

ORDINANCE NO. 52-O-025

AN ORDINANCE PROHIBITING GAMBLING EQUIPMENT, APPARATUS AND PARAPHERNALIA, MAKING A POSSESSION OR OWNERSHIP THEREOF UNLAWFUL, PROVIDING FOR THE SEIZURE AND DESTRUCTION THEREOF, PROVIDING FOR THE PRESERVATION THEREOF AS EVIDENCE, AND DECLARING AN EMERGENCY.

Sections:

Section 1.	Gambling equipment prohibited.
Section 2.	Unlawful possession.
Section 3.	Penalty.
Section 4.	Impoundment.
Section 5.	Evidence.
Section 6.	Equipment destroyed.
Section 7.	Municipal court action.
Section 8.	City council action.
Section 9.	Physical destruction of equipment.
Section 10.	Disposition.
Section 11.	[Emergency clause]

The city of Brookings ordains as follows:

Section 1. Gambling equipment prohibited. Gambling equipment, apparatus, and paraphernalia are prohibited in the city of Brookings.

Section 2. Unlawful possession. It shall be unlawful for any person, firm, or corporation to own or to have in his or its possession in the city of Brookings, any gambling equipment, apparatus, or paraphernalia.

Section 3. Penalty. Any person, firm, or corporation found guilty of a violation of this ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment in the city jail for a period not to exceed six months, or by both such fine and imprisonment.

Section 4. Impoundment. The commissioner of police, the chief of police, and any police officer of the bureau of police is hereby authorized to seize and impound any gambling equipment, apparatus, or paraphernalia found or located by him or any of them in the city of Brookings.

Section 5. Evidence. The commissioner of police, the chief of police, and any police officer of the bureau of police who has seized any gambling equipment, apparatus, or paraphernalia, under the provisions of this ordinance, shall preserve the same as evidence for the prosecution in the trial of any charge made against the person, firm, or corporation who was the owner or in possession of the same at the time of seizure.

Section 6. Equipment destroyed. Any equipment, apparatus, or paraphernalia seized under the provisions of this ordinance, and found to be gambling equipment, apparatus, or paraphernalia by the municipal court in the trial of any action or proceeding brought against the owner or possessor thereof, or in any action or proceeding brought against such equipment, apparatus, or paraphernalia itself may be destroyed by the city.

Section 7. Municipal court action. The city is hereby authorized to institute action or proceeding in the municipal court against any equipment, apparatus, or paraphernalia seized under the provisions of this ordinance, whether or not any action or proceeding be instituted against the owner or possessor, for the purpose of having such equipment, apparatus, or paraphernalia adjudicated as gambling equipment, apparatus, or paraphernalia. The action or proceeding shall be in the name of the city as plaintiff versus the equipment, apparatus, or paraphernalia (an example of the title of complaint would read: City of Brookings, Plaintiff, versus One-Slot Machine; Four Pin-Ball Machines). In the absence of any interested party appearing to defend against the charges made in such complaint, the municipal court may, in its discretion, appoint a duly licensed attorney-at-law to defend the same.

Section 8. City council action. No equipment, apparatus, or paraphernalia shall be destroyed under the provisions of this ordinance until after destruction thereof has been authorized by official action of the city council, taken at one of its meetings, and entered in the minutes thereof.

Section 9. Physical destruction of equipment. Any equipment, apparatus, or paraphernalia which the city council has authorized to be destroyed shall be destroyed under the provisions of this ordinance, shall be physically destroyed to the extent that it cannot be used for gambling purposes.

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Section 10. Disposition. After equipment, apparatus, or paraphernalia has been destroyed under the provisions of this ordinance, the remains thereof shall be disposed of in such a manner as authorized by the city council and to that end that the same shall not come into the hands of any person, firm, or corporation for gambling purposes.

Section 11. [Emergency clause]