

ORDINANCE NO. 454

AN ORDINANCE TO LICENSE AND REGULATE AMUSEMENT DEVICES AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCE NO. 269.

The City of Stayton ordains as follows:

Section 1. Amusement Devices Defined.

- (a) An amusement device is hereby defined to be any machine or device designed to be operated or used for amusement only or for playing a game, upon the insertion of a coin or anything representing a coin, or which for said amusement or device, not having a coin insertion slot, a consideration is charged for operation or playing upon same, or which does not vend or deliver any article or prize of value.
- (b) The following are included, but not limited to the definition of amusement devices in the City of Stayton; pool tables, pocket billiards, billiards, snooker, cushion pool, bumper pool, pin ball machines, "foos" ball, air hockey, shuffleboard, electronic impulse games, driving, flying or steering skill games, bowling games other than regulation sized bowling alleys, shooting gallery games not requiring live ammunition, imitation horses, rocket ships, airplanes and similiar devices providing rides for amusement except those used by travelling amusement park or carnvial show companies whose devices are temporarily located within the city for a period not to exceed 7 days and for which a separate license fee is charged.
- (c) Amusement park, carnival shows and other amusement concessionaires who are temporarily located within the City of Stayton for a period of less than 7 days shall be required to first obtain a license for the operation of amusement devices as defined in this ordinance. The license fee for amusement park, carnival shows and other amusement concessionaires shall be \$250.00 for the first 7 days, and after the 7th day, \$12.50 per quarter year for each amusement device requiring licensing by this ordinance. No amusement park, carnival show or other amusement concessionaire will be permitted to operate within the corporate city limits of the City of Stayton without having first obtained an amusement device license from the office of the city recorder of the City of Stayton.
- (d) The amusement device license fees for amusement parks, carnival shows and other amusement concessionaires may be waived by the Common Council of the City of Stayton upon formal request before the council. The person or persons making a request for waiver of fees must show, as a basis for approval of a fee waiver,

that the amusement park, carnival show or other amusement concessionaire has been requested to appear in the City of Stayton by a non-profit organization for the purpose of raising funds to further the civic function of the non-profit organization making the specific request for fee waiver.

Section 2. License Required.

It shall be unlawful for any person to sell, lease, distribute, or place, or operate or use, or permit to be operated or used, or to have in his or her possession with an intent that same shall be operated or used, within the limits of the City of Stayton, any such amusement device, without first having obtained a license therefore, as herein provided from the office of the city recorder of the City of Stayton. No license shall be issued in any event for the selling, leasing, distributing, placing or operating of any such amusement device which is intended for, or reasonably intended for, gambling or for the playing of any game in which the element of chance predominates over the element of skill.

Section 3. License Fees.

- (a) The license fee shall be \$12.50 per quarter year for each amusement device payable on or before each quarter year for which the license is issued, no part of which shall be remitted, and such license shall be non transferable.
- (b) Quarterly periods for which licenses are required shall be as follows beginning with July 1st of each year:

- 1st quarter July 1 through September 30
- 2nd quarter October 1 through December 31
- 3rd quarter January 1 through March 31
- 4th quarter April 1 through June 30

Section 4. Certain Persons Prohibited From Operating or Playing Amusement Devices; Warning Required; License to be Displayed.

It is hereby declared to be unlawful for any person under the age of 18 years to play, use or operate any such amusement device, unless he or she shall be accompanied by his or her parent or guardian or other responsible adult acting with the express or implied consent of his or her parent or guardian. The person obtaining such license for such amusement device shall at all times maintain the current license upon the amusement device so licensed in a conspicuous place so as to be easily read by all persons undertaking to play, operate or examine the same. The license shall carry a warning to such persons that those under 18 years of age are forbidden to play or operate such amusement device, unless accompanied by parent or guardian or other responsible adult acting with the express or implied consent of his or her parent or guardian.

Section 5. Examination of Business Premises.

The Chief of Police or such persons designated by him are hereby directed to investigate and examine all places of business maintaining or subject to maintaining amusement devices for which a fee is required, as provided by this ordinance, at any reasonable time for the purpose of determining whether such place of business is complying with the terms of this ordinance.

Section 6. Revocation of License for Violation.

The city recorder shall revoke the license of any person, firm or corporation, upon conviction of violation of any of the provisions of this ordinance.

Section 7. Additional Remedies.

In addition to the penalties provided in this ordinance and as separate and distinct remedies, the City of Stayton:

- (a) May sue in any court of competent jurisdiction to obtain a judgement and enforce collection thereof by execution for any fee due under this ordinance.
- (b) In any action or suit authorized by this section, the city, if it prevails, shall recover a reasonable attorney's fee to be set by the court, in addition to it's costs and disbursements.
- (c) Whenever any fee required by this ordinance is not paid when due, the city recorder shall add to the fee as a penalty amount equal to 10 per cent of the fee for each month or part thereof during which the fee and penalty amounts remain unpaid. The total amount of penalties shall not exceed 100 per cent of the original fee.
- (d) No license required by this ordinance may be issued unless the fee and all penalties are paid in advance.

Section 8. Penalties.

Any person, firm or corporation violating the provisions of this ordinance shall be deemed guilty of a violation, and upon conviction in municipal court, be punished by a fine not to exceed \$100.00.

Section 9. Repealer Clause.

Ordinance No. 269 is herewith repealed.

Section 10. Emergency Clause.

The Common Council of the City of Stayton finding that an emergency exists and the adoption of this ordinance is necessary for the immediate preservation of the public peace, dignity and

welfare, this ordinance shall be in full force and effect from
and after its date of passage.

PASSED by the Council this 19th day of January, 1976.

APPROVED by the Mayor this 19th day of January, 1976.


MAYOR

ATTEST:

CITY RECORDER