

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 88-872

AN ORDINANCE ENACTING CITY REGULATIONS FOR BINGO, LOTTO AND RAFFLE GAMES IN ACCORDANCE WITH NEW STATE LAW, REPEALING PREVIOUSLY ENACTED CITY BINGO REGULATIONS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Sherwood enacted Ordinance No. 815 on January 23, 1985, regulating bingo and raffle games within the City.

WHEREAS, Senate Bill 404 (Chapter 914 Oregon Laws 1987) and OAR 137-25, have subsequently been adopted by the State of Oregon, and for the most part duplicate City Ordinance No. 815.

WHEREAS, the City finds that the enforcement of two parallel regulations represents an unnecessary burden on legitimate operators of bingo and raffle games, and an unwarranted expense for the City,

WHEREAS, notwithstanding the above, the City reserves the right to enact stricter regulations where appropriate, and to require operators of bingo and raffle games to submit proof of compliance with State law.

NOW THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1: State Bingo Regulations Adopted. ORS 167.117 - 118, and OAR 137-25-020 through 137-25-340, adopted by the Department of Justice pursuant to Chapter 464 Oregon revised statutes, and any amendments and additional regulations adopted by the Department of Justice pursuant thereto regulating bingo, lotto, and raffle games, are hereby adopted by reference, except as specifically varied by this Ordinance.

Section 2. City Exceptions. The following additional restrictions, as permitted by ORS 464.430, shall be applied to bingo, lotto and raffle games operating within the City of Sherwood:

(a) No organization shall maintain, conduct or operate any bingo, lotto or raffle games for more than two days in any week (Monday through Sunday) nor shall any such bingo, lotto or raffle game activities be conducted for more than five (5) hours on any one day (12:01 a.m. through midnight); nor shall any single structure be used as the location of bingo, lotto or raffle games on more than two (2) days in any week except when conducted at an annual bazaar, open house or meeting that occurs only once in a twelve (12) month period and does not last longer than seven (7) days.

(b) Persons who have not reached their eighteenth (18th) birthday shall not be permitted to participate in any bingo, lotto or raffle game as a player unless accompanied by a parent or lawful guardian who authorizes such participation.

Section 3: City Permit. Notwithstanding the requirements of State law, any person operating a bingo, lotto or raffle game within the City of Sherwood shall annually make application for a permit to operate within the City, on forms prescribed by the City, and pay an application fee of \$40.00. The applicant shall submit proof of compliance with State law, and copies of all applicable State permits, along with their application to operate a bingo, lotto, or raffle game within the City.

Section 4: Issuance and Renewal of City Permit

(a) Upon the filing of an application for issuance or renewal of a bingo, lotto and raffle permit, and payment of the required fee, the Chief of Police shall cause the applicant to be investigated to ascertain the applicant's suitability to operate or conduct such activities. The permit shall be issued as soon as practicable by the City Recorder unless grounds for denial as noted herein are established.

(b) The application shall be denied by the City Recorder if:

- (1) The applicant, any principal managing individual thereof, or any individual who will be directly engaged in the management or operation of such activities has previously;
 - (i) Engaged in the management or operation of a bingo or lotto game and the permit or license therefore has been suspended or revoked; or,
 - (ii) Committed any crime involving theft, fraud or gambling activities.
- (2) Such games as proposed by the application would not comply with all the applicable requirements of this Ordinance or State law.
- (3) Any statement in the application is found to be false.
- (4) The proposed location of such games would be a detriment to the immediate vicinity thereof due to an unreasonable congregation of pedestrian or vehicular traffic.
- (5) Any individual directly engaged in the management or operation of such activities commits any crime involving any provision of this Ordinance, in connection with the game activities for which a permit had been issued pursuant to this Ordinance.
- (6) The applicant does not hold all required State permits.

(c) The permit shall be for a term of one (1) year, shall be nontransferrable, shall expire on the first anniversary of its issuance, and shall be valid only for a single location. If the permittee wished to change the location, a written request for such change, including the address of the new location, shall be provided at least ten (10) days prior to such change for approval by the City Recorder.

Section 5: Suspension, Revocation of Permits.

(a) Any permit issued pursuant to this Ordinance may be suspended or revoked by the City Recorder for any cause which would be grounds for denial of a permit application, or when an investigation reveals any material violation of the provisions of this Ordinance.

(b) Any permit may be suspended or revoked by the City Recorder when an investigation reveals that the game activities cause, because of persons frequenting the premises, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other neighborhood locational problems, in the area around the premises where such games are conducted.

(c) The suspension or revocation of any permit issued pursuant to this Ordinance may only be made by providing the permittee written notice of such action and the reasons therefor. Refusal of service by the permittee is prima facie evidence of receipt of such notice. Service of such notice upon the person in charge of such game activities, during the operation thereof, shall constitute service upon the permittee.

Section 6: Final Determination of Permits Denial, Suspension or Revocation; Appeals.

(a) Any denial, suspension or revocation shall become effective and final ten (10) days after the giving of such written notice, as required by Section 5(c), unless it is appealed, within that time period, to the Council by the filing of a written notice of appeal with the City Recorder.

(b) The filing of a timely appeal of a denial, suspension or revocation shall stay the effect of such order until the appeal has been determined by the Council.

(c) Upon receipt of notice of the appeal, the City Recorder shall give notice to the Chief of Police and City Manager, and the City Recorder shall set a date for a Council hearing on the matter. At the hearing, the Manager and the Chief or their designees shall report to the Council concerning the matter and the reason(s) for denying, suspending or revoking the permit. The applicant or permittee shall have an opportunity to present evidence, heard by the Council, and file a written statement. At the conclusion of the hearing, the Council shall determine the appeal; the decision of the Council shall be final and effective immediately.

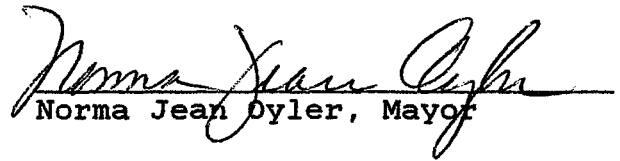
Section 7: Penalties. The penalties provided in the State statutes and regulations which are adopted by reference in this Ordinance, shall also be the sanctions and penalties applicable to the violation of the additional restrictions and regulations adopted by the City of Sherwood, as set forth in this Ordinance."

Section 8: Prior Regulations Repealed. City Ordinance No. 815 is hereby repealed in its entirety.

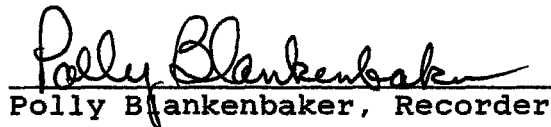
Section 9. Effective Date. This Ordinance shall become effective thirty days after passage and approval.

Duly passed by the City Council this 27th day of January 1988.

Approved by the Mayor this 27th day of January, 1988.


Norma Jean Oyler, Mayor

Attest:


Polly Blankenbaker, Recorder

	<u>AYE</u>	<u>NAY</u>
OYLER	✓	_____
BIRCHILL	✓	_____
STEWART	✓	_____
CHAVEZ	✓	_____
VACANCY		_____