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Chapter 5.08

AMUSEMENT DEVICES

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5.08.010 Businesses maintaining and operating amusement devices--Tax. Every person, firm or corporation conducting the business of maintaining and operating, within the limits of the city, any "amusement device" defined in ORS 320.005(1), "game of chance" as defined in ORS 320.005(4) (a), (b), (c), and (d), or "music device" as defined in ORS 320.005(5) (a) shall first pay to the city a tax to conduct said business as hereinafter provided. (Ord. 599, 1993: Ord. 281 §1, 1967)

5.08.020 Tax--Amount. The tax for the operation of such business shall be the sum of two hundred dollars per year, payable in advance in quarterly installments of fifty dollars each on July 1st, October 1st, January 1st and April 1st of each year. The tax herein shall be personal to the firm, person or corporation operating or conducting such business and shall not be transferable. (Ord. 482 §2, 1984: Ord. 281 §2, 1967)

5.08.030 Exemptions. All machines vending material goods, such as candy machines, cigarette machines, soda pop machines, food dispensing machines and the like and pay telephones, are not subject to Section 5.08.020. (Ord. 281 §3, 1967)

5.08.040 Application to city. Every person desiring to operate any of the devices herein mentioned shall make written application to the city to pay the tax thereon, which application shall contain the following:

A. A description of the game, device, or equipment adequate to identify it, including any manufacturer's serial numbers;

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B. The name of the applicant, with a statement that he owns free and clear of all liens and encumbrances the game, device, or equipment to be operated;

C. The location of the place where, and the name of the person in whose possession, such game, device, or equipment may be found;

D. The date of the application;

- E. The month for which such tax is to be paid;
- F. The amount of money tendered with the application;
- and
- G. The signature of the applicant. (Ord. 281 §4, 1967)

5.08.050 False statements on application prohibited. It is unlawful for any person to make any false statement in any application required under this chapter regardless of the materiality thereof. (Ord. 281 §5, 1967)

5.08.060 Tax on games, devices and equipment. Games, devices and equipment which are operated or are supplied, distributed or maintained for operation within the city shall pay a tax thereon of eight dollars per quarter per machine or a total of thirty-two dollars per year per machine. (Ord. 482 §3, 1984; Ord. 281 §6, 1967)

5.08.070 Tax sticker. Upon the payment of any tax herein required, the recorder-treasurer shall issue a signed sticker which shall have plainly stated thereon, the name of the owner of the game, device, or equipment upon which the tax is paid, the amount of tax paid, a brief description of the game, device, or equipment upon which the tax is paid, and the period for which such tax is paid. The tax payer shall forthwith affix such sticker to the equipment so described so that it shall be in plain view to the public, and it is unlawful for any person to operate or maintain for operation with the city any game, device, or equipment upon which a tax is required to be paid by this chapter, unless the same shall have such sticker affixed thereto in plain view. (Ord. 281 §7, 1967)

5.08.080 Illegal or unlawful businesses. Nothing in this chapter shall be deemed to permit the operation of any illegal or unlawful business or device and the taxes herein paid shall be paid for the period for which it is granted and in the event any machine or business conducted shall be found to be illegal or unlawful, the tax so paid shall not be refunded. (Ord. 281 §8, 1967)

5.08.090 Enforcement. The chief of police is specifically charged with the enforcement of the provisions of this chapter and he and his assistants are hereby directed, whenever he or they may find within the city any games,

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devices, or equipment governed by this chapter which are operated illegally or unlawfully upon which there is not in plain view the signed sticker as provided in Section 5.08.070, to seize and carry away any such game, device or equipment and deliver it to the city recorder-treasurer, who shall hold it as evidence to be used at the trial of the person who owns or in whose possession is found such game, device, or equipment. (Ord. 281 §9, 1967)

5.08.100 Violation. Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be

punished by a fine of not more than five hundred dollars or by imprisonment in the city jail for not more than sixty days, and if the person so convicted holds a license to operate any business or thing on the premises where such violation occurs, such license may be forfeited or suspended in addition to such fine or imprisonment. The city council reserves the right to revoke any license under this chapter at any time. (Ord. 281 §10, 1967)

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