

**CITY OF HUNTINGTON BEACH  
LEGAL NOTICE**

**ORDINANCE NO. 3977  
Adopted by the City Council on APRIL 15, 2013**

“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH REPEALING CHAPTER 9.28 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO PINBALL MACHINES.”

**SYNOPSIS:**

At the request of the City Council, the Police Department and City Attorney’s Office examined Municipal Code Chapter 9.28, which regulates pinball machines. The intent was to research the ordinance and the impact of pinball machines, with the intent of repealing the Chapter if it was no longer needed. This Chapter was written in 1959 with the goal of regulating pinball machines, especially as it related to gambling.

In years past, pinball machines were sometimes viewed as gambling devices and banned by many municipalities. In 1974, the California Supreme Court affirmed the decision of the trial court in *Cossack v. City of Los Angeles* which overturned a ban on pinball machines enacted by the City of Los Angeles. In its ruling, the Court reasoned that if pinball machines were games of chance, the ordinance was preempted by state law governing such games of chance. The Court also reasoned that if pinball machines were games of skill, they were not to be construed as gambling devices. Despite this, many jurisdictions continued to maintain similar pinball machine ordinances.

Should pinball machines be modified or used as gambling devices, the provisions of Municipal Code Chapter 9.24, regulating gambling in the City of Huntington Beach and California Penal Codes 330, et seq. can be used for any enforcement or regulatory measures to be taken.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held April 15, 2013 by the following roll call vote:

**AYES:** Sullivan, Hardy, Harper, Boardman, Carchio, Shaw, Katapodis

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK’S OFFICE.**

**This ordinance is effective 30 days after adoption.**

**CITY OF HUNTINGTON BEACH  
2000 MAIN STREET  
HUNTINGTON BEACH, CA 92648  
714-536-5227  
JOAN L. FLYNN, CITY CLERK**