

Ordinance No. 1081-A

Introduced by Commissioner Mark Kujala

Describing Gambling/Social Gambling as a General Offense in the City of Warrenton;  
Penalties; and Repealing Section 80 of Ordinance No. 851-A

The City of Warrenton Ordains as follows:

Section 1. Gambling.

- (1) Except as provided by subsections (2) and (3), no person shall engage in social games or gambling within the City.
- (2) Gambling does not include bingo or lotto when operated by a charitable, fraternal or religious organization when no person other than the organization or player profits in any manner from the operation of the lottery and when the organization has complied with the provisions of ORS 167.118.
- (3) Pursuant to the authority given to the City by ORS 167.121, or as constituted in the 1983 Replacement Part, the playing and conduct of "sports pool boards" in a private business, private club or in a place of public accommodation is permitted. For the purpose of this ordinance, "sports pool boards" is defined as a contest and which is conducted in one of the following methods:

Method A:

- (1) A board or piece of paper is divided into an equal number of squares each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants.
- (2) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases;
- (3) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold;
- (4) After the pool is closed a prospective score is assigned by random drawing to each square;
- (5) All money paid by entrants to enter the pool less other expenses required by law is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest;

- (6) The sports pool board is available for inspection by any person purchasing a chance thereon, or by any law enforcement agency upon demand at all times prior to the payment of the prize;
- (7) The sports pool conforms to any laws, rules, and regulations applicable thereto.

Method B:

- (1) A board or piece of paper is divided into an equal number of squares each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants;
  - (2) A prospective score is assigned by random drawing to each square or by assigning numbers to each square;
  - (3) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases;
  - (4) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold;
  - (5) All money paid by entrants to enter the pool less other expenses required by law is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest;
  - (6) The sports pool board is available for inspection by any person purchasing a chance thereon, or by any law enforcement agency upon demand at all times prior to the payment of the prize.
  - (7) The sports pool conforms to any laws, rules, and regulations applicable thereto.
- (4) For the purpose of this section, "gambling," "social games," "bingo," and "lotto," are defined as provided by ORS 167.117.

Section 2. Penalties.

Violation of a provision of this ordinance is punishable by a fine not to exceed \$1,000.00. However, if a violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed in state law.

Section 3. Severability.

Invalidity of a section or a part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 4. Application of State Statutes.

Provisions of the Oregon Criminal Code, as now constituted in Oregon Revised Statutes, relating to defenses, burden of proof, general principles of criminal liability, parties, and general principles of justification apply to offenses defined and made punishable by this ordinance.

Section 5. Repeal.

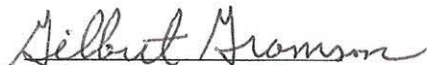
Ordinance No. 851-A, Section 80, is hereby repealed.

ADOPTED by the City Commission of the City of Warrenton this 23<sup>rd</sup> day of August, 2005.

First Reading: July 26, 2005

Second Reading: August 23, 2005

APPROVED

  
Gilbert Gramson, Mayor

ATTEST

  
Linda Engbretson, City Recorder