

CHAPTER 92 GAMBLING

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92.005. Adoption of State Law.

- (a) ORS 167.117 (1995), 167.122 (1971), 167.132 (1971), 167.142 (1971), 167.147 (1995), and 167.153 (1971), are hereby adopted by reference and made a part of this chapter.
- (b) All acts which are made unlawful by the above-mentioned sections of ORS shall be considered as offenses against the city when committed within its boundaries and shall be punished as provided in ORS 161.615(1) (1971) and 161.635(1)(a) (1993).
- (c) Money found in any gambling device or used in gambling or other prohibited conduct under this chapter shall be confiscated and disposed of as provided in SRC 2.566. (Ord No. 80-73; Ord No. 66-88; Ord No. 46-94; Ord No. 30-97)

92.007. Social Games Permitted. Social games as defined in ORS 167.117 are hereby totally prohibited in the City of Salem except that private homes, charitable, fraternal, and religious organizations may engage in social games where no house player, house bank, or house odds exist and there is no house income from the operation of the social game. (Ord No. 62-74)

92.015. Coin-In-The-Slot Device Defined. As used in this chapter the term coin-in-the-slot device means any mechanically or electrically operated game or device actuated by deposit of coin, currency, or some token for which some consideration is given, the play or use of which involves either an element of skill or an element of chance or both; provided, however, that such definition shall not be deemed to include any of the following specified devices:

- (a) Devices which dispense or vend music or some commodity or service for a fixed price per unit; which involve no element of contest, chance, or skill; and which accord no profit, prize, or bonus to the user;
- (b) Amusement devices, other than those devices commonly known as "pinball," "digger," or "grabber" games, if:
 - (1) The play or use of such amusement device returns nothing of any value to the player other than extended play or replay of the device;
 - (2) No prize, profit, or bonus other than extended play or replay of the device is awarded for successful play of the device;
 - (3) The device is so designed and constructed that any extended play or replay of the device awarded for successful play cannot be readily cleared from the device except by further play of the device; and
 - (4) The device is so designed and constructed that insertion of additional coins can in no way alter the odds or chance of successful play. (Ord No. 80-73; Ord No. 177-73)

92.017. Promoting Gambling at a Coin-In-The-Slot Device. It shall be unlawful for any person to award or offer or advertise the award of any kind of value, other than extended play or replay, for successful play at a coin-in-the-slot device. (Ord No. 177-73)

92.025. Coin-In-The-Slot Devices Declared Public Nuisances; Possession and Use Unlawful. The council hereby finds, determines, and declares that gambling devices and coin-in-the-slot devices are a public nuisance. Notwithstanding any other provision of this chapter, including any provision of ORS as adopted by SRC 92.005, it shall be unlawful for any person to knowingly:

- (a) Own or have in his possession any device declared to be a public nuisance pursuant to this section;
- (b) Keep, store, or display any device declared to be a public nuisance pursuant to this section in any place or premises of which he is the owner or person entitled to possession;
- (c) Permit any other person to keep, store, or display any device declared to be a public nuisance pursuant to this section in any place or premises of which he is the owner or person entitled to possession;
- (d) Solicit, entice, or permit any person to play at or use any device declared to be a public nuisance pursuant to this section which is located at any place or premises within the city whether acting as owner, person entitled to possession, or employee or agent of the owner or person entitled to possession of such place or premises;
- (e) Manufacture, sell, lease, rent, give, repair, transport, or store, whether for himself or for another, any device declared to be a public nuisance pursuant to this section. (Ord No. 80-73; Ord No. 51-96)

92.035. Coin-In-The-Slot Devices, Seizure, and Destruction.

- (a) Except as provided in SRC 92.045, it shall be the duty of the chief of police to summarily seize any device declared to be a nuisance pursuant to SRC 92.025 and hold the same subject to the order of the municipal court.
- (b) Whenever it shall appear to the municipal judge that any device seized pursuant to subsection (a) of this section was kept or used in connection with a violation of SRC 92.025 which has resulted in a judgment or conviction therefore, he may include in his judgment an order forfeiting such device and commanding its destruction by the chief of police, which order may be in addition to any other sentence imposed by him pursuant to this Code.
- (c) The chief of police, upon receipt of a certified true copy of a judgment ordering forfeiture and destruction pursuant to subsection (b) of this section, shall hold the device subject of such order for a period of 60 days from the entry of the judgment; and shall, unless otherwise ordered by a court of competent jurisdiction, as soon as is possible thereafter destroy the device in any manner which will render it permanently unusable for the purposes for which it was intended. Upon completion of such destruction, he shall then make return to the municipal court certifying that he has complied with the court's order. (Ord No. 80-73)

92.045. Exceptions to Nuisance.

- (a) Notwithstanding the provisions of SRC 92.025 and 92.035, the manufacture, sale, lease, rental, gift, repair, transportation, storage, ownership, or possession of coin-in-the-slot devices shall not be unlawful and such devices shall not be subject to forfeiture and destruction where such devices are:
 - (1) Designed and manufactured for amusement purposes only;
 - (2) Licensed by the State of Oregon; and
 - (3) Used only outside the corporate limits of the city, and are not displayed publicly within the city.
- (b) Exception under this subsection shall be an affirmative defense to any prosecution brought under SRC 92.025, and shall not relieve the chief of police of the responsibility to seize any such machines where he has reasonable grounds to believe that they were being kept or used in connection with a violation of SRC 92.025. (Ord No. 80-73)

92.990. Violations. Violation of any of the provisions of this chapter is a misdemeanor. (Ord No. 193-79)