

*read at
mch 2/67
meeting*

AN ORDINANCE RELATING TO, regulating and requiring the license and payment of fees for the use and operation of certain "trade stimulators", "question and answer boards", and like devices, defining offenses; prescribing penalties; and fixing the effective date of this ordinance.

THE CITY COUNCIL OF THE CITY OF LACEY DO ORDAIN AS FOLLOWS:

Section 1. Definitions: A "trade stimulator" or "question and answer board" within the meaning of this ordinance, shall be a board or device containing a number of holes or receptacles of uniform size in which are placed slips of paper or other substance and which may be punched or drawn from said hole or receptacle by any person desiring to do so, said device or board being commonly known as a "punch board", and which the public, upon payment of a consideration, may punch or draw such paper or other substance from such hole or receptacle and obtain an award.

The term "person" when used in this ordinance shall mean and include any person, firm or partnership, corporation or other association of persons.

The term "board" when used in this ordinance shall mean and include any device used in connection with punching, drawing or receiving of numbers, names or designations for which an award may be given.

Section 2. 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 1, 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 1 hereof, without first having obtained a license for the required class and paying the amount of the fee as hereinafter provided.

Stickers, as hereinafter provided for, shall be placed on each punch board at the office of the City Hall, City of Lacey, Washington.

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.

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 3. LICENSEES: Punch board licensees shall be classified as follows: Class A License shall be any person, who for himself, or an 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 awards 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 awards 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 free 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 or merchandise which he is licensed to sell.

Class D Licensee shall be any person who is a wholesaler of candy products and sells or distributes boards involving and using candy products to not less than 75%.

Individual punch board license fees shall be paid upon each and every punch board by the Class B and Class C and Class D operators and a sticker as hereinafter provided shall be placed upon such board, which sticker shall, among other things, evidence that the required license fee has been paid as provided in Section 4; 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 on the sticker, the serial number of such board; and it shall be unlawful to fail to do so, 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 and his address and such other information as may be determined by the City Clerk, Lacey.

Every Class A Licensee shall at all times keep in his principal place of business 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 City of Lacey such list upon demand and without cost.

Every Class B and Class D Licensee shall keep in his principal place of business 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 and Class D Licensees shall furnish to the City of Lacey such list upon demand and without cost.

Application for licenses shall be made on a form to be provided by the City Clerk, City of Lacey, and shall contain such information as he may deem necessary.

License for individual boards shall be issued by the City Clerk, City of Lacey, upon application and upon demonstrating to his satisfaction that the board to be so licensed is within the provisions of the ordinance. 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 and address of the person obtaining the same, such other information as the City Clerk shall deem necessary.

Section 4. LICENSE FEES: Class A Annually \$150.00 and no license shall be issued for less than the full annual fee.

Class B Annually \$300.00 and no license shall be issued for less than the full annual fee.

Class C Annually \$75.00 and no license shall be issued for less than the full annual fee.

Class D Annually \$75.00 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, C and D. (Class A is not entitled to purchase stickers.)

Schedule of fees on all boards on which punches sell at not more than 5¢ each:

100 to 250 holes or receptacles	\$.25
251 to 500 holes or receptacles	\$.50
501 to 1000 holes or receptacles	\$ 1.00
1001 to 1500 holes or receptacles	\$ 1.50
1501 to 2000 holes or receptacles	\$ 2.00
2001 to 2500 holes or receptacles	\$ 2.50
2501 to 3000 holes or receptacles	\$ 3.00
3001 to 3500 holes or receptacles	\$ 3.50
3501 to 4000 holes or receptacles	\$ 4.00
4001 to 5000 holes or receptacles	\$ 5.00
5001 to 6000 holes or receptacles	\$ 6.00
6001 to 7000 holes or receptacles	\$ 7.00
7001 to 8000 holes or receptacles	\$ 8.00
8001 to 9000 holes or receptacles	\$ 9.00
9001 to 10000 holes or receptacles	\$10.00

On all boards on which punches sell at more than 5¢ each the above license fees shall be multiplied by the quotient obtained by dividing the cost per punch computed to the nearest multiple of 5 by the number 5.

Section 5. The City Clerk shall adopt a form of stamp to be used as provided for in this ordinance and the City Clerk shall have power and it shall be his duty from time to time to adopt, subject to the approval of the City Council of Lacey, rules and regulations not inconsistent with this ordinance for the purpose of carrying on the provisions hereof and it shall be unlawful to violate or fail to comply with any such rule or regulation so adopted after the same has been approved by the City Council and published in one issue of the official newspapers of ~~The City of Lacey~~.

Section 6. SEIZURE AND DESTRUCTION: Any board coming within the provisions of this ordinance for which no license has been obtained or which does not have attached thereto the license sticker as herein provided, or any board which is used or possessed in violation of the provisions of this ordinance, even though licenses, shall be subject to seizure, condemnation and destruction. It shall be the duty of the Chief of Police and each and all of those acting under him, as well as the City Clerk, to examine from time to time all boards found or displayed within the City of Lacey and to seize any and all such boards which are not licensed or which are operated in violation of the terms of this ordinance and to bring about the prosecution of any person violating this ordinance as herein provided for.

Section 7. REGULATION: It shall be unlawful for any person licensed under the provisions of this ordinance to place, or permit the placing, any board as defined in Section 1 hereof in any premises or in connection with any business that is located within two hundred (200) feet, measured on street lines of any block, of a public or private school building or church.

It shall be unlawful for any person having such board in his possession, care or custody to permit any person under the age of 21 years to punch the same and it shall be unlawful for any such minor to punch any such board.

The City Councilmen shall have the right to revoke or cancel for cause any license granted under the terms of this ordinance and conviction of a violation of the terms of this ordinance shall be deemed just cause for the revocation or cancellation. Conviction of a violation of this ordinance shall be deemed just cause for the cancellation or revocation of any other licenses held by a licensee under this ordinance.

Section 8. INSPECTION: The City Clerk or his authorized representative and/or the Chief of Police or any of his authorized deputies shall have free and uninterrupted access to any and all places where any board licensed under the provisions of this ordinance is located during any hour of the day or night when such place is open to the public, or open for members or other if such place be an athletic, business or social club or society, and it shall be a violation of the provisions of this ordinance to deny, hinder or refuse admission at any such time to such City Clerk or his authorized representative or the Chief of Police or any of his authorized deputies.

Section 9. PENALTIES: Any person, firm or corporation failing to comply with any of the terms of this ordinance, or violating any of the terms thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed \$300.00 or by imprisonment in the County Jail for a term not exceeding 30 days. Each day of violation or failure to comply with any of the terms of this ordinance shall constitute a separate and distinct offense, and be punishable as such.

Section 10. The provisions of this ordinance shall be deemed an exercise of the power of the City of Lacey to tax for revenue.

Section 11. If any provision or section of this ordinance shall be held void or unconstitutional, all other parts, provisions and sections of this ordinance not expressly so held to be void or unconstitutional shall continue in full force and effect.

> Section 12. This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication.

PASSED THIS 16th day of March, 1967.

C. B. Homann
MAYOR

APPROVED AS TO FORM:

John K. Kramer
CITY ATTORNEY

ATTEST:

Timothy Burgeman
CITY CLERK

PASSED: _____

POSTED: _____

PUBLISHED: _____