

ORDINANCE NO. 2

AN ORDINANCE providing for licensing and regulating the operation of certain amusement machines and other devices and games for use by the public; providing penalties for the violation hereof; and fixing the effective date of this ordinance.

BE IT ORDAINED by the Council of the Town of Gig Harbor:

Section 1. DEFINITIONS. Words and phrases as used in this ordinance shall mean as follows:

"Amusement Device" shall mean any machine or device designed to be operated or used for playing a game upon the insertion of a coin, or trade check, as hereinafter provided, and which is played or operated essentially for amusement and entertainment, but shall not mean or include any machine or device used exclusively for the vending of merchandise.

"Operator" shall mean any person who leases or rents, or places with others any amusement device for use, play or operation.

"Person" shall mean and include an individual, corporation, co-partnership or association.

Section 2. AMUSEMENT DEVICE LICENSE. That it shall be unlawful for any operator to rent or place with another for use or play or for any person to exhibit for use or play any amusement device without first having obtained an "Amusement Device License" therefor.

Each such amusement device shall have a serial number stamped thereon to identify same and the amusement device license issued pursuant hereto shall be issued for a particular amusement device and shall be conspicuously affixed upon same and shall remain thereon. Such license shall not be transferable from one amusement device to another or from one person to another. Application for such license shall be made to the Town Clerk upon such form as may be prescribed by the Clerk.

Amusement device licenses shall be on a monthly basis. The license fee shall be Ten (\$10.00) Dollars per month or 10% of the gross operating revenue of said machine, whichever sum shall be the greater. In the event that any such license be surrendered, or revoked for cause, as in this ordinance provided, no part of the license fee shall be refunded.

Section 3. PLAY BY MINORS PROHIBITED. It shall be unlawful for any person under the age of twenty-one (21) years to play or operate any amusement device; and it shall be unlawful for any operator or any owner of any amusement device, or for any manager or other person in charge of premises where any such amusement device is kept, maintained or operated, or permitted to be kept, maintained or operated, to permit or allow any person under twenty-one (21) years of age to play or operate any amusement device.

Section 4. REVOCATION OF LICENSE -- HEARING BY TOWN COUNCIL. If the Town Marshall shall find that any licensee has violated any of the provisions of this ordinance he shall make a written report thereof to the Town Council, specifying therein the particulars in which the ordinance has been violated. The Town Council upon considering such report may revoke such license. In case of the revocation of a license the same shall be taken up by the Town Marshall and cancelled by the Clerk. Any licensee whose license is revoked shall have the right to a hearing before the Town Council by filing with the Town Clerk a written request therefor after the entry of the order of revocation. The application for hearing shall specify an address at which the licensee may be given notice of such hearing. At the hearing the licensee shall be entitled to appear in person and offer evidence pertinent to the revocation, and the Town Marshall likewise shall be entitled to offer evidence in support of

the revocation. The Town Council expressly reserves the right to refuse to grant a license for any reason. It being the purpose of the Council to refuse to license any machine which is used in a place of business frequented or patronized by an unusual number of minors.

Section 5. PENAULTIES. Any violation or failure to comply with any of the provisions of this ordinance shall constitute a misdemeanor, and upon conviction thereof shall subject the offender to a fine in any sum not exceeding one hundred (\$100.00) dollars or imprisonment in the City Jail or County Jail for a period not exceeding thirty (30) days, or to both such fine and imprisonment.

Section 6. That if any section, part of a section, clause or sentence of this ordinance shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

Section 7. This ordinance shall take effect and be in full force and effect on and after September 1, 1946.

Passed August 16th, 1946.

Harold H. Ryan
HAROLD H. RYAN

Mayor

Marie Gustafson

Attest:

MARIE GUSTAFSON

Town Clerk