

**CITY OF PHOENIX
PHOENIX, OREGON**

ORDINANCE NO. 982

**AN ORDINANCE OF THE CITY OF PHOENIX
ADDING CHAPTER 5.24, SOCIAL GAMING, TO THE CITY MUNICIPAL CODE**

RECITALS:

WHEREAS, it is legislatively decided to be in the best interest to create and adopt a Code of Ethics in the Phoenix Municipal Code;

NOW, THEREFORE BE IT RESOLVED, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

The following is added to the Phoenix Municipal Code as Chapter 5.24, Social Gaming.

5.24.010 Purpose

In accordance with Oregon state law, the City of Phoenix authorizes the playing or conducting of Social Games within its city limits, consistent with ORS 167.180, et seq. Nothing in this code shall be construed as a regulation of any form of gambling or gaming authorized and regulated under Oregon state law other than Social Gaming as specifically defined herein.

5.24.020 Social Games Permitted

Social games, other than a lottery, between players in a private business, private club or in a place of public accommodation where no house player, house bank or house odds exist and there is no house take (meaning no house income from the operation of the social game), are hereby permitted as provided herein.

5.24.030 Definitions

- A. Unless the context requires otherwise, all terms set forth in this subchapter shall have the same meaning as set forth in ORS 167.117.
- B. "Person" and "Persons" means any individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, fraternity, sorority, nonprofit organization, estate, trust, business trust, receiver, trustee, syndicate or any other group, organization or combination acting as a unit.
- C. "Social Game" and "Social Gaming" means a game, other than a lottery, between players at a Special Event held in a private business 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.

5.24.040 Responsibilities of Operator

It shall be the responsibility of conducting social games to ensure that:

- A. No form of unlawful gambling is permitted upon the licensed premises.
- B. Social games are conducted consistent with the provisions of state law, City ordinances and this Section.
- C. There shall be no house player, house bank or house odds. All social games shall be open to public inspection during all hours of operation.
- D. There are no off-premises signs advertising gambling, card playing, or social games.
- E. The playing of all social games shall be so arranged as to provide equal access and visibility to any interested party.
- F. No person under the age of twenty-one (21) years shall be permitted to enter the premises.
- G. No charge, other than an entry fee, shall be collected from a player for the privilege of participating in a game.
- H. No participant in a social game shall be charged a price for any consumer goods which is higher or lower than the price charged non-participants.
- I. The room or enclosure where the social games take place is open to free and immediate access by law enforcement officers. Doors leading into the room or enclosure remain unlocked during all hours of operation.
- J. No social game is conducted between the hours of 2:00 am and 9:00 am.
- K. All social gaming establishments shall allow/provide for Spanish and non-English speaking individuals to participate in social gaming. Social gaming establishments are not required to allow/provide for Spanish or non-English speaking individuals to participate in the same social game simultaneously with solely English speaking individuals.

5.24.050 Access to Law Enforcement

All persons who authorize social games on premises owned or managed pursuant to this subchapter shall permit entry to premises to any member of the Phoenix 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 provisions of this subchapter.

5.24.060 Location Restrictions

- A. Social gaming facilities may not operate within R-1, R-2, R-3, or C-C land use districts.
- B. A social gaming facility shall be located more than two hundred fifty (250) feet from any R-1, R-2, or R-3 residential zone or a property that is legally used for residential purposes. The

minimum separation between the facility or use and any and all residential property, as defined by this section, shall be calculated using the method described in subsection D of this section.

C. All social gaming facilities shall be located at least one thousand (1,000) feet from any other social gaming facility.

D. Minimum distance shall be measured using the following method:

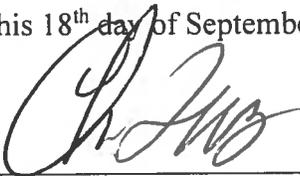
1. The entrance to the social gaming facility that is nearest to the closest residentially zoned property shall be identified.
2. A straight line shall be drawn from that point to the nearest point on the property line of the closest residentially zoned property.
3. To measure minimum distance between two social gaming facilities, the entrances to each facility closest to one another shall be identified, and a straight line shall be drawn between these two entrances.

G. The social gaming facility shall be located in a permanent building and may not be located in a motor vehicle, cargo container, tent, trailer or other temporary structure.

5.24.070 Penalties

Any person or persons who violate any provision of this ordinance, may, upon conviction, be fined in accordance with subchapter 1.20, General Penalty, of this municipal code. Each day that a violation is permitted to occur is considered a separate violation.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 18th day of September, 2017.



Mayor

ATTEST:



City Recorder