

ORDINANCE NO. 107, N.S.

ORDINANCE No. _____
REPEALED BY ORDINANCE No. _____
140 N.S.

AN ORDINANCE REPEALING SECTION 1, AND SECTION 5
OF ORDINANCE NO. 102 N.S. AND AMENDING LICENSE ORDINANCE NO. 84 N. S.

The City Council of the City of El Paso de Robles does ordain as follows:

SECTION I. That Section 1 and Section 5, of Ordinance No.102, N.S., entitles: "An Ordinance Amending Licenses Ordinance N. 84 N.S. and Repealing Ordinance No. 86 N.S.", passed on the 15th day of Rebruary, 1943, is hereby repealed.

That Section 23 of Ordinance No. 84 N.S., entitled, "An Ordinance Fixing License Taxes and Providing Penalties for Doing Business Without a License and Repealing Ordinance No. 49 N.S.", passed on May 26, 1941, be and the same is hereby amended to read as follows:

Section 23.

(a) Any person, firm, association or corporation conducting a fixed place of business and maintaining on premises owned, leased or controlled by him, any mechanical game, pin-ball machine, music machine, phonograph or similar game or machine operated solely for amusement, shall pay a license fee fixed as follows:

For each mechanical game or pin-ball machine \$5.00 per quarter.

For each music machine or phonograph \$5.00 per quarter.

(b) It is the intention herein that the license shall stand in the name of the actual operator only, and not in the name of the owner or distributor.

(c) The application for license shall be in writing and on such forms as are prescribed by the City Clerk.

(d) Said license shall be placed on said game or machine in a conspicuous place and not removed during the term thereof.

(e) Any music machine, or mechanical device, used for non-commercial dances, or social functions, shall be exempt and free from any fee, providing the same is not used for more than four (4) days out of each calendar month.

(f) This license fee shall in no way license nor permit the

operation of a machine or game which is unlawful under the state law or local ordinance, nor license or permit the operation of a lawful machine or game in an unlawful manner, nor permit the operation of any machine or game in which the element of chance predominates, nor permit, as a result of operating any machine, any award, pay-off or delivery of anything of value, or representing, or exchangeable or redeemable for anything of value.

(g) No music machine, phonograph, or other musical device, as licensed under this ordinance, shall operate between the hours of 12 o'clock midnight and 8 A.M., provided that if any such machine is located more than 200 feet from any house, hotel, or other building used for sleeping purposes for any person or persons, then, and in that event, this Section shall not apply to such machine.

(h) Any music machine, phonograph, or other musical device, operating between the hours of 12 o'clock midnight and 8 A.M., and any mechanical amusement device operating on a pay-off basis, as defined in Section (f), shall, in addition to any other penalties prescribed by this Ordinance, be deemed to be a public nuisance, and any such machine or device operated, or maintained to be operated, shall be impounded by the Chief of Police: and any Court of competent jurisdiction shall determine that said machine or device, or the use or operation thereof, so violates, or has violated the said provisions of this Ordinance, said machine or device shall be confiscated by said Chief of Police.

(i) This license fee shall be in addition to any other license fee imposed by the City.

(j) No license issued under this ordinance shall be transferable, or valid, except for the identical machine or device for which the same was issued.

(k) Every mechanical game or machine or device licensed under this Section, except music machines, shall at all times bear in a conspicuous place thereon, in large legible letters, the following: "THIS MACHINE FOR AMUSEMENT ONLY."

SECTION II.

That Section 5, of Ordinance No. 102 N.S. is hereby repealed.

That Section 120, of Ordinance No. 84 N.S. be and the same is hereby amended to read as follows:

Section 120. Every person, firm or corporation maintaining, renting out, or placing any vending machine on a percentage basis, which is operated by inserting a coin, slug or token, of 5¢ value or more, and which delivers to the operator any merchandise of equivalent value, shall pay a license of ONE DOLLAR (\$1.00) per quarter, for each machine, and if operated by inserting a slug, token or coin of less than 5¢ value, the license shall be FIVE DOLLARS (\$5.00) per quarter, for the business of placing such machines in the City.

SECTION III.

All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of El Paso de Robles hereby declares that it would have passed this ordinance, and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION IV.

The foregoing Ordinance is hereby approved for passage, this 21st day of February, 1944.

J. Brooks
MAYOR

ATTEST [Signature]
CITY CLERK.

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
CITY OF EL PASO DE ROBLES

} SS.

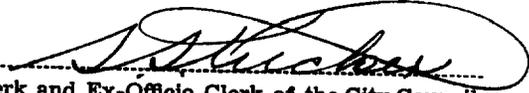
I, S. S. Tucker, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 107 N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 21st day, of February 1944, by the following vote:

AYES: Councilmen Bailey, Brooks, Dougherty, Hirschler and Wilmar

NOES: Councilmen None

ABSENT: Councilmen None

Dated this 21st day of February, 1944


City Clerk and Ex-Officio Clerk of the City Council,
City of El Paso de Robles, State of California.