

ORDINANCE NO. 158<sup>a</sup>

INTRODUCED BY COMMISSIONER Geo. W. Kelly

AN ORDINANCE DECLARING THE KEEPING OF CARD ROOMS, CARD TABLES, AND SOFT DRINK ESTABLISHMENTS TO BE OFFENSIVE TRADES AND OCCUPATIONS, AND SUCH THAT THE PUBLIC GOOD REQUIRES SAME TO BE LICENSED AND REGULATED; DEFINING CARD ROOMS, CARD TABLES, SOFT DRINK ESTABLISHMENTS, POOL AND BILLIARD TABLES, BOWLING ALLEYS, SHOOTING GALLERIES, CIGAR AND TOBACCO STORES, AND PERSONS OPERATING SAME; DECLARING A DISTINCTION BETWEEN TWO CLASSES OF NON-INTOXICATING LIQUOR, AND PROVIDING FOR LICENSES TO COVER THE TWO DIFFERENT CLASSES AND ALSO PROVIDING FOR LICENSE WITH REFERENCE TO THE SALE OF SAID TWO DIFFERENT CLASSES OF NON-INTOXICATING LIQUOR; REPEALING ORDINANCE NO. 113~~0~~ AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE

WHEREAS, Card rooms, card tables and soft drink establishments or places in which non-intoxicating beverages are sold and offered for sale to the general public as the same have been and are now being operated in the City of Warrenton, Clatsop County, State of Oregon, tend to become and frequently are rendezvous for lawless and vicious men, covers and shelters for the illicit sale of intoxicating beverages and of opium, morphine, cocaine, and other narcotic drugs, and for gambling, and are frequently injurious and dangerous to the moral welfare of minors; and,

WHEREAS, By reason of the aforesaid, all of such card rooms, card tables, and soft drink establishments require constant and close supervision and regulation,

N O W   T H E R E F O R E,

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That the keeping, maintaining, and operating of all card rooms, card tables, soft drink establishments and places in which soft drinks or non-intoxicating beverages are sold or offered for sale to the general public be and the same are hereby declared to be and defined as offensive occupations

or draft or any derivative of tobacco and sold or offered for sale and are further declared to be callings, employments and

occupations which, in the judgment of the Commission, the public good requires to be licensed and regulated.

DEFINITIONS

Section 2. The term "card room" shall mean any place open to the public wherein a table or tables are maintained upon which games of cards are played.

The term "card table" shall mean any table, board or other contrivance upon which a single game of cards are played at one time. If more than one game is allowed to be played on any one table at the same time, a separate fee will

be charged for each game the same as if they were being played on separate tables.

The term "soft drink establishment" shall mean any place open to the general public where soft drinks or non-intoxicating beverages are sold or offered for sale.

The term "pool or billiard table" shall mean any table upon which any game with balls and cues is played.

The term "pool or billiard room" shall mean any place open to the general public wherein one or more pool or billiard tables are maintained where a charge is made for the use of said table or tables.

The term "shooting gallery" shall mean any enclosure wherein guns are discharged at any object to display skill in marksmanship.

The term "bowling alley" shall mean a unit in any building or place wherein or whereon a single game is played at one time by rolling balls by hand at any one or more objects.

The term "cigar and tobacco store" shall mean any place open to the general public wherein cigars, cigarettes, cigarette paper, pipes, cigar and cigarette holders, tobacco

or snuff or any derivative of tobacco are sold or offered for sale.

The term "person", when used in this ordinance, shall mean any person, firm or corporation who is the owner, proprietor, manager or any other person in control of such establishment.

Non-intoxicating liquor shall be divided into two different classes: Class No. 1 shall be known as non-intoxicating liquor containing not to exceed one-half of one per cent. of alcohol by volume; Class No. 2 shall be known as non-intoxicating liquor containing more than one-half of one per cent and not to exceed three and two-tenths per cent. of alcohol by ~~volume~~ <sup>weight</sup>.

#### APPLICATION FOR LICENSES

Section 3. It shall be unlawful for any person, firm or corporation to maintain or operate any card room, card table, soft drink establishment, pool or billiard room, pool or billiard table, shooting gallery, bowling alley, or cigarette or tobacco store in the City of Warrenton, Clatsop County, State of Oregon, without first making a written application and obtaining a license therefor from the City of Warrenton as provided by this ordinance.

Any person desiring to obtain a license under the provisions of this ordinance shall make application therefor at the office of the Auditor and Police Judge on a blank provided by the Auditor and Police Judge for that purpose, which blank must be filled in and signed by the person desiring to secure such license. All applications required to be filed by this ordinance must be passed upon by the City Manager and the Chief of Police and submitted by them with their recommendation to the Commission of the City of Warrenton, after which, if the application for said license is granted and approved by the said Commission, the Auditor and Police Judge of the City of Warrenton shall issue the proper license upon the receipt of the license fees herein specified.

If the application for license shall be disapproved by the Commission, the Auditor and Police Judge shall at once notify the applicant in writing, and the applicant may appeal to the Commission and demand a hearing before the Commission at its regular meeting thereafter, and the Commission shall proceed to hear and determine said appeal and its decision shall be final.

#### QUALIFICATIONS OF APPLICANTS

Section 4. All applicants for license herein provided for must be of good moral character, and not having been convicted of any violation of any State or National law or ordinance of the City of Warrenton involving moral turpitude, or of any ordinance of said City of Warrenton regulating the operation of any of the occupations or callings herein licensed. The places of business for which licenses are applied for under the provisions of this ordinance must be in a clean and sanitary condition, and an application for license may be denied in any case wherein the City Health Officer of said City or any regular licensed physician employed for the time being by the City of Warrenton as such Health Officer shall declare the place of business of the applicant to be in an unsanitary condition, so as to render it unfit for the purpose for which said license is desired. All applicants for licenses to operate card rooms, card tables, soft drink establishments, pool or billiard rooms, or pool or billiard tables must be citizens of the United States of America.

#### LICENSE FEES

Section 5. The following license fees shall be collected by the Auditor and Police Judge of the City of Warrenton before the said Auditor and Police Judge issues any license required by this ordinance provided that in any case wherein the applicant desires to carry on more than one of the following

businesses in the same place of business, a single license may be issued covering all of said businesses upon the payment of the total license fees set forth hereafter for all of said businesses for which said license is desired.

Said license fees are as follows, to-wit:

**Card rooms--**  
For the first table, quarterly license fee \$1.50

For each additional table used or that may be used for playing cards, quarterly license fee \$1.00

**Pool or Billiard Rooms--**  
For the first table, quarterly license fee 50¢

For each additional table, quarterly license fee 35¢

**Shooting Gallery, quarterly license fee \$2.50**

**Bowling Alley--**  
For the first alley, quarterly license fee \$2.50

For each additional alley, quarterly license fee \$1.25

**Cigar Stores, quarterly license fee 50¢**

**Soft drink establishments--**  
Selling Class No. 1 non-intoxicating liquor, quarterly license fee 50¢

Selling Class No. 2 non-intoxicating liquor, quarterly license fee \$ 2.50

Selling both Class No. 1 and Class No. 2 non-intoxicating liquor, quarterly license fee \$ 3.00

**LICENSES TO BE POSTED**

Section 6. All licenses for soft drink establishments, card rooms, pool or billiard rooms, bowling alleys and shooting galleries shall be posted and continue posted during the entire period covered by the license in the front window of said establishment or room, so that the same can be plainly viewed by the public from the sidewalk or street.

Said license shall contain the purpose for which the license is issued, the date issued, and the date of expiration, the

amount paid for license, the street and number of the building, the names of owner or owners of said building, and the name of all persons interested in the ownership of the business for which the license was issued.

In case the ownership changes before the license expires, a new license must be applied for immediately, and no transfer of license shall be allowed.

#### NO MINORS ALLOWED

Section 7. It shall be unlawful for any proprietor or person in charge of any card room, pool or billiard room or soft drink establishment handling non-intoxicating liquor of Class No. 2 to permit, suffer or allow any minor under the age of twenty-one years to go into, visit or remain in any card room, pool hall, billiard room or such soft drink establishment; and in case of doubt there shall be constantly on file in each establishment a written statement, signed by the parents of the doubtful ones, giving the date of birth, and there shall be posted in the entrance of all card room, pool or billiard rooms a sign "No Minors Allowed", in letters not less than two inches high.

#### SHOOTING GALLERIES, NOISE FROM

Section 8. No person shall discharge firearms in any shooting gallery within the corporate limits of the City of Warrenton wherein the noise resulting from such discharge can be heard over a distance of 300 feet of the shooting gallery.

#### SHOOTING GALLERIES MUST BE ENCLOSED

Section 9. All shooting galleries must be securely enclosed in such a manner that persons on the outside thereof shall not be in danger or annoyed by the discharge of the firearms therein.

OBSTRUCTIONS.

Section 10. All back rooms and other parts of all such card rooms, soft drink establishments, pool and billiard rooms, bowling alleys and shooting galleries shall be open to the inspection of any officer of the City of Warrenton, or of any other peace officer of the State of Oregon, and the doors to the same shall be kept unlocked during the hours when said business is kept open, except, in the case of rooms used exclusively for storage purposes and which are plainly marked and labelled "store room" on the door thereof. Provided, however, that this provision shall not dispense with the necessity of procuring a search warrant, where such a search warrant is necessary under the present laws of the State of Oregon.

It shall be unlawful to maintain in any soft drink establishment, card room, pool or billiard room any screen, interior swinging doors, window blinds or any obstruction whatever which will obstruct the view of the interior of such establishment to passersby.

CLOSED HOURS

Section 11. All soft drink establishments, card rooms, pool or billiard rooms, bowling alleys and shooting galleries, and all parts thereof used in connection therewith, shall remain closed between the hours of 12 o'clock midnight and 6 o'clock A. M. of each day.

GAMBLING

Section 12. It shall be unlawful for any proprietor or person in charge of any card room, pool or billiard room to permit, suffer, or allow any person to gamble or play at any game of chance within any card room, pool or billiard room within the corporate limits of the City of Warrenton.

SANITATION

Section 13. All places of business herein required to be licensed must be kept at all times in a clean and sanitary condition, and at any time that the Health Officer of the City of Warrenton or any licensed physician employed by the City of Warrenton as Health officer shall report same to be in an unsanitary condition, they shall be immediately cleaned to the satisfaction of said City Health Officer.

REVOCAION OF LICENSE

Section 14. Any license issued hereunder may be revoked by the Commission of the City of Warrenton for the failure of the licensee to comply with any of the provisions of this ordinance or of any other ordinances of the City of Warrenton, providing for the regulation of any of the businesses or places of business herein required to be licensed, and no license shall be issued to any person whose license has been revoked, without the approval of the Commission expressed by resolution. Upon the revocation of any license by the Commission of the City of Warrenton, the unearned portion of the license fee paid therefor shall be forfeited to the City of Warrenton.

REPEALING CLAUSE

Section 15. Ordinance No. 1134 and all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

PENALTY

Section 16. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Auditor and Police Judge shall be punished by a fine of not less than \$5.00 nor more than \$300.00,



or by imprisonment in the City Jail not to exceed one hundred days, or by both such fine and imprisonment.

Passed by the Commissioners of the City of Warrenton this 18th day of April, 1933.

Approved by the Mayor of the City of Warrenton this 18th day of April, 1933.

  
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Mayor

Attest:

  
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Auditor and Police Judge