

ORDINANCE NO. 4387

TITLE: AN ORDINANCE AMENDING SECTION 5.32.010 OF THE ALBANY MUNICIPAL CODE AS THE SAME DEFINES AMUSEMENT MACHINES AND SECTION 5.32.030, 5.32.050, 5.32.060, AND 5.32.080 OF THE ALBANY MUNICIPAL CODE PROVIDING FOR THE AMOUNT OF TAX ON AMUSEMENT MACHINES.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

Section 5.32.010 of the Albany Municipal Code is hereby amended to read as follows:

5.32.010 Definitions. "Amusement machines" means and includes every machine, device, contrivance and apparatus of whatever kind, nature and description operated or played by the use of coins, merchandise tokens, slugs or chips, excepting therefrom automatic merchandise vending machines, telephones, meters and machines producing only music, and machines that are primarily for the use of children under the age of 10 years, which are ridden by the user, provided that nothing in this chapter is deemed to provide for the licensing of devices prohibited by law.

"Person" means and includes a natural person, persons, firm, corporation or co-partnership, and the singular number shall include the plural.

Section 2:

Section 5.32.030 of the Albany Municipal Code is hereby amended to read as follows:

5.32.030 License Required. The license required for amusement machines by this chapter shall be issued by the City Recorder only upon the written application of the operator of the game, device or equipment to be licensed, which application shall contain the following:

- (1) A thorough description of the game, device or equipment in such detail so as to easily identify;
- (2) The name of the applicant, with a statement that he operates the game, device or equipment to be licensed;
- (3) The location of the place where and the name of the person in whose possession such game, device or equipment may be found;
- (4) The date of the application;
- (5) The period for which the license is to run;
- (6) The amount of money tendered for the license; and
- (7) The signature of the applicant.

The license shall be posted on or near the equipment so that it may be in plain view of the public.

Such applicant shall pay a monthly fee to the city, for each machine in the sum of twenty-five dollars per month or major portion thereof,

excepting machines which enable persons using the machine to deposit coins of more than one denomination, in which the fee shall be one hundred dollars per month, or four dollars per day for a portion of a month, license fee to be payable monthly in advance.

For amusement machines which are primarily used by children 10 years of age or younger that are coin operated and used primarily by riding the same, such applicant shall pay an annual license fee to the city for each machine in the sum of twenty-five dollars per year or portion thereof.

Section 3.

Section 5.32.050 of the Albany Municipal Code is hereby amended to read as follows:

Section 5.32.050 is hereby repealed.

Section 4.

Section 5.32.060 of the Albany Municipal Code is hereby amended to read as follows:

5.32.060 Disposition of property without license. Any amusement machine operated in the city without being licensed as hereinbefore provided shall be held as evidence against the operator thereof and thereafter disposed of in such a manner as is directed by the Municipal Court, either by destruction or sale thereof, and the proceeds, if any, from the sale thereof shall be the sole and exclusive property of the City. The foregoing remedy is not exclusive, but may be in addition to any other penalties provided in Section 1.04.010 for violation of this chapter.

Section 5.

Section 5.32.080 of the Albany Municipal Code is hereby amended to read as follows:

Section 5.32.080 is hereby repealed.

Passed by the Council: September 10, 1980

Approved by the Mayor: September 10, 1980

Effective Date: October 10, 1980

  
MAYOR

ATTEST:

  
CITY RECORDER