

ORDINANCE NO. 288

AN ORDINANCE REGULATING AND LICENSING CERTAIN AMUSEMENT DEVICES AND DISTRIBUTORS THEREOF, REPEALING ORDINANCE NOS. 64 AND 266A, PROVIDING PENALTIES, AND DECLARING AN EMERGENCY.

THE CITY OF DUNDEE DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. The term "amusement device," as used in this ordinance, shall mean and include any and all machines and/or devices and/or apparatuses of whatever kind, nature, or description, played or operated or offered or held out to be played or operated by the public for the purpose of exercising the skill of the person playing the same or of amusing or entertaining him or her, and which requires the player to pay either through such device or machine or to the owner or custodian thereof any money, check, token, or other representative of value for the privilege of playing or operating the same, whether or not the player receives any money, check, token, or other representative of value in connection with or as a result of the playing or operation of such amusement device.

The term "distributor," as used in this Ordinance shall mean any person, firm, or corporation selling, leasing, distributing, placing, or locating with local dealers, firms or establishments, or individuals in the City of Dundee any amusement device as herein defined.

Section 2. License Required. It shall be unlawful for any distributor or any person, firm, or corporation to maintain and/or operate within the City of Dundee any amusement device as hereinabove defined, where such amusement device may be played by the public, without first having paid the license fees and procured the licenses therefor as herein provided.

Section 3. Application for License. Any distributor desiring to sell, lease, distribute, place, or locate for operation in the City of Dundee any amusement device, as herein defined, shall make written application for license to do so and file the same with the city recorder. The application shall state the specific establishment or business location at which each amusement device is to be placed.

Section 4. License Fee for Distributors. Each distributor's license shall be issued for a period of one year, and the annual license (fee) for each distributor shall be the sum of \$125.00 for each establishment or business location at which one or more amusement devices are to be placed.

At the time the city recorder issues the distributor's license, as hereinabove provided, he shall issue to the licensee a sticker or label evidencing the issuance of such license, which the distributor shall securely affix to each amusement device which he sells, leases, distributes, places, or locates for operation in the City of Dundee.

Section 5. License Fee for Devices. The license issued to each person, firm or corporation not a distributor, as herein defined, for the maintenance, operation, or location of an amusement device in his or its place of business shall be issued quarterly for each amusement device, and the license fee therefor shall be \$15.00 per quarter; except that the license fee for each such device which serves the sole purpose of providing music shall be \$1.00 per month.

At the time the city recorder issues the license hereinabove provided, he shall issue to the licensee a sticker or label for each of the devices licensed, and such sticker or label shall be securely affixed to the amusement device which he maintains, operates, or locates within his place of business in the City of Dundee.

Section 6. Display of License. It shall be unlawful to maintain, keep, or operate upon premises in the City of Dundee, any such device in a condition or position that the same may be operated, played, or used unless license has first been had therefor, in accordance with this Ordinance, and unless such device has affixed thereto in a conspicuous place the stickers or labels as hereinbefore provided.

Section 7. Control of Device. The proprietor of any place of business wherein any such device is operated or displayed shall be conclusively presumed to be the one in possession and control thereof.

Section 8. Gambling Devices. No license shall be issued for any device as herein defined, which device by reason of the playing or operation thereof shall violate the provisions of the laws of the State of Oregon or of the ordinances of the City of Dundee with reference to gambling and/or slot machines.

Section 9. Severability. The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Penalty.

(a) Any person not a distributor who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than \$100.00, or

by imprisonment in the city jail for not more than 45 days, or by both such fine and imprisonment.

(b) Any distributor violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in the city jail for not more than 45 days, or by both such fine and imprisonment.

(c) Any amusement device which is found to be maintained, kept, or operated upon premises in the City of Dundee in violation of this Ordinance shall be disconnected or otherwise made inoperable by the City and shall be taken into the possession of the City, and the City shall have a lien thereon to secure the amount of any license fees due the City, together with the amount of any fines levied pursuant hereto and the necessary expenses in collecting the same.

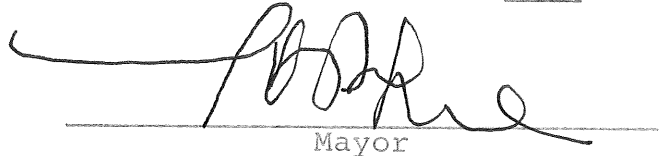
Section 11. Emergency. The Council desires and deems it necessary for the preservation of the health, peace, and safety of the City of Dundee that this Ordinance take effect at once, and therefore an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

Passed by the Council this 4th day of Dec, 1989.

AYES: Miller, McCann, Pohl & Wiley

NAYS: _____

Submitted to and approved by the Mayor on this 4th day of Dec, 1989.



Mayor

ATTEST:



Recorder