

Repealed

ORDINANCE NO. 12

AN ORDINANCE REGULATING AND LICENSING CERTAIN DEVICES, THE OPERATORS, AND DISTRIBUTORS THEREOF, PROVIDING LICENSE FEES THEREFOR, PROVIDING PENALTIES FOR VIOLATION THEREOF AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

Section 1. DEFINITIONS.

(a) The word "person" shall mean any natural person, firm, corporation, co-partnership or association and the use of any similar pronoun shall include the plural thereof and vice versa.

(b) The word "device" shall mean and include pinball machines, punch boards or similar contrivances, roulette wheels, clock-faced game gadgets or similar contrivances, from the playing or using of which a customer, who has paid or is obligated to pay a consideration, may by skill or otherwise become entitled to receive an article of value or the right or privilege of further playing or using the same, and it shall also mean any coin-operated music box or similar instrument.

(c) The word "operator" shall mean any person who shall display, maintain, keep or operate any device, as herein defined, in any public place or other place where the public is invited to attend.

(d) The word "distributor" shall mean any person who shall sell, rent, lease, furnish under any kind of arrangement or deliver to one or more operators one or more devices in the City of Brookings.

(e) The word "customer" shall mean any person seeking to play, use or patronize any device.

Section 2. The license fees imposed hereby shall be in addition to any license fee otherwise imposed by ordinance of the City of Brookings.

Section 3. Any operator desiring to install, use, display, maintain or operate any device, as herein defined, shall make application with the City Recorder for a license so to do, which application shall be on a form to be provided by the City and pay the fee hereinafter provided for; and any distributor desiring to sell, rent, lease, furnish under any kind of arrangement or deliver to one or more operators one or more devices in the City of Brookings shall make application with the City Recorder for a license so to do, which application shall be on a form to be provided by the City and pay the fee hereinafter provided for.

Section 4. Any operator of the following listed devices shall pay to the City the license fee set out opposite the devices so listed:

Pinball machine	\$60.00 per machine, per year
Punch boards or similar contrivance	Two Per Cent (2%) of the gross face value of each board or similar contrivance

Roulette wheels, clock-faced game
gadgets or similar contrivance

\$60.00 per year, per wheel
or gadget provided for,
or contrivance

Section 5. Any distributor of a coin-operated music box or similar contrivance shall pay a license fee of \$40.00 per year for each coin-operated music box or similar contrivance.

Section 6. The City Recorder shall, when any operator has made the necessary application and paid the required license fee, cause an appropriate seal to be placed upon such device as evidence of the license fee having been paid therefor. The Council shall determine the type of seal to be so placed upon such device, and it may change the type of such seal from time to time.

Section 7. The City Recorder shall, when any distributor has made the necessary application and paid the required license fee, cause a seal like the one provided for in Section 6 above to be placed upon such device as evidence of the license fee having been paid therefor.

Section 8. The seal referred to in Sections 6 and 7 of this ordinance shall show upon its face whether it was issued to an operator or a distributor. Any seal issued to a distributor shall show upon its face the year for which it was issued. Every seal issued shall show upon its face the amount of the license fee paid therefor. Every such seal shall have upon its face these words: "The City of Brookings does not approve of or consent to the operation of any unlawful device."

Section 9. The acceptance of any application, payment of any license fee and the issuance of any seal under the provisions of this ordinance shall not be deemed or construed as approval of or consent by the City of Brookings to the operation of any unlawful device.

Section 10. It shall be unlawful for any operator or distributor to have in his possession any device, as herein defined, which does not bear the seal provided for herein, and it shall be unlawful for any operator, distributor or other person to deface any such seal or remove the same from the particular device upon which it was caused to be placed by the City Recorder, or to cause the same to be placed upon any device other than that for which the license fee was paid.

Section 11. The Chief of Police and any police officer of the Bureau of Police shall have authority, and it shall be his duty to seize and impound any device, as herein defined, which does not have affixed to it the seal herein provided for regardless of where he may locate such device. Any such device so impounded shall be kept in storage under the supervision of the Commissioner of Police and it shall there remain until any judgment assessed against the owner thereof by the Municipal Court of the City of Brookings has been fully paid or satisfied and until the license fee required by this ordinance has been paid therefor and the seal affixed thereto in accordance with the provisions of this ordinance.

Section 12. Any person found guilty of a violation of this ordinance shall be punished by a fine of not more than \$500.00 for each violation or by imprisonment in the City jail for a period of not more than two months or by both such fine and imprisonment.

Section 13. The Chief of Police or any police officer of the Bureau of Police who shall seize any device under the provisions of this ordinance shall place the same in the storage depository designated by the Commissioner of Police without unnecessary delay.

Section 14. The license fees on pinball machines, roulette wheels, clock-faced game gadgets or similar contrivances provided for in Section 4 shall be due and payable on the 2nd day of January of each and every year; provided, however, that the license fee thereon for the year 1951 shall be 1/12 of the fee provided for in said Section 4, and the same shall be due and payable on the 1st day of December, 1951.

Section 15. The license fees on punch boards or similar contrivances provided for in Section 4 of this ordinance shall be effective on and after the 1st day of December, 1951.

Section 16. The license fees provided for under Section 5 of this ordinance shall be due and payable on the 2nd day of January of each and every year; provided, however, that the license fees for the year 1951 to be paid by any distributor of any coin-operated music box or similar contrivance for the year 1951 shall be 1/12 of the annual fee provided for in said Section 5, and the same shall be due and payable on the 1st day of December, 1951.

Section 17. The Council of the City of Brookings may, in the exercise of its discretion, either with or without notice to the licensee, revoke any or all licenses issued hereunder and evidenced by such seal; provided, however, that if such revocation is made without reasonable notice, the unearned or unexpired portion of the license theretofore paid for shall be refunded to the licensee or shall be placed to the credit of the licensee upon the books of the City.

Section 18. If any section, provision, paragraph, sentence, phrase or word of this ordinance shall, for any reason, be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

Section 19. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Brookings, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

Read by title and in full this 27 day of November, 1951.

Read a second time by title this 27 day of November, 1951.

Read a third time by title and passed by the Council this 27th day
of November, 1951.

Authenticated this 27 day of November, 1951.

Robert O. Dimmick
Robert O. Dimmick, Mayor

Passed by the Council November 27, 1951.

P.S. Guerttias
Recorder

