

Ordinance 21

ORDINANCE OF THE VILLAGE

AN ORDINANCE OF THE VILLAGE OF CASTLEFORD, TWIN FALLS COUNTY, STATE OF IDAHO, PROVIDING FOR THE LICENSING OF COIN OPERATED AMUSEMENT DEVICES AS DEFINED BY HOUSE BILL NO. 43 PASSED AND APPROVED BY THE TWENTY-NINTH-SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO; PROVIDING LIMITATIONS ON LICENSES; PROVIDING LICENSE FEES TO BE PAID ON EACH DEVICE AND THE APPORTIONMENT AND PAYMENT TO THE STATE OF IDAHO, AND THE COUNTY OF TWIN FALLS, AS PROVIDED BY STATE LAW; PROVIDING REGULATIONS AND CONTROLS FOR THE OPERATION OF SAID DEVICES AND LICENSING THE SAME; PROVIDING THE FORM OF LISENCE OR STAMP TO BE OBTAINED AND DISPLAYED THEREOF AND FOR CANCELATION THEREOF; PROVIDING FOR PRORATING FEES FOR THE CALENDAR YEAR; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDANANCE; PROVIDING FOR REVOCATION OF LISENCE, NOTICE OF HEARING AND REVOCATION.

BE IT ORDAINED BY THE VILLAGE OF CASTLEFORD, TWIN FALLS COUNTY, STATE OF IDAHO.

SECTION 1. For the purpose of this ordinance the following definitions shall apply in the interpretation of the provisions of this ordinance.

(a) "A Coin-operated Amusement Device" is a machine or mechanical device into which may be inserted any piece of money or other object and from which as a result of such insertion and application of physical or mechanical force may issue wholly upon any chance or uncertain or contingent event, any piece or pieces of money, check, memorandum, or other evidence calling for money or property, or redeemable in money or property or thing of value; any such devices are hereby defined and hereby declared to be gaming devices and not lottery.

(b) The word "person" includes any individual person, partnership, corporation or association.

SECTION 2. It shall be unlawful, and punishable as a misdemeanor, for any person, firm, corporation, partnership, 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 place, location, or building in the Village of Castleford, Twin Falls County, State of Idaho, any coin operated amusement device, unless and until such device shall be licensed by said Village, as hereinafter provided; 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 a public place where persons under twenty years of age would have access thereto.

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

The name of the applicant; the name of the place and location where it is proposed such coin-operated is, or devices are to be operated; the number of such devices and 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 shall be filed with the Village Clerk at least two days before being presented to Board of Village Trustees for final action. All such applications shall, be, by the Clerk referred to the Chairman of the Board of Trustees, who shall endorse thereon, his approval or disapproval thereof before being presented to the Board of Villang Trustees.

Upon approval of the application by the Board of Trustees, the Village Clerk shall collect the license fees and upon payment thereof shall issue to the applicant the license stamp hereinafter provided for. No Coin-operated device shall be operated until there has been placed thereon and cancelled the license stamp as provided bylaw.

SECTION 4. No coin-operated amusement device may be operated on any premises except those owned br leased by the licensee. No person other than the licensee may have any legal, equitable or financial right, title or interest in such device, whether by ownership, mortgage, conditional sale contract, or otherwise, nor receive any rental or remuneration therefrom or from the operation thereof.

SECTION 5. The license fee required to be paid before obtaining the license stamp for the operation of each such device shall be \$500.00 for each calendar year, which license fee shall be prorated as beginning with the actual month of issue for the remainder of the calendar year, and shall include the license for the month in which the same is issued. Of the license fees so collected on each of such devices licensed, \$125.00 thereof or the prorata portion thereof, if issued, for less than a full calendar year, shall be collected for the state of Idaho, and a like amount or prorata amount, shall be collected for Twin Falls County, Idaho, and the balance of said fees shall be deposited in the general fund of said village. All fees so collected for the State of Idaho and the County of Twin Falls, Idaho and shall be remitted on the first day of each municipal quarter, following the date of collection.

SECTION 6. The license to be issued under this ordinance shall be in the form of a license stamp, and a separate license shall be issued for each device. The licensee shall immediately upon issuance thereof securely affix said stamp to the device, for which said stamp was issued, and in a conspicuous place, and cancel the same by cutting it crisscross with a sharp instrument.

SECTION 7. No stamp shall be used on any device other than for the one for which the same was issued, provided however, the Board of Village Trustees may authorize the issuance of a substitute stamp, upon presentation to said board, on a form to be provided by the village, showing that the device for which, a stamp has been issued has become wholly or in part, worn out, accidently broken, or accidentally destroyed, to such an extent that the same is rendered useless. The substitute stamp shall bear the same license number as the original, and shall be designated a SUBSTITUTE STAMP, and shall contain all other information required for an original stamp. Before a substitute stamp may be issued, the original shall be cancelled.

(b) The Board of Village Trustees, may authorize the transfer of any device of license therefor, and stamp attached, from one owner to another, or from one location to another, upon proper application by the licensee or transferee, and upon approval of the board, the village clerk shall issue a permit for such transfer or removal bearing the same number of each license for each device. Each permit shall be securely attached to each machine, and shall be cancelled in the same manner as the license stamp thereon.

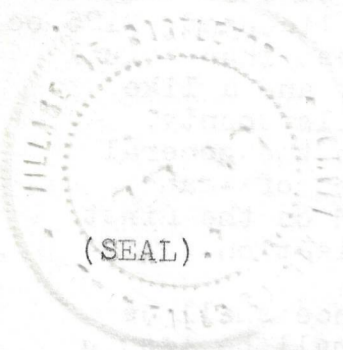
(c) A fee of \$5.00 shall be collected by the Village Clerk, for each substitute license or permit, and shall be placed in the General Fund of the Village.

SECTION 8. Any licensee of a coin-operated amusement device, who shall violate any of the provisions of this ordinance, or any of the provisions of the law, or subsequent laws, or any amendments hereto, the Board of Village Trustees of said Village, are hereby authorized and empowered, to revoke all licenses to operate such devices or devices issued to such licensee, or transferee; provided, however, that it is brought to the attention of said board, that such violation or violations have taken place, then before revoking such license, said board shall cause a notice in writing to be served upon such licensee, or transferee, setting forth the general terms of such violation claimed to have been committed, setting forth a time for a hearing thereon, before said board, which hearing shall not be less than ten (10) days not more than twenty (20) days, from the date of the service of said notice, and upon or following said hearing, said board upon finding, that the provisions of this ordinance, or the provisions of the laws of the state of Idaho, under which said license was issued, have been violated by said licensee, said board shall cancel said license, and no refund of any unused portion of said license or license fee shall be made.

SECTION 9. Any violation of this ordinance, the penalty of which is not provided for, under the laws of the State of Idaho, providing for the licensing of coin-operated amusement devices, is hereby declared to be a misdemeanor, and any person violating such provisions shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$100.00, and upon failure to pay such fine shall be committed to jail, and confined therein until said fine is paid at the rate of \$1.50 per day.

SECTION 10. All ordinances, or parts of ordinances in conflict herewith and hereby repealed.

PASSED AND APPROVED, BY the Board the Trustees of the Village of Castleford, Twin Falls County, Idaho, this 7th day of April, 1947.



(SEAL)

F. C. Bybee

Chairman of Board

Geo. R. Thomas

Village Clerk.