

TIGARD MUNICIPAL CODE

Chapter 5.22 SOCIAL GAMES

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5.22.010 Definitions

As used in this chapter,

A. “Chief of police” or “chief” means the Chief of the Tigard Police Department or designee.

B. “Social game” means a game, other than a lottery, between players in a private business, private club, or place of public accommodation (such business, club, or place of public accommodation collectively referred to herein as “business”) where no house player, house bank, or house odds exist, and there is no house income from the operation of the social game. (Ord. 13-11 §1)

5.22.020 Social Games—Authorization and Conditions

A “social game” as defined in Section 5.22.010 of this chapter is allowed only when each of the following conditions is met:

A. The owner of the business where social games are being played holds a current, valid license to play social games issued by the city;

B. No house player, house bank, or house odds exist;

C. There is no house income from the operation of a social game;

D. A business may not charge an entrance or access fee of any kind, including, but not limited to, a cover charge or door fee, on days when social games are being played in the business;

E. The social game cannot be observed from a public right-of-way;

F. Persons under 21 years of age are not permitted in the room or enclosure where the social game takes place;

G. The room or enclosure where the social game takes place is open to free and immediate access by any police officer. Doors leading into the social game room must remain unlocked during all hours of operation;

H. No owner or principal managing employee, as described in more detail below, shall participate in any social game on the premises;

I. A charge for consumer goods sold on the premises to an individual playing a social game must not be higher or lower than the price charged to a non-participant in the social game;

J. No owner or principal managing employee may accept any payment, fee, service or gratuity from a social game participant as consideration for participation in the social game on the premises;

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K. No owner or principal managing employee may charge a rental or lease fee for the use of the social game;

L. At no point in time may a social game be conducted without an owner or principal managing employee present;

M. No membership fee or cover fee may be charged for participation in the social game; and

N. All social gaming activities and the business where social gaming is permitted must comply with applicable federal, state and local laws and regulations. (Ord. 13-11 §1)

5.22.030 Responsibilities of Owner and Person in Charge

An owner or person in charge of a business where social gaming is permitted shall:

A. Clearly designate the areas set aside for social gaming.

B. Designate an agent or employee to act as person in charge of a social gaming premise whenever social games are being played. An owner shall be strictly liable for any violation of this chapter which occurs when no person in charge is present at the social gaming premises.

C. Be strictly liable for any violation of the provisions of this chapter by a person in charge, agent, employee or designate.

D. Limit hours of operation of social gaming activities on the premises to those hours during which the primary business is open.

E. Limit social gaming activities to no more than 50% of the floor area of the premises. Social gaming may occur seven days per week. For purposes of this provision, "floor area" means gross floor area excluding areas such as kitchen,

storage, restrooms, hallways, mechanical spaces, elevators, stairwells and loading docks. (Ord. 13-11 §1)

5.22.040 Inspection of Social Games Premises

All persons who authorize social games on premises owned or managed pursuant to this chapter shall permit entry to premises to any member of the police department, upon presentation of official identification, for the limited purpose of inspecting the premises and any activities, records, or devices involved in such games to ensure compliance with the Tigard Municipal Code. (Ord. 13-11 §1)

5.22.050 Notice of Social Games Required

Where social games are conducted, each owner or person in charge of the premises shall continuously and conspicuously post notice that is clearly readable and in letters at least one-inch high that such games must be conducted in accordance with the conditions set forth in Section 5.22.020 which shall be listed in their entirety. The form and content of the notice required pursuant to this section shall be as approved by the chief to assure uniformity of notices in establishments allowing social gaming. (Ord. 13-11 §1)

5.22.060 License; License Fee; Civil Penalties

A. Application for an annual social gaming license shall be made to the police chief. The chief may assess a license fee of \$100 per year. The social gaming license fee is due in full every January 1st. If a business applies for a social gaming license at any time on or after July 1st, the fee for such license shall be equal to one-half the license fee.

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B. The chief may assess a fine for operating without a license of \$500 for the first violation for each year, and a subsequent violation will result in a fine of \$1,000.

C. Violations for all other offenses of this chapter are \$100 for the first offense each calendar year; \$250 for the second offense; \$500 for the third offense and \$1,000 for all additional violations during the same calendar year. (Ord. 13-11 §1)

5.22.070 Appeal Process for License Denial

In the event the chief of police denies an applicant a social gaming license, the chief of police shall first notify the applicant in writing of his or her intent to deny the license within three working days of receipt of the application. The notification shall include the reason(s) for the denial and a date and time within the next five working days to hear the applicant's appeal, if any. The applicant shall have the right to be heard and to present witnesses and evidence purporting to refute the reasons given by the chief of police for a denial. The hearing shall be administrative in nature and held before the chief of police. Rules of evidence shall not apply. Upon completion of the hearing, the chief of police shall make finding and shall mail the final decision to the applicant within three working days of the hearing date. (Ord. 13-11 §1)

5.22.080 Appeal Process for Assessment of Fine

In the event the chief of police assesses a business owner with a fine, the chief of police shall notify the business owner in writing of the fine assessment. The notification shall include the reason(s) for the fine assessment and a date and time within the next five working days to hear the business owner's appeal, if any. The business owner shall have the right to be heard and to

present witnesses and evidence purporting to refute the reasons given by the chief of police for a denial. The hearing shall be administrative in nature and held before the chief of police. Rules of evidence shall not apply. Upon completion of the hearing, the chief of police shall make finding and shall mail the final decision to the business owner within three working days of the hearing date. (Ord. 13-11 §1) ■