

AFFIDAVIT OF POSTING ORDINANCE NO. 43

STATE OF OREGON)
)
Counties of Clackamas)
and Washington) ss
)
City of Wilsonville)

I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Tuesday the 2nd day of July, 1974, I caused to be posted copies of the attached Ordinance No. 42 in the following three (3) public and conspicuous places of the City, to wit:

1. Wilsonville City Hall
2. Kopper Kitchen Restaurant
3. Wilsonville United States Post Office

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 8th day of July, 1974.

Dated at Wilsonville, Oregon this 2nd day of July, 1974.

Marjorie A. Hintz
Marjorie A. Hintz, City Recorder

Subscribed and sworn to be fore me this 2nd day of July, 1974.

Tom R. J. [Signature]
Notary Public for Oregon
My Commission expires: March 20, 1977

ORDINANCE NO. 43

AN ORDINANCE TO LICENSE AND REGULATE SOCIAL GAMBLING GAMES.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: APPLICATION AND LICENSE. Social games for gambling purposes as defined by Oregon Revised Statutes 167.117 are permitted in the City of Wilsonville providing a City license for each event is first approved by the City Council and issued by the City Recorder. An application for a license shall be filed with the City Recorder and shall contain the following information:

- a. Name, address and signature of applicant.
- b. The type of "social game" which is planned to be operated.
- c. Time and place of the game for which the license is required.
- d. The estimated gross income from the operation of the game; and the estimated gross income of the private business, private club or public accommodation for which the application for license is filed.

Section 2: COUNCIL APPROVAL AND REQUIREMENTS. Applications for a social gambling license as filed with the City Recorder shall be referred to the Wilsonville City Council which shall consider the same at the next regular or special meeting of the Council; and the Council shall determine whether the license shall be issued or not. It may be denied for any reason and with or without cause. If it is determined that a license shall be issued, the Council shall specify the following conditions which shall apply and be a part of the license and set forth in it:

- a. Time limits for the event.
- b. The license fee payable to the City not exceeding \$100 per day for each event.
- c. Any other requirements or regulations which the Council in its sole discretion deems necessary or advisable.

Section 3: VIOLATIONS. Any violation of this Ordinance shall be punishable upon conviction by a fine of not more than

\$500 or by imprisonment in a county jail for not more than ninety (90) days, or by both such fine and imprisonment.

Section 4: EMERGENCY. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Wilsonville in that it is necessary to regulate gambling, an emergency is therefore hereby declared to exist, and this Ordinance shall be in full force and effect from and after its final reading and passage by the Council.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof held on the 34 day of June, 1974; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 8 day of July, 1974, at the hour of 8:00 o'clock p.m. at the Wilsonville City Hall.


PHILLIP R. BALSIGER - Mayor

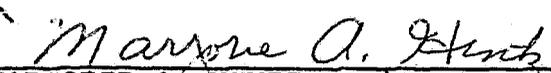
ATTEST:


MARJORIE A. HINTZ - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 8 day of July, 1974, by the following vote: Yeas 4. Nays 1.


PHILLIP R. BALSIGER - Mayor

ATTEST:


MARJORIE A. HINTZ - City Recorder

lar gallery or exhibition, and visible in a normal display setting. [1971 c.743 §262]

167.100 Application of ORS 167.060 to 167.100. ORS 167.060 to 167.100 shall be applicable and uniform throughout the state and all political subdivisions and municipalities therein, and no local authority shall enact any ordinances, rules or regulations in conflict with the provisions thereof. [1971 c.743 §262a]

167.105 [Repealed by 1971 c.743 §432]

167.110 [Repealed by 1971 c.743 §432]

167.115 [Repealed by 1971 c.743 §432]

GAMBLING OFFENSES

167.117 Definitions for ORS 167.117 to 167.162. As used in ORS 167.117 to 167.162, unless the context requires otherwise:

(1) "Bingo or lotto" means a game, played with cards bearing lines of numbers, in which a player covers or uncovers a number selected from a container, and which is won by a player who is present during the game and who first covers or uncovers the selected numbers in a designated combination, sequence or pattern.

(2) "Bookmaking" means promoting gambling by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events.

(3) "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(4) "Gambling" means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. "Gambling" does not include:

(a) Bona fide business transactions valid under the law of contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

(b) Engaging in contests of chance under

the following conditions:

(A) The contest is played for some token other than money;

(B) An individual contestant may not purchase more than \$10 worth of tokens for use in the contest during any 24-hour period;

(C) The tokens may be exchanged only for property other than money;

(D) Except when the tokens are exchanged for a beverage or merchandise to be consumed on the premises, the tokens are not redeemable on the premises where the contest is conducted or within 50 miles thereof; and

(E) Except for charitable, fraternal or religious organizations, no person who conducts the contest as owner, agent or employe profits in any manner from operation of the contest.

(c) Social games.

(d) Bingo or lotto operated by a charitable, fraternal or religious organization when no person other than the organization or a player profits in any manner from the operation of the lottery and when the organization has complied with the provisions of subsection (2) of ORS 465.100.

As used in this section, "charitable, fraternal or religious organization" means any person organized and existing for charitable, benevolent, eleemosynary, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal or other nonprofit purposes, and who is also exempt from payment of federal income taxes because of its charitable, fraternal or religious 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 Internal Revenue Code of 1954, as amended, constitutes prima facie evidence that the organization is not a bona fide charitable, fraternal or religious organization.

(5) "Gambling device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of unlawful gambling, whether it consists of gambling between persons or gambling by a person involving the playing of a machine. Lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition. Amusement devices which do not return to the operator or player thereof any-

thing but free additional games or plays shall not be considered to be gambling devices.

(6) "Lottery" or "policy" means an unlawful gambling scheme in which:

(a) The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones; and

(b) The winning chances are to be determined by a drawing or by some other method; and

(c) The holders of the winning chances are to receive something of value.

(7) "Numbers scheme or enterprise" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome of a future contingent event otherwise unrelated to the particular scheme.

(8) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein is a person who does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in bookmaking is not a player.

(9) "Profits from gambling" means that a person, other than as a player, accepts or receives money or other property pursuant to an agreement or understanding with another person whereby he participates or is to participate in the proceeds of gambling.

(10) "Promotes gambling" means that a person, acting other than as a player, engages in conduct that materially aids any form of gambling. Conduct of this nature includes, but is not limited to, conduct directed toward the creation or establishment of the particular

game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person promotes gambling if, having control or right of control over premises being used with his knowledge for purposes of gambling, he permits the gambling to occur or continue or makes no effort to prevent its occurrence or continuation.

(11) "Slot machine" means a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically, or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value or otherwise entitle the player to something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on the basis other than chance.

(12) "Social game" means:

(a) A game, other than a lottery, 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) If authorized pursuant to ORS 167.121, 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.

(13) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein.

(14) "Unlawful" means not specifically authorized by law. [1971 c 669 §3a, 1971 c 743 §25, 1973 c 788 §1, 1974 s s c 7 §1, 1975 c 421 §1, 1977 c 85 §1]