

LEGISTAR – File No. 68721 Body

DRAFTER'S ANALYSIS: This proposed ordinance makes changes to the licensing of amusement devices. It eliminates obsolete language regarding a separate license category for amusement devices operated by a coin of less than five cents, and clarifies that simulators are amusement devices.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 9.08 entitled "Amusement Devices" is amended as follows:

"9.08 - AMUSEMENT DEVICES.

(1) Definitions.

- (a) "Amusement device" means any machine, game, simulator or similar device, whether or not operated by coins, slugs, tokens, or similar items which permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, which may cause a person or operator of the same to secure some amusement, enjoyment, or entertainment, and which is not a gambling device. The term shall include, but not be limited to because of enumeration, electronic or mechanical game machines, simulators, pinball machines, shuffleboard, and pool or billiard tables.
- (b) A "distributor" shall mean any person who as owner or lessor distributes or leases any amusement device to any person for use in the City of Madison.

(2) Licensing of Amusement Device Distributors.

- (a) License of Amusement Devices. Any person, corporation or other legal entity which has possessory control of any premises in which is located any amusement device available for play shall license said device with the City Clerk as described herein. The license fee for the amusement devices operated by a coin of five cents (5¢), or more, shall be per annum; and shall be based on the number of amusement devices located on the premises as follows:

<u>Number of Amusement Devices</u>	<u>Fee</u>
1	\$55
2-3	\$110
4-6	\$220

<u>Number of Amusement Devices</u>	<u>Fee</u>
7-10	\$385
11-20	\$605
21-30	\$1,155
31-44	\$1,705
45+	\$2,475

~~The license fee for each amusement device operated by a coin of a value of less than five cents (5¢) shall be two dollars and fifty cents (\$2.50) per annum.~~ Said license fee shall be paid to the City Treasurer at the time of license. If the City Clerk is satisfied that the amusement device(s) should be entitled to be licensed, the Clerk shall issue a license for said device(s). The license shall be conspicuously displayed along with any other licenses issued to such registrant. The license application shall show the ownership of the device(s) for which license is sought. If the registrant does not own the device(s) so licensed, the owner of the device(s) shall permanently affix a tag or similar item showing the owner's name and address. Such license shall remain effective until the thirtieth (30th) of June following issuance at which time and on the first (1st) of July of each and every year thereafter. The license shall not be transferable. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.

- (b) It shall be unlawful for any person, corporation or other legal entity to have on premises under possessory control any unlicensed amusement device available for play.
- (3) Police Officer May Seize Any Gambling Device. Any police officer or special investigator of the City of Madison may seize or cause to be seized any gambling device, slot machine or any amusement device upon which there is not affixed a registration symbol as herein required, and deliver the same into the custody of the Chief of Police of the City of Madison. Unless the lawful owner thereof shall prove her/his title thereto and demand possession within thirty (30) days from the date such machine is seized, said device shall be destroyed on the written order of said Chief of Police.

- (4) Counterfeiting Registration Symbol Prohibited. Any person who shall counterfeit a registration symbol or who shall transfer such registration symbol from one amusement device to another, or who shall make any false statement in any application for a license or registration under this Ordinance shall upon conviction be penalized in the manner and to the extent as provided in subsection (5) hereof and upon conviction said person, firm or corporation shall be disqualified from registering any further amusement devices for the current year.
- (5) Penalty. A violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).”