

ORDINANCE BILL NO. 51 FOR 1950

ORDINANCE NO. 794

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 618 AS AMENDED BY ORDINANCE NO. 622.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

That Ordinance No. 618 passed by the Council and approved by the Mayor on the 3rd day of October, 1944 as amended by Ordinance No. 622 passed by the Council and approved by the Mayor on the 6th day of February, 1945, be amended to read as follows:

SECTION 1. It shall be unlawful for any person, firm or corporation within the City of Lebanon to operate as proprietor, agent, lessee or consignee of any punch board except such as shall conform to the laws of the State of Oregon as not being lotteries, and it shall be unlawful for any such person, firm or corporation to operate any punch board in such manner as a lottery and contrary to the laws of the State of Oregon.

SECTION 2. For the purpose of this ordinance the term person, shall be construed to mean either the proprietor, manager or employee of such proprietor of any place of business within the corporate limits of the City of Lebanon and the term firm shall be construed to mean either one or all of the owners of such place of business.

SECTION 3. Every person, firm or corporation before displaying or causing or suffering to be displayed any punch board to the public in any place of business within the corporate limits of the City of Lebanon shall pay thereon before such punch board is displayed to the public a tax at the rate of $2\frac{1}{2}$ per cent of the retail price of all the punches thereon including any free punches at the same price as others on boards that pay money prizes; and on boards that pay merchandise prices the tax shall be 1 per cent determined upon the same basis as boards which pay money prizes.

SECTION 4. That the Recorder shall obtain, and keep for sale tax stamps with distinguishing characteristics indentifying the same as punch board tax stamps of the City of Lebanon in denominations of fifty cents (\$.50) and multiples thereof as shall be practical

and shall keep on hand said stamps for sale to the operators of punch boards as herein referred to; that when any such stamp shall be sold it shall be cancelled with the impression seal of the City of Lebanon.

SECTION 5. It shall be unlawful for any person, firm or corporation to display or cause or suffer to be displayed any punch board to the public within the corporate limits of the City of Lebanon unless such punch board shall at all times have stamped thereon cancelled punch board stamps, in sufficient amount to equal $2\frac{1}{2}$ per cent of the retail price of all the punches thereon, including any free punches at the same price as others on boards that pay money prizes; and on boards that pay merchandise prizes the tax shall be 1 per cent determined upon the same basis as boards which pay money prizes. By the term cancelled punch board stamps is meant the original stamps purchased from the City Recorder and not a stamp which has been previously placed upon another punch board.

SECTION 6. That no tax shall be transferable or subject to refund because of confiscation of any such board by County, State or Federal authorities or for any other reason, and it shall be unlawful for any person, firm or corporation to transfer or cause or suffer to be transferred any tax stamp from one punch board to another punch board.

SECTION 7. That it shall be unlawful to permit any person under age of twenty-one (21) years to punch any of the boards herein referred to; and it shall be unlawful for any proprietor to permit any clerk, employee, or agent under the age of twenty-one (21) years to set up in operation, display or sell punches on any such board to customers.

SECTION 8. It shall be the duty of the police of the City of Lebanon to place under arrest any person or persons whether such person be an individual, a member of a firm or an officer of a corporation, or an employee of any person, firm or corporation found to be displaying or causing or suffering to be displayed any punch

board within any place of business within the City of Lebanon in violation of this ordinance and at the same time to seize the punch board so displayed and hold the same pending the trial of the person arrested; and whenever it shall appear to the municipal court that such punch board was displayed to the public in violation of this ordinance the judge of such court shall enter an order so decreeing and shall include as a part of such order a decree that the tax on such punch board owing to the City of Lebanon is delinquent and that the board be retained by the City Recorder as security for the payment of such delinquent tax.

SECTION 9. Any person violating any provisions of this ordinance shall upon conviction thereof in addition to the payment of the delinquent tax be punished by a fine of not more than One Hundred and no/100 (\$100.00) Dollars or by imprisonment in the City Jail for a term of not more than fifty (50) days, or by both, such fine and imprisonment in the discretion of the Court.

SECTION 10: In case it shall be held by any court that any portion other than the whole of this ordinance is unconstitutional or invalid such judgment, order or decree of invalidity or unconstitutionality shall not extend to any other portion of this ordinance and the portion not affected by such judgment, order or decree shall remain valid, subsisting and enforceable.

SECTION 11. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Emergency
It being necessary to regulate the operation of punch boards, this ordinance is necessary for the peace, safety and general welfare for the people of the City of Lebanon, and an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 1st day of August, 1950.

R. P. [Signature]
Mayor

ATTEST:
[Signature]
City Recorder