

ORDINANCE NO. 734

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATING OF JUKE BOXES AND MECHANICAL AMUSEMENT DEVICES, DEFINING SAME, PROHIBITING THE OPERATION OF GAMBLING MACHINES AND GAMES OF CHANCE; PROVIDING FOR THE REVOCATION OF SUCH LICENSE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

The people of the city of Prineville, Oregon ordain as follows:

Section 1. Definition of Terms. As used in this ordinance, unless the context otherwise indicates,

(a) The term "juke box" shall mean any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or other opening, or by the payment of any price, operates or may be operated, for the emission of songs, music, or similar amusement;

(b) The term "mechanical amusement device" shall mean any machine, which upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines and all games, operations, or transactions similar thereto under whatever name they may be indicated.

(c) The terms "person," "firm," "corporation" or "association" as used herein shall include the following: Any person, firm, corporation, or association which owns any such machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this section of the ordinance.

Section 2. Gambling Devices Not Permitted. Nothing in this ordinance shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the state of Oregon.

Section 3. License Required. Any person, firm, corporation or association displaying for public patronage or keeping for operation any juke box, or mechanical amusement device as herein defined by Section 1, shall be required to obtain a license from the city of Prineville, upon payment of a license fee. Application for such license shall be made to the recorder upon a form to be supplied by the city recorder for that purpose.

Section 4. Application. The application for such license shall contain the following information.

- (a) Name and address of the applicant, age, date, and place of birth.
- (b) Prior convictions of any penal statute or ordinance, if any.
- (c) Place where machine or device is to be displayed or operated and the business conducted at that place.
- (d) Description of machine to be covered by the license, mechanical features, name of manufacturer, & serial number.

No license shall be issued to any applicant unless he shall be over 21 years of age and a citizen of the United States.

Section 5. Inspection. Application for license shall be made out in duplicate, one copy being referred to the chief of police, the other one to be filed with the city recorder.

(a) The chief of police shall investigate the location wherein it is proposed to operate such machine and ascertain if the applicant is a person of good moral character, and either approve or disapprove the application.

(b) All disapproved applications shall be submitted to the council by the recorder for final disposition; the city recorder to issue license if there is no disapproval in accordance with this section.

Section 6. License Fees. Every applicant, before being granted a license shall pay the following annual license fee for the privilege of operating or maintaining for operation each juke box or mechanical amusement device as defined in Section 1 herein:

Juke Boxes	\$24.00 per year per machine
Mechanical amusement devices	\$60.00 per year per machine

License as provided herein shall be granted for a calendar year (January 1 to December 31, inclusive). A fee of \$2.00 or \$5.00 per month, for the balance of the year shall be paid for any machine put into operation after January 1. There shall be no refund made for any machine taken out of operation.

Section 7. Display of License.

(a) The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

(b) Such license may not be transferred from one machine or device to another machine, except that in the case of mechanical failure of a machine or device, another machine may be substituted for the broken machine without further payment of license fee. However, in any case where the machine will remain in service more than one month, the city shall be notified of any such substitution, and a description of the machine registered with the city.

(c) If the licensee shall move his place of business to another location within the city of Prineville, the license may be transferred to such new location upon application to the city recorder, giving the street and number of the new location. The new location shall be approved by the chief of police in the same manner as provided in Section 5 of this ordinance.

Section 8. Revocation of License. Each license issued under this ordinance is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any juke box, or mechanical amusement device contrary to the provisions of this ordinance, the ordinances of the city of Prineville, or the laws of the state of Oregon. Said license may be revoked by the city council after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten days' notice of the hearing shall be given to the licensee.

Section 9. Seizure and Destruction of Machine. If the chief of police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded and if upon trial of the exhibitor for allowing it to be used as a gambling device said exhibitor be found guilty, such machine shall be destroyed by police.

Section 10. Penalty. Any person, firm, or corporation, violating any of the provisions of this ordinance, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not more than \$200.00 or 60 days in the city jail, or by both such fine and imprisonment.

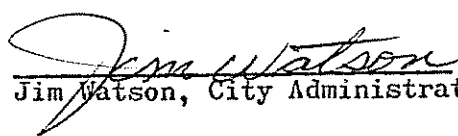
Section 11. This ordinance is deemed to be an all-inclusive ordinance in the regulation and licensing of the subject matter hereof, and therefore the following ordinances are repealed, as well as all other ordinances whose terms come in conflict herewith, to wit: Ordinances No. 308, No. 464, and No. 536.

Section 12. It is the intention of the city council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the city council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Passed by the City Council this 9th day of July, 1974.

Approved by the Mayor this 10th day of July, 1974.


Riley L. Allen, Mayor


Jim Watson, City Administrator