

ORDINANCE NO. 615

AN ORDINANCE REPEALING CHAPTER 5.08 (AMUSEMENT AND VENDING MACHINES) OF THE TROUTDALE MUNICIPAL CODE; ADOPTING A NEW CHAPTER 5.08 OF THE TROUTDALE MUNICIPAL CODE (AMUSEMENT AND VENDING MACHINES); PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Subject to the provisions of Section 3 of this ordinance, Chapter 5.08 of the Troutdale Municipal Code entitled "Amusement and Vending Machines" is repealed.

Section 2. A new Chapter 5.08 of the Troutdale Municipal Code entitled "Amusement and Vending Machines" is adopted to read and provide as follows:

CHAPTER 5.08

AMUSEMENT AND VENDING MACHINES

5.08.010 Purpose of provisions.

In order that amusement be conducted in the city in a peaceful and law-abiding manner, it is necessary that the city provide such services as police and fire protection, streets, sidewalks, water and lighting. For the efficient administration of such services, it is necessary that amusement in the city be regulated and licensed, and that license fees be fixed and levied for the purpose of providing and financing such licensing and regulation.

5.08.020 Definitions.

As used in this chapter, unless the context requires otherwise:

- A. "Device" means and includes any device identified by resolution of the council.
- B. "Mayor" means the person holding the position of mayor or any officer or employee designated by the mayor or city council to perform a function which the mayor is authorized by this chapter to perform.

C. "Person" includes all natural and legal persons, including but not limited to, individuals, corporations, associations, partnerships and societies, whether or not engaged in a profit making endeavor.

5.08.030 License-Required.

No person shall display or operate for profit a device without a valid license for the device. Each device requires a separate license.

5.08.050 Fee-Amount.

A. No license shall be issued pursuant to this chapter unless the appropriate fee, as set by council resolution, is paid to the mayor.

5.08.060 Fee-Nonresidents.

An agent of a nonresident person operating or displaying for profit a device, is liable for the license fees levied and penalties provided by this chapter to the same extent as the nonresident person.

5.08.070 Fees in addition to general taxes.

The license fees provided in this chapter are in addition to any general taxes now or hereafter levied.

5.08.080 License-Application-Form.

A. Any person required to have a license pursuant to this chapter shall apply for such license in the following manner:

1. Application for a license shall be made to the mayor on or before February 1 of the year for which a license is required; or

2. In the event a person was not operating or displaying for profit any device in the city on or before February 1 of the year for which a license is required, but desires to operate or display for profit such a device in the city, that person shall apply to the mayor for a license at such time.

B. A license shall expire on the last day of the calendar year for which a license is required.

C. An applicant shall use application forms made available by the mayor. The application shall be signed by the applicant or the applicant's agent and shall set forth the following:

1. Device sought to be licensed, with make, model and serial number;
2. Name of applicant;
3. Name of agent making application, if any;
4. Location of device in the city.

D. Upon a proper application and receipt of the appropriate license fee, the mayor shall issue a license. The license, when issued, shall be signed by the mayor, and shall state the name of the licensee, the device subject to license, with make and model and serial number, the effective dates of the license, and the license fee paid.

5.08.090 License-Display.

The person licensed shall display the license in a convenient place at the device's location, and shall exhibit the same upon demand to any officer of the city. A license shall not be assignable or transferable, except with the device licensed.

5.08.100 License-Investigation.

The various officers and agents of the city are empowered and directed to investigate and examine the location of devices within the city, at reasonable times, to determine whether such location is a menace to public health, safety or morals. Any officer or agent finding such a condition shall immediately report the same to the city council.

5.08.110 License-Rights and limitations.

A. Nothing in this chapter shall be deemed to vest any right in any licensee. Any license fee may be decreased or increased, and devices may be reclassified, by appropriate action of the city council. If a licensee operates or displays any device in violation of any law or ordinance, the person shall be subject to penalty to the same extent as if no license had been issued.

B. The city council may revoke any license issued pursuant to this chapter if it finds that a licensee has intentionally avoided payment of the required license fee or is conducting or has conducted activities with respect to any licensed device which present a menace to the health, safety and welfare of the city; provided that such licensee is given at least seven days notice of the meeting at which the city council revokes such license and has the opportunity to comment on the proposed revocation at that meeting.

5.08.120 Violation-Penalty.

- A. Any person who violates any provision of this chapter, or who makes any

knowingly false statement in the application provided in section 5.08.080 of this code, shall upon conviction thereof, be punished by a fine not to exceed fifty dollars per violation, or by imprisonment not to exceed ten days, or by both such fine and imprisonment. Each day of unlicensed display or operation for profit of a device shall be a separate violation of this chapter.

B. All license fees required by this chapter are due on the required application date set forth in section 5.08.080(A) of the code. All license fees shall be deemed delinquent if not paid within 30 days of the due date. Whenever any license fee is not paid within 30 days of the due date, an additional fee equal to one percent of the fee shall be imposed for each day of delinquency. The number of days subject to a delinquency fee shall include the date on which the license fee was due and the date on which the license fee was actually received by the mayor.

5.08.130 Violations-Additional remedies.

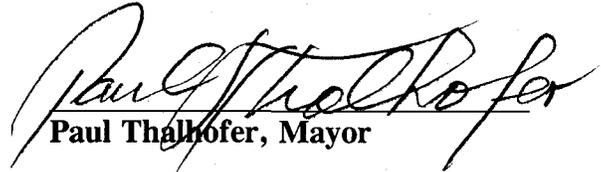
In addition to the penalties provided in section 5.08.120 of this code, a person who violates section 5.08.030 of this code shall be and remain liable to the city for the license fee applicable to the device for the period for which the person failed to obtain a license, and in any action for the recovery thereof, the person shall be liable also for costs, interest and reasonable attorney fees.

Section 3. The former provisions of Chapter 5.08 of the Troutdale Municipal Code continue to apply to any amusement device or vending machine license application received by the City as of the effective date of this ordinance.

Section 4. It is necessary that this ordinance take effect earlier than thirty (30) days after passage so that its more clear and complete policies concerning amusement and vending machine licenses apply to license renewal applications which will be submitted at the beginning of 1995. Therefore, an emergency exists and this ordinance goes into effect immediately upon its passage by the City Council and attestation by the Mayor.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
13TH DAY OF DECEMBER, 1994.

YEAS:	<u>5</u>
NAYS:	<u>0</u>
ABSTAINED:	<u>0</u>


Paul Thalhofer, Mayor

Dated: DECEMBER 14, 1994

ATTEST:


George Martinez
City Recorder