

ORDINANCE NO. 273

AN ORDINANCE DEFINING MECHANICAL AMUSEMENT DEVICES
AND PROVIDING PERMITS, LICENSES, FEES AND REGULA-
TIONS FOR THEIR INSTALLATION AND OPERATION IN THE
TOWN OF SAN ANSELMO

The City Council of the Town of San Anselmo does ordain as follows:

Section 1. DEFINITIONS: As used in this ordinance, the following words and phrases shall have the following respective meanings:

"Mechanical Amusement Device" shall mean: Any machine or device which, upon the insertion of a coin, slug or token in any coin chute or receptacle attached to said machine or connected therewith, operates or which may be operated for use as a game, contest or amusement, and which may be used for any such game, contest or amusement, and which does not contain a payoff device for the return of slugs, coins, money, tokens or merchandise or any other thing of value.

"Operator" shall mean: Any owner of any mechanical amusement device who installs, operates, maintains, or permits the same to be played, operated or maintained in any place of business where the same can be played or operated by the public and by persons in or about said place of business.

"Location Owner" shall mean: Any person or persons in whose place of business any mechanical amusement device is placed or maintained for the use, amusement, patronage or recreation of the public or of persons in or about said place of business.

"Person" shall mean: Any individual, firm, corporation, association, syndicate, joint stock company, partnership, club,

Massachusetts business or common law trust of society.

Section 2. REQUIREMENTS OF MACHINES: Every mechanical amusement device shall carry a label or shall be suitably stamped on an actual part of the machine, permanently attached thereto, indicating the name of the manufacturer. Each portable mechanical amusement device wired for electricity shall be equipped with not more than six (6) feet of electric cord of a type approved by the National Board of Fire Underwriters, and shall be connected to a standard convenience plug or electric outlet of the wall type adjacent to said mechanical amusement device.

Section 3. UNLAWFUL ACTS:

(a) No award, payoff, or delivery of anything of value, or representing or exchangeable or redeemable for anything of value shall be made by the permit holder or licensee, hereinafter provided for, his employees or any other person, in any contest, tournament or individual play of any mechanical amusement device.

(b) It shall be unlawful for any location owner or operator to install, operate or maintain any mechanical amusement device in the Town of San Anselmo without first having obtained a permit as provided for in this ordinance.

(c) It shall be unlawful for any location owner or operator to install or operate or allow to be installed or operated any mechanical amusement device not properly licensed and not carrying on it a tag, label or license, whichever the case may be, indicating that said mechanical amusement device is properly licensed in accordance with the provisions of this ordinance.

(d) It shall be unlawful for any location owner or operator to cause, permit or allow any mechanical amusement device to be installed, operated or maintained in any establishment, store or place of business selling school supplies or catering to minors under

the age of eighteen (18) years, or in any place of business where minors under the age of eighteen (18) years form a portion of the patronage, or wherein any minors under the age of eighteen (18) years are permitted to congregate.

(e) It shall be unlawful for any location owner or operator of a mechanical amusement device to cause, permit or allow such mechanical amusement device to be located, operated or maintained in any place of business within three hundred (300) feet of the nearest street entrance to or exit from any public playground or public or private school of elementary or high school grades, provided, however, that licensees defined and provided for in the General Laws of the State of California, Statutes of 1935, Article 3796, and amendments thereto, shall be exempt from the provisions of this paragraph in so far as such paragraph pertains to the location of premises licensed or to be licensed under the provisions of this ordinance.

(f) It shall be unlawful for a minor under the age of eighteen (18) years to play or operate in any manner any mechanical amusement device as defined in this ordinance.

(g) It shall be unlawful for any location owner to allow or permit any minor under the age of eighteen (18) years to play or operate in any manner any mechanical amusement device as defined in this ordinance.

Section 4. APPLICATION FOR LOCATION OWNER PERMIT: Application for Location Owner Permit to operate mechanical amusement devices, together with the payment of fee as provided for in this ordinance, shall be made by such location owner to the Chief of Police and shall be signed by the applicant and shall contain the following information in addition to whatever additional information is deemed necessary and proper by the Chief of Police:

- (a) Name of Applicant.
- (b) Business and residence address of applicant.
- (c) Whether said machines or devices are to be operated in connection with any other business or calling, and the character of said business or calling.
- (d) Description of type of mechanical amusement device to be maintained or operated.
- (e) A statement that each and every mechanical amusement device to be located at the location for which the permit is desired shall be used only as provided in this ordinance.

Section 5. ACTION ON LOCATION OWNERS APPLICATION: Application for said Location Owner's Permit shall be granted or denied by the Chief of Police within five (5) days after the filing of the application.

Section 6. ISSUANCE OR DENIAL OF LOCATION OWNER PERMIT: The Chief of Police is hereby authorized to issue to any person of good moral character, fulfilling the requirements of this ordinance as to location and type of business and classification of patronage or clientele, a Location Owner's Permit in accordance with this ordinance, which said permit shall be serially numbered and will authorize the operation of one or more mechanical amusement devices in or at the designated location. However, in no event shall the permit authorize the operation of more than five (5) mechanical amusement devices, as defined in this ordinance. Any such permit shall immediately be revoked by the Chief of Police if the holder thereof, either as principal or through his employees, shall permit, allow or sanction any of the unlawful acts set forth in Section 3 of this ordinance to be committed on the premises or location for which such permit is issued and any such revocation of permit shall forever bar the holder thereof from again securing any permit or license

provided for in this ordinance.

Section 7. APPLICATION FOR OPERATOR PERMIT: Application for Operator Permit to install, operate and maintain mechanical amusement devices, together with payment of fee as provided for in this ordinance, shall be made to the Chief of Police and shall be signed by the applicant, and shall contain the following information in addition to whatever additional information is deemed necessary and proper by the Chief of Police:

- (a) Name of applicant.
- (b) Business and residence address of applicant.

Section 8. ACTION ON OPERATORS APPLICATION: Application for said Operator Permit shall be granted or denied by the Chief of Police within five (5) days after the filing of such application.

Section 9. ISSUANCE OR DENIAL OF OPERATOR PERMIT: The Chief of Police is hereby authorized to issue to any person of good moral character, fulfilling the requirements of this ordinance, an Operator Permit in accordance with this ordinance, which said permit shall be serially numbered.

Section 10. APPLICATION FOR MECHANICAL AMUSEMENT DEVICE LICENSE: Application for each Mechanical Amusement Device license or licenses shall be made to the Chief of Police by the owner of said mechanical amusement device or devices and shall contain the following information in addition to whatever additional information is deemed necessary and proper by the Chief of Police:

- (a) Name of applicant.
- (b) Business and residence address of applicant.
- (c) Business of applicant.
- (d) Whether applicant has been granted an Operator Permit.
- (e) Type of Mechanical Amusement Device.

(f) Name or identification of said mechanical amusement device.

(g) Name of manufacturer of said mechanical amusement device.

Section 11. ACTION ON MECHANICAL AMUSEMENT DEVICE LICENSE:

Upon application for Mechanical Amusement Device license the Chief of Police shall cause to be issued immediately to any operator who has been granted an Operator Permit, and upon receipt of payment of fee as provided for in this ordinance, a label, tag or receipt to be attached in a conspicuous place to each said mechanical amusement device. Every label, tag or receipt shall have written on it the date of expiration and said label, tag or receipt shall be serially numbered and it shall be unlawful to have any such mechanical amusement device in any place of business within the Town of San Anselmo without having attached thereto the official label, tag or receipt herein provided for.

Section 12. PERIOD OF PERMIT AND LICENSE: All permits and licenses described and defined by this ordinance shall be on an annual basis and shall run from the 1st day of July of one year to and including the 30th day of June of the year following. Permits and licenses as described in this ordinance shall be issued in the fiscal year for which they are issued and shall commence on the date of issuance and shall be for the balance of such fiscal year ending June 30, and no such permit or license fees shall be proratable. Any such permit or license issued on or before the 15th day of July to a person who holds a permit or license in force at the end of the preceding fiscal year shall be deemed to have commenced on the 1st day of July.

Section 13. TRANSFERS: Any Mechanical Amusement Device license issued for one mechanical amusement device may be transferred to another mechanical amusement device upon good and proper showing that

the mechanical amusement device from which such license is desired to be transferred has been taken out of use in the Town of San Anselmo and upon the written authorization of the Chief of Police to make such transfer.

Section 14. FEES: Before any Location Owner Permit, Operator Permit or Mechanical Amusement Device License can be issued, the following fee must be paid to the Town of San Anselmo in advance as herewith provided:

(a) Each Location Owner Permit, a fee of Twenty Dollars (\$20.00) per annum;

(b) Each Operator Permit, a fee of One Hundred Dollars (\$100.00) per annum;

(c) Each Mechanical Amusement Device License, a fee of Twenty Four Dollars (\$24.00) per annum.

All fees herein provided for shall be paid annually in advance in the manner provided for in Section 12 of this ordinance.

Section 15. VIOLATION A MISDEMEANOR: Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment in the County Jail for a period not to exceed three (3) months or by both such fine and imprisonment.

Section 16. PARTIAL REPEAL: Any and all ordinances, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed, but only to such extent as conflict may exist.

Section 17. SAVING CLAUSE. NON-WAIVER OF DEBT DUE AND UNPAID: If any section, sub-section, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed

this ordinance, and each section, sub-section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses and phrases be declared unconstitutional. The enactment of this ordinance shall not in any manner be construed as a waiver of any license or permit fees or any other fees or money due and unpaid under the provisions of any other ordinance of the Town of San Anselmo.

Section 18. The foregoing ordinance shall, within fifteen (15) days after its final passage and adoption, be published once in the San Anselmo Herald, a weekly newspaper of general circulation, published and circulated in the Town of San Anselmo, and hereby designated for that purpose.

The foregoing ordinance was duly and regularly introduced at a regular adjourned meeting of the City Council of the Town of San Anselmo held in said Town on the 24th day of June, 1942, and was thereafter at a regular _____ meeting of said City Council held in said Town of San Anselmo on the 14th day of July, 1942, duly passed and adopted by the following vote:

AYES: COUNCILMEN: M. H. Mason, Von Rog, Carroll & Lirich
NOES: COUNCILMEN: none
ABSENT: COUNCILMEN: none

Signed and approved this 14th day of July, 1942.

Geo. Lirich
MAYOR OF THE TOWN OF SAN ANSELMO

ATTEST: J. L. Brown
CLERK OF THE TOWN OF SAN ANSELMO

