

*Revised
2-78*

BEFORE THE BOARD OF COUNTY COMMISSUONERS
FOR COLUMBIA COUNTY, OREGON

In Re: Amended Ordinance: An Ordinance)
Permitting Social Gambling in the)
Areas Outside Incorporated Cities)
of Columbia County, Oregon; and) NO. 77-1B
Establishing Licensing of the)
Operation of Public Facilities and) ORDINANCE
Charitable Organizations Where)
Social Gambling is Permitted.)
_____)

WHEREAS, the Board has authority under state law and this ordinance to amend this ordinance; and

WHEREAS, the Board desires to incorporate all previously made amendments and to add to this ordinance regulation making power and by so doing amend this ordinance; now therefore

THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON ORDAINS AS FOLLOWS:

PURPOSE: This ordinance is intended to legalize the conducting of games, hereinafter defined as social games, and to establish a license procedure for those people who wish to conduct a social game and who come within the breadth of this ordinance. Any act outside the scope of this ordinance shall result in a denial of an application for a license granted hereunder or cause the revocation of a license previously granted under authority of this ordinance. Violations outside the scope of this ordinance which are criminal in nature shall be subject to prosecution under state law. This ordinance is not intended to impose criminal sanctions on acts which may, in fact, be criminal in nature.

Section I. Definitions

- A. "Public Facility" means any commercial business operated by a private person, corporation, partnership or other business entity, wherein the public is invited onto the business premises to (1) bestow upon the operator thereof an economic benefit, or (2) enjoy the services rendered by the operator whether or not a charge or fee is made therefor.
- B. "Charitable Organizations" means any person organized and existing for charitable, benevolent, eleemosynary, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal or other nonprofit purposes. The fact that contributions to an organization profiting from the contest do not qualify for charitable deduction for tax purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the International Revenue Code of 1954, as amended, constitutes prima facie evidence that the organization is not a bona fide charitable organization.
- C. "Person" means individuals, corporations, associations, firms, partnerships and joint stock companies.
- D. "Social Games" means a game, other than a lottery, between players in a private home, private club, or public facility where no house player, house bank or house odds exist and there is no house income from the operation of the social game.
- E. "Board means Board of County Commissioners.

Section II. Social Games Permitted

Social games are permitted in Columbia County, Oregon, outside of incorporated cities, if said games are conducted (1) in private homes, (2) by charitable organizations on premises under their control when they have prior thereto applied for and received a license therefor, or (3) in public facilities which have prior to the playing of social games acquired a license to do so.

Section III. Licensing.

A. License Required. It shall be unlawful to operate or conduct a social game in a public facility or by a charitable organization without having first obtained a license therefor as herein required. Said license is non-transferable.

The Board of Commissioners shall have the right, from time to time, but not more often than annually to establish a license fee schedule and adopt the same by resolution. The Board may, upon a showing of good cause, waive the license fee for any charitable organization.

B. Application. Application for such license shall be made in conformance with the provisions of this ordinance and shall specify the location of the proposed social game and the person or organization sponsoring the same.

No such license shall be issued to a person who is not a person of good moral character, nor to a corporation or organization which is not represented by a person of good moral character.

C. Investigation. It shall be the duty of the County Sheriff to make or cause to be made an investigation into the character of each applicant and report the results of such investigation to the Board of County Commissioners.

D. Premises. It shall be unlawful to conduct a social game in any hall or place which is not equipped with sufficient and adequate exits of four feet or more in width; and no hall or building which is not provided with at least two exits of four feet or more in width shall be used for such purposes.

E. Conduct. It shall be unlawful to indulge in or permit any improper or any immoral conduct at any social game.

Section IV. Prohibition, Penalties, Notice, and Appeal.

A. Authorized Gambling. Only those gambling activities herein described shall be allowed by this ordinance. Any gambling activity carried on outside the scope of this ordinance shall be controlled and regulated by the applicable statutes found in Chapter 167 of the Oregon Revised Statutes.

B. Prohibited Acts. It shall be unlawful and a violation of this ordinance for an applicant or licensee to:

- 1) fail to make application for and receive a valid license before commencement of a social game as herein described;
- 2) fail to cooperate with the Sheriff in any investigation of the applicant or license.
- 3) conduct its business wherein a social game is being held, when there is upon the premises, people who are behaving in a rowdy or unbecoming manner, said manner being more particularly described in the rules and regulations of the Oregon Liquor Control Commission. In charitable organizations and public facilities which have received a license hereunder, where alcoholic beverages are sold, and which are licensed by the Oregon Liquor Control Commission, it shall be prima facie violation of this ordinance if the Oregon Liquor Control Commission, in any manner, disciplines the licensee, or any of his employees.

C. Notice of Violation and Revocation. Upon receipt by

the Board of County Commissioners of information giving them cause to believe that the licensee has violated this ordinance, the Board shall initiate an investigation thereof, said investigation to be conducted by the Sheriff. If the investigation reveals information which gives the Board cause to believe that a violation of this ordinance has occurred, the Board shall give written notice of its intent to revoke licensee's license. Said revocation to occur not sooner than 30 days following mailing of said notice. The 30-day waiting period shall commence to run upon the Board placing said notice in the mail.

D. Appeal. The licensee shall have the right to appeal the decision to revoke his license. Said right shall be exercised by filing with the County Clerk a written notice of appeal. The Clerk shall charge a fee therefor in the amount of \$2.00 in accord with Chapter 205 of the Oregon Revised Statutes.

A true copy of that notice of appeal must be served on the Board by delivering to any of the Board members or their secretary a true copy of said notice. Failure to do so is jurisdictional.

Upon receipt of the notice by the Board they shall schedule a public hearing on the matter to be held at least 10 days following receipt of the notice, but in no case later than 30 days following receipt thereof. Failure of the Board to conduct such a hearing shall act as a revocation of their notice of violation. The hearing hereunder shall be a fact finding hearing wherein the licensee has the burden of proof. An adverse decision by the Board may be

appealed by licensee to the Circuit Court only by the Writ of Review procedure as provided by Oregon law.

Notwithstanding the notice of revocation hereunder, said revocation shall be stayed until all appeal rights have been exhausted. However, where the Board finds a clear and present danger which is detrimental to the health, safety and welfare of the citizens of this county, they may summarily revoke the license after giving written notice of their intent to do so to the licensee and thereafter, within 48 hours of said notice, conducting a hearing where evidence of said emergency is given and findings of fact and an order is entered thereafter by the Board revoking the license. An appeal therefrom will follow the same procedure heretofore stated, however, such an appeal shall be with the Circuit Court and shall not stay the revocation.

E. Penalty. Revocation of a license granted hereunder shall forfeit licensee's right to any refund on the license fee previously paid.

Section V. Reference to Voters

This ordinance shall be enacted by the Board in a manner as provided by law. Thereafter, before becoming effective, it shall first be submitted to the voters of Columbia County, Oregon at the regular county-wide election to be held on the 19th day of April, 1977, and shall gain their approval.

Section VI. Amendment.

This ordinance may be amended by action of the Board of

County Commissioners after first giving public notice at least 7 days before public hearing on any proposed amendment hereto.

Section VII. Regulations

In addition to the other powers granted the Board herein, they shall be authorized to create, alter and amend regulations necessary to implement this ordinance as they see fit from time to time. All regulations made hereunder shall be made in compliance with Chapter 183 of the Oregon Revised Statutes.

All previously adopted ordinances, resolutions, or parts thereof in conflict with this ordinance are hereby repealed.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, this 8th day of February, 1978.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

THIS ORDINANCE SHALL
BECOME EFFECTIVE
MAY 9, 1978

Baker M. Hunt
Chairman

Clara W. Horn
Commissioner

A. J. Ahlborn
Commissioner

Anna Selvig
Recording Secretary

Read in full: January 25, 1978

Read -- Title only: February 8, 1977

VOTE:	<u>AYE</u>	<u>NAY</u>
Chairman Hunt	<u>X</u>	—
Commissioner Horn	<u>X</u>	—
Commissioner Ahlborn	<u>X</u>	—