

Chapter 5.26

AMUSEMENT DEVICES

Sections:

5.26.010	Definitions.
5.26.020	Amusement Devices; Occupation Tax.
5.26.030	Permit Required.
5.26.040	Application for Permit; Contents.
5.26.050	Permit Issuance; Fee; Renewal.
5.26.060	Permit to be Posted; Non-transferable.
5.26.070	Location Designated in Permit; Substitute Machines.
5.26.080	Revocation of Permit.
5.26.090	Prohibited Practices.
5.26.100	Expiration of Permit.
5.26.110	Penalty for Violations.

5.26.010 Definitions.

Amusement device shall mean any machine, table, device or contrivance which, upon insertion of a coin, slug, token, plate, disc, or by any other method of payment of money or other consideration, is intended to be, or is in fact, operated, played upon, or used by a person for amusement and entertainment only. Such term shall include by way of example, but not by way of limitation: pinball machines; foosball and pool tables; music machines; mechanical kiddie amusement rides; picture arcades as defined by Section 5.27.010 of this code; and shuffleboards, and shall apply to both operational and nonoperational machines. Such term shall not include merchandise vending machines as regulated by Chapter 3.24 of this code.

Person shall include persons, firms, partnerships, corporations, and associations. (Ord. 15465 §1; March 5, 1990: P.C. §5.12.010; Ord. 14990 §1; September 19, 1988: Ord. 14335 §1; March 10, 1986: Ord. 12579 §2; May 29, 1979: Ord. 4406 §1; May 10, 1948).

5.26.020 Amusement Devices; Occupation Tax.

Every person who owns, or who operates, maintains for use, or permits the use of, on any premises or place owned or occupied by such person, any amusement device as defined in this chapter, shall pay an annual occupation tax in the following amounts on each of the number of devices to be located in any premises:

Mechanical Kiddie Amusement Rides	\$10.00 per machine
Music Machines	\$10.00 per machine
Pool Tables	\$25.00 per table
Shuffleboards	\$25.00 per table
All other amusement devices	\$50.00 per machine.

The year for which such occupation tax is levied shall commence on the first day of June and shall end on the thirty-first day of May next succeeding, and such occupation tax shall not be prorated. The payment of such occupation tax shall be noted by the City Clerk on the permit for such devices issued under Section 5.26.070. The transfer from one location to another of any machine upon which the occupation tax has been properly paid shall be immediately reported to the City Clerk. (Ord. 15465 §2; March 5, 1990; P.C. §4.08.201; Ord. 12579 §1; May 29, 1979).

5.26.030 Permit Required.

No person shall display for use or permit to be used any amusement device as defined in Section 5.26.010 hereof without first securing a permit therefor and without the occupation tax thereon having been paid. (Ord. 15465 §3; March 5, 1990; P.C. §5.12.020; Ord. 12579 §3; May 29, 1979; Ord. 4406 §2; May 10, 1948).

5.26.040 Application for Permit; Contents.

Application for an amusement device permit shall be made to the City Clerk upon a form to be furnished by the city, which application shall set forth the following:

- (a) Full name, age, and address of the applicant;
- (b) Name of business and address where such machines are to be located and operated;
- (c) Description of any other business to be conducted on the premises referred to in (b);
- (d) Description of each machine and the number of machines at the location for which a permit is desired;
- (e) Name and address of the owner(s) of such machines. (Ord. 15465 §4; March 5, 1990; P.C. §5.12.030; Ord. 12579 §4; May 29, 1979; Ord. 4406 §3; May 10, 1948).

5.26.050 Permit Issuance; Fee; Renewal.

The City Clerk shall issue a permit hereunder only if it is found that all the information in such application is found to be correct and only if the operation of such amusement device shall comply with all the requirements of this chapter and other applicable ordinances. No such permit shall be issued upon any application made by a person under nineteen years of age. The City Clerk shall issue a permit to the applicant upon payment by the applicant of an annual permit fee of twenty-five dollars and upon payment of the occupation tax provided by this chapter for each machine to be located upon such applicant's premises. Such permit shall set forth the name of the permittee, the premises for which issued, the date of issuance and expiration of such permit, and the number of amusement devices for which it is issued. The City Clerk shall approve or deny an application within thirty days after the application is submitted to the clerk.

Permits issued under this section may be automatically renewed upon payment of the annual permit fee of twenty-five dollars and upon payment of the occupation tax provided by this chapter; provided, however, that the City Clerk shall not, for a period of two years, renew the permit or permits of any permittee who, subsequent to the original issuance of such permit or permits, has been convicted of violating any of the provisions of this chapter or Chapter 5.27 of this code or any laws against gambling through the use of amusement devices.

Any applicant aggrieved by the failure or refusal of the City Clerk to issue a permit or to renew a permit under the provisions of this section may appeal such failure or refusal to the City Council upon filing

with the City Clerk a written notice of appeal. The City Clerk shall forthwith transmit such notice of appeal to the City Council which shall hold a hearing thereon. The applicant shall be given written notice of the time and date of such hearing. The City Council, after such hearing, may affirm, reverse, or modify the action of the City Clerk. The decision of the City Council may be appealed to the district court as provided by law. (Ord. 15465 §5; March 5, 1990).

5.26.060 Permit to be Posted; Non-transferable.

All permits issued pursuant to the provisions of this chapter shall be conspicuously posted at all times in that part of the premises wherein such amusement devices are located. Such permits shall not be transferable from one person to another or from one location to another. (Ord. 15465 §6; March 5, 1990: P.C. §5.12.080: Ord. 4406 §8; May 10, 1948).

5.26.070 Location Designated in Permit; Substitute Machines.

No amusement device shall be displayed or operated on or in any premises except the premises described in a permit issued pursuant to the provisions of this chapter; provided, however, a permittee may substitute amusement devices under such a permit provided the occupation tax required by Section 5.26.020 of this code is paid on such substitute machines. The number of machines in any premises shall at no time exceed the number set forth on the permit for the premises. (Ord. 15465 §7; March 5, 1990: P.C. §5.12.090: Ord. 12579 §9; May 29, 1979; Ord. 4406 §9; May 10, 1948).

5.26.080 Revocation of Permit.

If at any time any permittee, or a managing officer thereof if the permittee is a corporation, firm, partnership, or association, or the person in charge of or managing the operation of such amusement devices is convicted of violating any of the provisions of this chapter or any laws against gambling, the City Council may, after a hearing of which such permittee shall be given written notice, revoke such permit. (Ord. 15465 §8; March 5, 1990: P.C. §5.12.160: Ord. 4406 §16; May 10, 1948).

5.26.090 Prohibited Practices.

It shall be unlawful for any person:

(a) To use slugs, tokens, plates, discs, or any objects other than United States coins to operate such amusement devices, except for slugs, tokens, plates, discs, or any other object furnished by the owner of such amusement devices at the location of the owner's amusement devices for use in the owner's machines only and having no redemption in cash value other than play or amusement; or

(b) To use or permit the use of any such amusement device as a gambling device or for or in connection with gambling. (Ord. 16842 §1; July 31, 1995; prior Ord. 15465 §9; March 5, 1990: P.C. §5.12.170: Ord. 13484 §1; November 1, 1982: Ord. 13174 §1; July 27, 1981: Ord. 4406 §17; May 10, 1948).

5.26.100 Expiration of Permit.

Each permit shall expire on, and shall be renewed by, the thirty-first day of May following the date of issuance. (Ord. 15465 §10; March 5, 1990: P.C. §5.12.190: Ord. 12579 §16; May 29, 1979: Ord. 4406 §19; May 10, 1948).

5.26.110 Penalty for Violations.

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$500.00. Each day that a violation of this chapter continues shall constitute a separate offense and shall be punishable as such. The penalty herein provided shall be cumulative with and in addition to the revocation, cancellation, or forfeiture of any permit or right elsewhere in this chapter provided for violation thereof. (Ord. 15465 §11; March 5, 1990: P.C. §5.12.220: Ord. 12579 §19; May 29, 1979: Ord. 4405 §22; May 10, 1948).