

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF ORDINANCE NO. 21.08,) ORDINANCE NO. 21.08
KLAMATH COUNTY CODE, CHAPTER 601,)
SOCIAL GAMES)

WHEREAS, Klamath County Code, Chapter 601, *Social Games*, currently requires that all applicants obtaining a gaming license from the County have a current OLCC license; and

WHEREAS, some applicants will not be serving or allowing alcoholic beverages on the premises; and

WHEREAS, Ordinance 21.08 will revise the Klamath County Code, Chapter 601, to remove the requirement for applicants to have an OLCC license prior to obtaining a social gaming license from the County if no alcohol will be served/allowed on the premises at any time.

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CHAPTER 601
SOCIAL GAMES

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Ordinance No. 21.01A - 09/23/81
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Ordinance No. 21.04 - 11/28/2000
Ordinance No. 21.05 - 10/05/2004
Ordinance No. 21.06 - 02/15/2005
Ordinance No. 21.07 - 07/25/2006
Ordinance No. 21.08 -

CHAPTER 601 SOCIAL GAMES

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

(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.

(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.

(3) "Financially interested" persons means:

(a) those persons or entities who have a financial interest in the premises to include an ownership interest or controlling investment interest or

(b) those persons who have any management control, to include part-time managers, shift managers, and assistant managers, over the premises.

601.100 Social Gaming License.

(1) It shall be unlawful for any person, firm, or business entity to engage in, carry on, maintain or conduct, or to 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 as provided in Section 601.150 of this Ordinance. Said fee shall be determined periodically by Order of the Board of County Commissioners and shall be effective thirty (30) days after passage of the Order by the Board of County Commissioners. The annual fee, for new applicants for the period from July 1 to December 31, shall be reduced by one-half for the first annual license.

(3) Such 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 and is not transferable to any other person or 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 premises to be licensed has been previously convicted of a felony within the last 10 years; or

(b) Any person financially interested in the 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 premises to be licensed has had a license which was in his/her 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 premises to be licensed has violated any section of this Ordinance; or

(f) Any person financially interested in the 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 premises shall be reported immediately to the Board of Commissioners of Klamath County.

(7) Licenses may be granted to individuals, firms, or business entities who have successfully applied for and received a license from the Oregon Liquor Control Commission if alcoholic beverages are to be sold on the premises, as long as said license remains unrevoked. This section does not apply to individuals, firms, or business entities who will not be selling or allowing alcoholic beverages on the premises at any time.

(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 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.

(1) 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 when it appears that the social game is 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.

(2) Organizations conducting a one-time per calendar year promotional event may qualify for a reduced license fee as determined periodically by Order of the Board of County Commissioners.

601.200 Regulations.

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

(2) The playing of all social games, except those conducted in organizations as defined in KCC 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 Social Game license issued hereunder if any person granted a license hereunder violates any provision 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/her 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.

This ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

DONE and DATED this 11th day of May, 2021.

KLAMATH COUNTY BOARD OF COMMISSIONERS


CHAIR

Out of Office Today
VICE CHAIR


COMMISSIONER

APPROVED FOR LEGAL SUFFICIENCY:

ATTEST:


Marcus Henderson
Klamath County Counsel


Recording Secretary