

80621

ORDINANCE NO. 80621

An Ordinance amending Sections 20-10302, 20-10303, and 20-10304 of Article 103 of Ordinance No. 76398 (License and Business Code), so as to provide for stricter control over punch boards; classifying licenses thereof; providing for payment of additional license fees thereon; and declaring an emergency.

The City of Portland does ordain as follows.

Section 1. Section 20-10302 of Article 103 of the License and Business Code (Ordinance No. 76398), is hereby amended to read as follows:

Section 20-10302. UNLAWFUL - WHEN. It shall be unlawful for any person, individually or as an agent for another, to sell, lease, distribute or place any board as defined in Section 20-10301, or for any person to have in possession for the purpose of having operated or used on or in said person's premises, or in connection with said person's business any board as defined in Section 20-10301 hereof, without first having obtained a license for the required class and paying the amount of the fee as hereinafter provided.

It shall be unlawful for any person to have in his possession any board as defined in Section 20-10301 hereof which shall pay, directly or indirectly, any cash award or any merchandise prize or other thing upon any token, number, insignia or other thing than the ability of the player to answer, through the exercise of knowledge or skill, the question contained on the slip punched or drawn from such board, and the ability of the player so to do shall be the sole, only and exclusive basis for such award.

It shall be unlawful for any person to sell or give away any punch board sticker or stickers, or to provide stickers for use on or in connection with any punch board which such person is not licensed to operate.

It shall be unlawful for any person operating or conducting, or employed in or about, any business where punch boards are kept or used, publicly to exhibit, or to offer for public play, any punch board which does not have attached thereto the required sticker, with the serial number of the board clearly marked thereon in ink.

It shall be unlawful for any person, by subterfuge, trickery, ruse, or other dishonest means, to procure or

attempt to procure any article of merchandise, or thing of value whatsoever, through the presenting or exhibiting of a question and answer slip which has not been a part of, and punched from, the merchandise board upon which the claim for merchandise prize is made.

Section 2. Section 20-10303 of the License and Business Code (Ordinance No. 76398) is hereby amended to read as follows:

Section 20-10303. LICENSEES. Punch board licensees shall be classified as follows: Class A Licensee shall be any person, who for himself, or as agent or employee of another, is engaged, or engages, in the distribution of punch boards by sale either with or without the merchandise to be delivered as prize in connection therewith; and such licensee shall not be entitled to procure, nor be permitted to sell, furnish, or supply, stickers for use on any punch board whatsoever.

Class B Licensee shall be any person who for himself, or as agent or employee of another, (and whether with or without merchandise to be delivered as prize in connection therewith), deals in punch board or punch boards by placing with or consigning to another such board or boards in return for, or in anticipation of, the payment or receipt of fee or revenue to be derived from or by reason of the use or operation of such board or boards.

Class C Licensee shall be any person who buys outright or makes up any such punch board or boards and operates the same at his own licensed place of business for the promotion of sales of merchandise which he is licensed to sell.

Individual punch board license fees shall be paid upon each and every punch board by the Class B and Class C operators before the same shall be used, and a sticker as hereinafter provided shall be placed upon such board, which sticker shall, among other things, show that the required license fee has been paid as provided in Section 20-10304; and the owner, operator, or other person in charge of the premises on which such board is kept or used shall write or cause to be written in ink on the sticker, the serial number of such board; and it shall be unlawful to fail so to do, or to re-use any such sticker.

Every person coming within more than one of the

classifications provided in this section shall pay the full license fee required of each particular classification.

All licenses shall show the name of the licensee, his address, and telephone number; and no license shall be issued to any person not a resident of the City of Portland.

Every Class A licensee shall at all times keep in his principal place of business at Portland, Oregon, a record of the number of punch boards sold, together with the names and addresses of the purchasers thereof, and which record shall be open to inspection during all regular business hours. Class A licensees shall furnish to the Bureau of Licenses of the City of Portland such list upon demand and without cost.

Every Class B licensee shall keep in his principal place of business at Portland, Oregon, a record of the number and location of all boards owned or operated, and/or placed or consigned by him, which record shall be open to inspection during all regular business hours. Class B licensees shall furnish to said Bureau of Licenses such list upon demand, and without cost.

Application for licenses shall be made on a form to be provided by the Bureau of Licenses of the City of Portland, and shall contain such information as the said Bureau may deem necessary.

License for individual boards shall be issued by the Bureau of Licenses upon application and upon demonstrating to the satisfaction of said Bureau that the board to be so licensed is within the provisions of the article. Said license shall be in sticker form and must be attached to the board so licensed. Said license shall contain, in addition to the name, address and telephone number of the person obtaining the same, such other information as the Bureau of Licenses shall deem necessary.

Section 3. Section 20-10304 of Article 103 of the License and Business Code (Ordinance No. 76398), is hereby amended to read as follows:

Section 20-10304. LICENSE FEES. Class A, annually \$100.00, and no license shall be issued for less than the full annual fee.

Class B, annually \$150.00, and no license shall be issued for less than the full annual fee.

Class C, annually \$100.00, and no license shall be issued for less than the full annual fee.

The following licenses shall be paid upon individual boards and shall be in addition to the license fees provided for Class B and C. (Class A is not entitled to purchase stickers).

Boards having up to and including 500 holes or receptacles 25 cents each

Boards having 501 to 1000 holes or receptacles 50 cents each

Boards having 1001 to 1500 holes or receptacles 1 dollar each

Boards having more than 1500 holes or receptacles - 1 dollar each plus 50 cents for each 500 holes or receptacles or fraction thereof in excess of 1500.00.

Section 4. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace, and safety of the City of Portland, in this: In order to render the provisions of the foregoing amendment effective as of January 1, 1945, it is necessary that this ordinance become immediately effective; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council

Passed by the Council DEC 21 1944 *R. E. Riley*

J.O.S., Jr.

Mayor of the City of Portland

R. S. E. Attest:

*John B. ...*  
Auditor pro tem of the City of Portland

12/19/44

Commissioner Cooper

JOS:mk

Sub ordinance

4129

4129

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K.L.C.

Filed DEC 29 1944

*John B. ...*  
of the ... CON. LAND

By WALTER C. ROFF  
Deputy

THE BOARD OF THE CITY OF ...	THE BOARD OF THE CITY OF ...
DOUGLAS	/
COOPER	/
HEWITT	/
PETERSON	/
RILEY	/