gambling as that term is defined under ORS 167.117. Social games conducted in private residences are permissible under the ORS subject to statutory limitations. Additionally, cities may adopt ordinances allowing “social games” in private businesses, clubs or other places of public accommodation.
- C. In recognition of the social benefits of “social games”, and the public interest in establishing minimum requirements/limitations for such games, the City Council desires to adopt an ordinance allowing and regulating social games.
- D. Words ~~lined through~~ are to be deleted and words **in bold** are added.

**THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

SECTION 1. Central Point Municipal Code Chapter 9.32 is amended in part to read:

**Chapter 9.32  
GAMBLING<sup>1</sup>**

**9.32.010 Game--Operation unlawful.**

If **It** is unlawful for any person to operate or assist in the operation of any gambling game played for money or other representative of value, or to operate or assist in the operation of any lottery. (Ord. 306 §12, 1951).

**9.32.020 Visiting or frequenting gambling place unlawful.**

It is unlawful for any person to visit or frequent any gambling place or place where lottery is conducted. (Ord. 306 §13, 1951).

**9.32.030 Devices--Nuisance--Confiscation and destruction.**

1 – Ordinance No. 2104 ; (Council Meeting 8/24/23)

It is unlawful for any person to have in his possession any property, instrumentality or device designed or peculiarly adapted for use in any gambling game. Any such property, instrumentality or device is declared to be a nuisance, and it shall be the duty of any police officer to seize any such gambling paraphernalia and forthwith to deliver the same into the custody of the city recorder. Upon the conviction of any person violating the provisions of this section, it shall be the duty of the city recorder to order any gambling paraphernalia so taken from such person to be confiscated and destroyed. (Ord. 306 §14, 1951).

### **9.32.040 Bingo.**

Notwithstanding the other provisions of this chapter, any charitable, fraternal or religious organizations may make written application to the city manager, upon forms to be provided by the city, to conduct games of bingo. Such application shall be scheduled before the next regular council meeting, and the city council shall consider the application and may approve, deny or approve the application with conditions. The council may periodically, on its own motion, review the application, and revoke such approval or add additional conditions as it deems in the best interest of the city. All applicants shall comply with all other federal, state and local laws and regulations governing conduct of such games. (Ord. 1969 §1(part), 2013; Ord. 1334 §1, 1979).

1. For statutory provisions concerning gambling and related offenses, see ORS ~~167.417-108-167.462~~**167**.

SECTION 2. Central Point Municipal Code Title 9 is amended in part to add a new Chapter 9.33 as follows:

## **Chapter 9.33 SOCIAL GAMES**

### **9.33.010 Social Games - Purpose**

**The purpose of this chapter is to authorize the playing and conducting of social games in private businesses, private clubs, and/or places of public accommodation within the city, and impose reasonable regulations for playing and conducting such social games. This chapter will be referred to as the "social gaming ordinance."**

### **9.33.020 Definitions**

2 – Ordinance No. 2104; (Council Meeting 8/24/23)

**“Facility” means a private business, private club, and/or place of public accommodation including a recreation room, conference room, or club house, in the city.**

**“House bank” refers to the operation of a social game where the organization employs a person to supervise a single social game for the purpose of securing a portion of any monetary gain contributed directly by the individual players to that single game.**

**“House income” means any monetary net gain or advantage received by the house directly from the actual play of a social game.**

**“House odds” means the operation of a social game where the probabilities of success of the single social game exist in favor of the operation.**

**“House player” means a principal or employee who participates on behalf of an organization for purposes of altering the normal probability associated with social gaming.**

**“Person” means an individual, partnership, limited partnership, limited liability company, corporation, association, or any agent or representative thereof.**

**“Private residence” means a separate dwelling designed for members of a single family unit such as single family homes, townhomes, condominiums, apartments, mobile homes and duplexes.**

**“Social game” means: 1) a game, 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; or 2) a game, other than a lottery, 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.**

### **9.33.30 Social Games – Authorization and Conditions.**

**A. A social game between players in a facility is authorized only when each of the following conditions are met:**

- 1. No house player, house bank, or house odds exist;**
- 2. There is no house income from the operation of a social game;**
- 3. The game cannot be observed from a public right of way;**
- 4. Persons under 18 years of age are not permitted in the room or enclosure where the social game takes place;**



5. The room or enclosure where the social game takes place is open to free and immediate access by any police officer. Doors leading into the social game room must remain unlocked during all hours of operation;
6. There are no signs or advertising of gambling, card playing, or social games, enticing participants or procuring players. Signs visible from inside the building informing the public in which areas cards may be played will be allowed;
7. Except for moneys used for playing in a game, no charge shall be collected from any player for the privilege of participating in a game including, but not limited to: 1) an entry fee or access fee of any kind, including, a cover charge or door fee on days when social games are being played in the premises; and/or 2) a membership fee or cover fee to participate in a social game;
8. No social game is conducted between the hours of 2:00a.m and 10:00a.m.;
9. The person responsible for the premises where social gaming occurs shall not permit any individual who is visibly intoxicated to participate in social gaming;
10. No owner, principal managing employee, or person responsible for the premises may accept any payment, fee, service or gratuity from a social game participant as consideration for participation in the social game on the premises;
11. No owner, principal managing employee, or person responsible for the premises may charge a rental or lease fee for the operation of a social game;
12. No participant in a social game shall be charged a price for any consumer goods that is higher or lower than the businesses normal price;
13. The dealing of cards shall be offered to be rotated to all players in the game;
14. For any period beginning 10:00a.m. one day to 2:00a.m. the following day, the total buy-in fee, including additional buy-in fees for all social games shall not exceed a total of \$100.00 per player. For purposes of this section, the total buy-in fee means the maximum amount of chips, tokens, or similar items a player may purchase in a "day" (as defined in this section 14). Except for the maximum buy-in fee, there is no limit on the amount a player can bet at any time. Each owner, principal managing employee, or person responsible for the premises of the social game is responsible to ensure that the buy-in fee limit is complied with.

B. A social game between players in a private residence is authorized only when each of the following conditions are met:

1. No house player, house bank, or house odds exist; and
2. There is no house income from the operation of a social game.

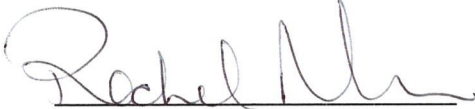
SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 4. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

**PASSED** by the Council and signed by me in authentication of its passage this 24 day of August 2023.

  
Mayor Hank Williams

ATTEST:

  
City Recorder