

ORDINANCE NO. 99-538-O

AN ORDINANCE LICENSING AND REGULATING AMUSEMENT DEVICES;
PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 106.

The City of Columbia City ordains as follows:

Section 1. Definitions.

Amusement device

(1) A coin or token operated mechanical, electronic, mechanical-electronic or non-mechanical device which is designed for the amusement of the player or operator and is complete in itself, being either a music device or having as its purpose the production or creation of a game of skill, amusement, entertainment, or test of strength, whether or not any motivating force involved is furnished by the player or the device.

(2) "Amusement device" shall not include devices used exclusively for the purpose of selling tangible personal property, such as cold drinks, tobacco products, candies, postage stamps or other merchandise, or services such as pay telephones, parking meters, money change machines, gas and electric meters, and other distribution of public service or pool tables or shuffleboard games.

Distributor. A person owning or controlling a device required to be licensed by this ordinance which is leased, rented, or placed with another person for use and operation at a specified location.

Location. A business establishment, public or private club, association or any other site where a person makes an amusement device available for operation or play, excepting only private residences where devices are available only for operation or play at no cost to the player.

Music device. A device that renders, causes to sound or releases music. A separate phonograph or jukebox outlet from which such music emits is a separate music device, except that when the music emits from more than one speaker or outlet transmitting from the same mechanism, the several outlets or speakers in each place of business shall be collectively considered one music device.

Owner. A person who is not a distributor, but owns a device required to be licensed by this ordinance which is used or operated in the owner's place of business at a given or named location.

Person. A real person, partnership association, corporation, syndicate or any other business organization of any form.

Section 2. Licenses Required.

(1) No person shall maintain, keep or display an amusement device in a condition or position so that the machine or device can be operated, played or used unless a license has been obtained as required by this ordinance.

(2) No person shall act as an owner or distributor of amusement devices unless a license has been obtained from the Council.

Section 3. License Fees. The owner of the location displaying an amusement device shall pay an annual nonrefundable license fee of \$125, plus \$50 for each amusement device operated at that location. The annual \$125 fee may not be prorated; the annual \$50 fee per amusement device may be prorated and paid quarterly.

Section 4. Inspection of Devices, Records, and Premises.

(1) Persons issued licenses pursuant to this ordinance or who control premises on which records or devices licensed or regulated by this ordinance are located, shall permit any member of the Police Department, on presentation of official identification, entry for the purpose of inspecting the records or devices regulated by this ordinance.

(2) Persons issued licenses pursuant to this ordinance shall keep records of the serial numbers and locations of each device under their ownership or control. This record shall be presented to the City Administrator/Recorder in December each year. The Administrator/Recorder or designate may make a quarterly check of all premises with the records provided by the distributor or owner. If an amusement device that is not validly licensed is found, the license fee for that device shall be \$150 for the remainder of the calendar year.

Section 5. Revocation.

(1) The Council may revoke a license if, after the licensee is given at least 10 days' notice and an opportunity to present objections to the Council, the Council determines that the licensed activity or device endangers property, public health or safety or violates City, State, or federal law.

(2) The Council may designate the place or places where an amusement device may be operated, maintained, kept or displayed. No person shall operate, maintain, keep or display an amusement device in a place where the Council does not permit it.

Section 6. Penalty. A violation of the terms of this ordinance is punishable by a fine of not less than \$200 or more than \$500 for each amusement device. Each day's violation of this ordinance constitutes a separate offense.

[Section 7. Severability.]

[Section 8. Repeal.]

Section 9. Saving. Notwithstanding Section 7, Ordinance No. 106, shall remain effective for the prosecution, conviction, and punishment of a violation of that ordinance prior to the effective date of this ordinance.

Section 10. Effective Date. This ordinance shall become effective thirty days after adoption by the City Council.

6-4.10

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Passed by the council September 16, 1999 and approved by the mayor
September 17, 1999.