

ORDINANCE NO. 25

AN ORDINANCE PROHIBITING GAMBLING EQUIPMENT, APPARATUS AND PARAPHERNALIA, MAKING A POSSESSION OR OWNERSHIP THEREOF UNLAWFUL, PROVIDING FOR THE SEIZURE AND DESTRUCTION THEREOF PROVIDING FOR THE PRESERVATION THEREOF AS EVIDENCE, AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

SECTION 1. Gambling equipment, apparatus, and paraphernalia are prohibited in the City of Brookings.

SECTION 2. It shall be unlawful for any person, firm, or corporation to own or to have in his or its possession in the City of Brookings, any gambling equipment, apparatus, or paraphernalia.

SECTION 3. Any person, firm, or corporation found guilty of a violation of this ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

SECTION 4. The Commissioner of Police, the Chief of Police, and any Police Officer of the Bureau of Police is hereby authorized to seize and impound any gambling equipment, apparatus, or paraphernalia found or located by him or any of them in the City of Brookings.

SECTION 5. The Commissioner of Police, the Chief of Police, or any Police Officer of the Bureau of Police who has seized any gambling equipment, apparatus, or paraphernalia, under the provisions of this ordinance, shall preserve the same as evidence for the prosecution in the trial of any charge made against the person, firm, or corporation who was the owner or in possession of the same at the time of seizure.

SECTION 6. Any equipment, apparatus, or paraphernalia seized under the provisions of this ordinance, and found to be gambling equipment, apparatus, or paraphernalia by the Municipal Court in the trial of any action or proceeding brought against the owner or possessor thereof, or in any action or proceeding brought against such equipment, apparatus, or paraphernalia itself may be destroyed by the City.

SECTION 7. The City is hereby authorized to institute action or proceeding in the Municipal Court against any equipment, apparatus, or paraphernalia seized under the provisions of this ordinance, whether or not any action or proceeding be instituted against the

owner or possessor, for the purpose of having such equipment, apparatus, or paraphernalia adjudicated as gambling equipment, apparatus, or paraphernalia. The action or proceeding shall be in the name of the City as Plaintiff versus the Equipment, Apparatus, or Paraphernalia (an example of the title of Complaint would read, City of Brookings, Plaintiff, versus One Slot Machine; Four Pin-Ball Machines). In the absence of any interested party appearing to defend against the charges made in such complaint, the Municipal Court may, in its discretion, appoint a duly licensed attorney-at-law to defend the same.

SECTION 8. No equipment, apparatus, or paraphernalia shall be destroyed under the provisions of this ordinance until after destruction thereof has been authorized by official action of the City Council, taken at one of its meetings, and entered in the Minutes thereof.

SECTION 9. Any equipment, apparatus, or paraphernalia which the City Council has authorized to be destroyed under the provisions of this ordinance, shall be physically destroyed to the extent that it cannot be used for gambling purposes.

SECTION 10. After equipment, apparatus, or paraphernalia has been destroyed under the provisions of this ordinance, the remains thereof shall be disposed of in such manner as authorized by the City Council and to the end that the same shall not come in to the hands of any person, firm, or corporation for gambling purposes.

SECTION 11. 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 1st day of July, 1952.

Read a second time by title this 15th day of July, 1952.

Read a third time by title and passed by the Council this 29th day of July, 1952.

Authenticated this 29 day of July, 1952.  
Robert O. Dimmick  
Robert O. Dimmick, Mayor

Passed by the Council July 29, 1952.  
W. W. Guertel  
Recorder

