

**CITY OF AUMSVILLE
ORDINANCE NO. 682**

AN ORDINANCE UPDATING THE AUMSVILLE MUNICIPAL CODE TO INCLUDE PROVISIONS RELATING TO SOCIAL GAMES AND REPEALING ORDINANCE NO. 311

WHEREAS, Oregon Revised Statute 167.121 permits cities to authorize the playing and conducting of social games in private businesses, private clubs, and places of public accommodation; and

WHEREAS, the City desires to permit, with limitations, playing and conducting social games in private businesses, private clubs, and places of public accommodation within the City; and

WHEREAS, Council finds it is in the public interest to authorize the playing and conducting of social games in private businesses, private clubs, and places of public accommodation, and

NOW THEREFORE, the City of Aumsville ordains as follows:

Section 1: The Aumsville Municipal Code is amended to include the provisions as shown in Exhibit A.

Section 2: This ordinance is and shall be effective 30 days from its date of passage by Council.

Section 3. Repeal. Ordinance 311 is hereby repealed.

Section 4. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 23rd day of November 2020. READ a second time on the 14th day of December, 2020. ADOPTED AND PASSED by the Aumsville City Council on the 14th day of December, 2020.



Ron Harding, City Administrator

SIGNED by the mayor this 18th day of December, 2020



Derek Clevenger, Mayor

EXHIBIT A

SOCIAL GAMING

Section 1. Definitions

As used in this ordinance:

- (A) **Social Game** means 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.
- (B) **Chief of Police** or **Chief** means the chief of the city police department or their designee.
- (C) **City Administrator** means person appointed by the Council to manage City operations or their designee.

Section 2. Social Games – Authorization and Conditions

Social games as defined in Section 1 above are authorized only when each of the following applicable conditions are met:

- (A) No house player, house bank, or house odds exist;
- (B) There is no house income from operation of a social game;
- (C) The social game cannot be observed from a public right-of-way;
- (D) The room or enclosure where the social game takes place is open to free and immediate access by any police officer;
- (E) Doors leading into the social game room must remain unlocked during all hours of operation;
- (F) No owner or "principal managing employee" (as described below) may participate in any social game on the premises;
- (G) Charges for consumer goods sold on the premises to an individual playing a social game must neither be higher nor lower than the price charged a non-participant in a social game;
- (H) No owner or principal managing employee may accept any payment, fee, service, or gratuity from a social game participant as consideration for participation in the social game on the premises;
- (I) No owner or principal managing employee may charge a rental or lease fee for the use of a social game;
- (J) At no point in time may a social game be conducted without an owner or principal managing employee present;
- (K) No membership fee or cover fee may be charged for participation in the social game; and
- (L) All social gaming activities and the business where social gaming is permitted must comply with all applicable federal, state, and local laws and regulations.

Section 3. Exception: The city administrator may permit charitable, fraternal, or religious organizations located in the city limits to conduct social gaming activities such as bingo, lotto, raffle games, or Monte Carlo events operated in compliance with ORS 167.118.

Section 4. Responsibilities of Owner and Person in Charge

(A) An owner or person in charge of a business where social gaming is permitted shall:

1. Clearly designate the areas set aside for social gaming.
2. Designate an agent or employee to act as person in charge of a social gaming premise whenever social games are being played. An owner shall be strictly liable for any violation of this chapter which occurs when no person in charge is present at the social gaming premises.
3. Be strictly liable for any violation of the provisions of this chapter by a person in charge, agent, employee, or designee.
4. Not allow social gaming activities on the premises unless the private business, private club, or place of public accommodation meets all applicable requirements of the AMC and has been legally established and in existence for at least six months.
5. Obtain a license from the city of Aumsville to permit social gaming approved by the police chief, city administrator, or designee. Fees will be established by Council resolution fee schedule.

Section 5. Inspection of Social Games Premises

All persons authorizing social games on premises owned or managed pursuant to this ordinance shall permit upon presentation of official identification, entry to premises to any member of the Police Department for the limited purpose of inspecting the premises and any activities, records, or devices involved in such games to ensure compliance with this ordinance.

Section 6. Notice of Social Games Required

Where social games are conducted, each owner or person in charge of the premises shall continuously and conspicuously post notice clearly readable and in letters at least 1 inch high that such games must be conducted in accordance with the conditions set forth in Section 2 which conditions shall be listed in their entirety.

Section 7. Civil Penalties

The Chief may assess civil penalties for any violation of the provisions of this ordinance in an amount not to exceed \$1000 per violation. Each day shall constitute a separate violation for purposes of this section.