

ORDINANCE NO. 377.

AN ORDINANCE to regulate and license certain mechanical amusement devices commonly known and referred to as "pin ball machines" under Chapter 369, Laws 1935, State of Oregon, and to repeal ordinance No. 353.

MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Within the scope and meaning of this ordinance, an amusement device is any machine or device designated to be operated or used for amusement or for playing a game, upon the insertion of a coin or anything representing a coin, and commonly known and referred to as "pin ball machines", provided, however, that the following devices are prohibited:

1. Any device for playing a game of chance, or any game in which the element of chance predominates over skill;
2. Any device intended for gambling, or reasonably intended to be used for gambling.

Section 2. It shall be unlawful for any person within the City of Milwaukie to sell, lease, distribute or place, or to offer to sell, lease, distribute or place, or to operate or permit to be operated or used, or to have in his possession with intent that the same shall be operated or used, any amusement device, without a license first having been obtained therefor.

Section 3. The City Recorder shall securely affix, or cause to be affixed, in a conspicuous place on each machine licensed, a sticker or label, legibly setting forth the name and address of the licensee and the license number and month for which issued, together with the words "City of Milwaukie". Any device not so labeled shall be subject to seizure.

Section 4. It shall be unlawful for any person to permit or allow any amusement device as herein defined, then in his possession or under his immediate control, to be played or operated by any minor under the age of eighteen (18) years, provided, that every person, employee or person in charge of any place of business wherein any such device or

machine is being operated or displayed shall be conclusively presumed to be in control of such machine.

Section 5. Each license shall be issued for a period of one (1) month. The license fee shall be the sum of Twenty-five dollars (\$25.00) per month for each machine.

Section 6. No license shall be issued for more than twelve (12) of such machines to be operated, maintained, kept or displayed at any one and the same time, and when licenses have been issued for this number of machines, then no licenses shall be issued until after the expiration of one or more of the outstanding licenses.

Section 7. The Council of the City of Milwaukee shall have the right to revoke any and all licenses issued hereunder at its discretion, either with or without notice to the licensee, provided the unearned portion of the license fee theretofore paid be refunded, tendered or deposited with the Recorder.

Section 8. It shall be unlawful for any person to have in his possession, or to operate, or permit to be operated, any device prohibited in Section 1 of this ordinance, and it shall be the duty of the Marshal to seize, and on order of the Recorder's Court to destroy, any such machine found within the City of Milwaukee.

Section 9. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$100.00, or by imprisonment in the city jail for a period not exceeding sixty (60) days, or by both such fine and imprisonment.

Section 10. That Ordinance No. 353 be, and the same is hereby repealed.

Posted for the first time this \_\_\_ day of \_\_\_\_\_, 1937.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 1937.

Posted for the second time this \_\_\_ day of \_\_\_\_\_, 1937.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 1937.

ATTEST:

\_\_\_\_\_  
Mayor.

\_\_\_\_\_  
Recorder

#377<sup>2.</sup>