

ORDINANCE NO. 567

AN ORDINANCE AMENDING ORDINANCE NO. 523 OF THE CITY OF PAYETTE, AS AMENDED BY ORDINANCES NO. 553 and 555 OF SAID CITY BY AMENDING SECTION 2 OF SAID ORDINANCE NO. 523 BY PROVIDING THE CITY COUNCIL FROM TIME TO TIME MAY LIMIT THE MAXIMUM NUMBER OF SUCH MACHINES LICENSEES MAY LICENSE; BY AMENDING SECTION 3 OF SAID ORDINANCE NO. 523 BY PROVIDING THAT THE MINIMUM LICENSE FEE IMPOSED TO OPERATE SUCH MACHINES SHALL BE THE SUM OF \$500.00 PER YEAR, OR THE PRO-RATA PORTION THEREOF IF LICENSED FOR LESS THAN A YEAR; BY AMENDING SECTION 5 OF SAID ORDINANCE BY PROVIDING THAT THE TOTAL LICENSE FEE IMPOSED TO OPERATE SUCH MACHINES SHALL EQUAL IN AMOUNT FIFTY PER CENT OF THE GROSS INCOME REMAINING AFTER FIRST DEDUCTING FROM SAID GROSS INCOME THE SAID MINIMUM LICENSE FEE AND THE FEDERAL LICENSE TAX, IF ANY, BY PROVIDING THAT THE OPERATOR OF SAID MACHINES MUST PAY ALL EXPENSES OF OPERATING HIS MACHINES, BY PROVIDING FOR THE HIRING AND SALARIES OF A COIN-OPERATED (AMUSEMENT DEVICE LICENSE COLLECTOR) AND HIS DEPUTIES, PROVIDING FOR THEIR BOND, DUTIES, METHOD OF COLLECTION OF THE CITY'S SAID FIFTY PERCENT, BY PROVIDING THE CITY'S SHARE OF THE LICENSE FEE IMPOSED TO BE DEPOSITED IN SPECIAL FUNDS, BY PROVIDING FOR REMITTING TO THE COUNTY TREASURER PAYETTE COUNTY'S SHARE AND TO THE STATE TREASURER THE STATE'S SHARE OF SAID MINIMUM LICENSE FEE, MAKING CERTAIN DESCRIBED ACTS UNLAWFUL AND ADDING SECTION 9-a MAKING IT UNLAWFUL TO PLACE ANY SUBSTANCE OTHER THAN UNITED STATES COINS INTO SAID MACHINES; PROVIDING FOR THE IMMEDIATE COLLECTION OF SAID MINIMUM LICENSE FEE BY THE CITY CLERK.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE:

SECTION 1. That Section 2 of Ordinance No. 523 be amended to read as follows:

"Section 2. It shall be unlawful for any person, firm, corporation or association to possess, lease, rent, license, or permit the use of or control, place, maintain, or to permit the operation of, upon any premises or at any place, location or building in the City of Payette, Idaho, any coin-operated amusement device, unless and until such coin-operated amusement device shall be licensed by the City of Payette, Idaho, as hereinafter provided; and the City Council of the City of Payette may limit, by motion or resolution, from time to time, the total number of such machines or devices any licensee may license at one time, which total number at any one time shall be the same for all licensees within the City of Payette; and it shall be unlawful to permit any person under the age of twenty years to play a coin-operated amusement device, or to operate or permit the operation of such device in any public place where persons under twenty years of age would have access thereto."

SECTION 2. That Section 3 of Ordinance No. 523 be and the same is hereby amended to read as follows:

"Section 3. Before any such coin-operated amusement device may be operated within the City, an application for a license for each such device or devices, shall be filed with the City Clerk of the City of Payette, Idaho on an application form provided by the City. Said application form shall provide, among other things, the following information:

"The name of the applicant; the name of the place and the location where it is proposed such coin-operated device is, or devices are, to be operated; the number of such devices and the make, serial number of such devices and the make, serial number, type, and coin denomination of each machine desired to be operated by the applicant at such location; such application shall be signed and verified by the applicant, or if the application is made by a

partnership, then by one of the partners, or if by a corporation or association, then by an officer of such corporation or association.

"Such application, accompanied by the sum of \$500.00 for each device, shall be applied toward the gross license fee hereinafter fixed, and shall be filed with the City Clerk. Such application shall be presented to the City Council at any regular or special meeting of the Council for approval or disapproval. If the City Council determines that said application fully complies with all the provisions of said House Bill No. 43 and this ordinance, it shall approve said application and authorize the clerk to issue a license for each such machine so approved as hereinafter provided. In the event such application be disapproved, the tendered license fee shall be returned to the applicant."

SECTION 3. That Section 5 of Ordinance No. 523 as amended by ordinances No. 553 and No. 555 be and the same is hereby amended to read as follows:

"Section 5. There is hereby imposed on each coin operated amusement device of every description or designation, a license fee of 50 per cent of the gross amount deposited in each such machine or device, said 50 per cent to be paid to the City of Payette, as hereinafter provided, and the operator shall receive as his share 50 per cent of the gross amount deposited in said coin operated amusement device. The operator out of his 50 per cent must pay for the repair and maintenance of all machines and pay out of his per cent all guaranteed jack pots, and all other moneys which become due from the operation of said machines, provided however, that a minimum annual license fee of \$500.00, or a pro-rata part thereof, if licensed for less than a full calendar year, said pro-rated portion to be paid for the full month in which the license is issued, is hereby imposed and fixed for each such machine, which said minimum fee shall be paid at the time application for license for such machine is made.

"It shall be the duty of the City Council, immediately following the adoption of this ordinance, for and on behalf of the City of Payette, to hire some person who shall be designated as the "Coin-operated Amusement Device License Collector" for the City of Payette and to fix the compensation of said Collector and cause said Collector to be bonded by a Surety Company, qualified to do business in the State of Idaho, in the penal sum of \$10,000.00, conditioned upon the faithful and honest performance of his duties under this ordinance, and the said City Council, may from time to time hire such additional person or persons as may be necessary to help the said Collector so that said Collector may adequately carry out the duties imposed upon him pursuant to this ordinance and any such additional persons hired to help the said Collector shall be Deputy Coin-operated Amusement Device License Collectors and shall act under the direction and control of said Collector; that each of such Deputy Collectors shall be bonded upon the said conditions and to the same amount as said Collector. It shall be the duty of said Collector and said Deputy Collectors to turn over to the City of Payette all moneys collected by them under this ordinance and to perform such other duties as the Mayor and Council may direct.

"The salaries of the said Collector and said Deputy Collectors shall be fixed by the City Council and may be changed at any time.

"Each coin-operated amusement device within the City of Payette before it is licensed and put in operation shall have affixed there- to a new lock and the keys to the said locks shall be held by the

City of Payette, and thereafter no coin-operated device shall be opened or money removed therefrom, except by said Collector or his Deputy Collectors. The said Collector may change the locks on said machines or devices as often as may be necessary and he may place seals on said machines if he deems it necessary. Said Collector shall open each machine or device licensed hereunder at least once a week, and oftener, if necessary, in the presence of the licensee or a designated agent or employee of the licensee, and remove all moneys from each machine that are not required for the proper operation of such machine, count such moneys, and retain the percentage herein fixed as the license fee and turn over to the licensee the balance of such moneys so removed. Each time any of said machines or devices are opened by said Collector for any reason whatsoever, the said Collector shall prepare a receipt or statement in triplicate showing the license number of the machine, why the said machine was opened, the location thereof, the name of the licensee, the date, and the gross amount taken from such machine and the application of the amount taken. Said receipts or statements shall be executed by the Collector and the licensee or his designated agent or employee, and one of said receipts or statements shall be delivered to the licensee, one shall be filed with the City Clerk, together with any collections made, within twenty-four hours after any such opening of such machines and the third receipt or statement shall be retained by the Collector; provided, however, that the City of Payette shall not collect such 50 per cent of the gross amount deposited in each such machine as hereinabove provided for until the gross amount deposited in each such licensed machine or device, as determined and counted by said Collector shall equal the said initial license fee hereby imposed of \$500.00, or the pro-rata portion thereof paid to the City of Payette, if licensed for less than a full year, plus the Federal license fee, in any, required for the licensing and operation of each such machine. Of the initial license fee paid, the City, shall collect for and on behalf of the State of Idaho, the sum of \$125.00 per year and the further sum of \$125.00 per year for and on behalf of Payette County, provided, however, that if the license is issued for less than a full calendar year the amount so collected for the State of Idaho and the County of Payette, shall be pro-rated as of the actual month of issue. The balance of the minimum annual license fee and all amounts collected in excess of said minimum annual license fee shall be deposited in such fund or funds of the City of Payette as may be designated by resolution or motion of the City Council from time to time.

"The moneys collected by the City for the State of Idaho and the County of Payette shall be deposited and kept in a special trust fund and remitted to the Treasurer of the State of Idaho and the Treasurer of the County of Payette quarterly, on the first day of each of the months of April, July, October and January, of each year.

"It shall be unlawful for any person other than said Collector or his Deputies, to have in his possession or under his control any key, instrument or thing to open any such machine or device, or to open or attempt to open any such machine or device, or to remove in any manner any coin, or representative of value from any such machine or device, or to break any seal, open any lock, or in any way change the mechanical operation of any such machine or device, or to permit any persons other than the said Collector or his Deputies, to possess, do, or attempt to do, any of the things set forth in this paragraph."

SECTION 4. That Section 9 of Ordinance No. 523 be and the same is hereby amended by adding thereto Section 9(a) which reads as follows:

"(a) It shall be unlawful for any person playing a coin-operated amusement device or machine to use any slug or other substance than a coin of the United States of the denomination designated on the front of the machine being played."

SECTION 5. That this ordinance shall take effect commencing with January 1, 1952, and the City Clerk is hereby authorized immediately upon passage, approval and publication of this Ordinance to collect the said minimum license fee of \$500.00 per machine from approved applicants for the calendar year 1952.

Passed by the Council this 17th day of December, 1951.

Approved by the Mayor this 17th day of December, 1951.



Mayor

ATTEST:



City Clerk