

ORDINANCE NO. 165

AN ORDINANCE OF THE CITY OF CLARK FORK, IDAHO PROVIDING FOR THE LICENSING OF GAME OR AMUSEMENT MACHINES OR DEVICES OTHER THAN MUSIC; MAKING IT UNLAWFUL TO OPERATE THE SAME UNLESS THE MACHINE AND DISTRIBUTOR BE LICENSED AS PROVIDED; THAT THIS SHALL NOT BE CONSTRUED TO LEGALIZE ANY SUCH MACHINE PROHIBITED BY LAW; THAT THIS SHALL NOT APPLY TO MERCHANDISING MACHINES; DEFINING DISTRIBUTOR AND PROVIDING LICENSE FEES FOR DISTRIBUTORS; FOR THE PAYMENT OF ANNUAL LICENSES UPON ALL MACHINES ON DISTRIBUTORS' PREMISES; FOR THE CLERK TO KEEP RECORDS OF SUCH LICENSES; PROVIDING QUALIFICATIONS FOR DISTRIBUTORS AND THE ISSUANCE OF LICENSES BY THE CLERK TO THOSE QUALIFIED UPON PAYMENT OF THE LICENSE FEE; FOR REVOCATION OF LICENSE PRIVILEGES; PROVIDING THE CITY CLERK TO BE THE LICENSE INSPECTOR AND TO KEEP ALL SUCH RECORDS AND REPORT VIOLATIONS AND NON-PAYMENT OF ANY SUCH LICENSES TO THE CITY COUNCIL FOR SUCH ACTION AS IT MAY DEEM APPROPRIATE; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CLARK FORK, IDAHO:

Section 1: LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to possess, sell, lease, rent, license, or permit the use of, or control, place, maintain, or to permit operation of, upon premises or at any place under his or its control within the City of Clark Fork, any game or amusement machine or device, the playing of which requires the payment of money or other thing of value, or requires the deposit therein of any coin, or thing, and in the playing of which the element of skill predominates, unless and until said machine or device and the distributor thereof shall be licensed as hereinafter provided.

Section 2. UNLAWFUL DEVICES AND EXCEPTIONS: No license shall be issued for, and nothing herein contained shall be construed to legalize the possession or maintenance of any game, table, machine, slot machine, or any other article, device or apparatus which is prohibited by the Statutes of the State or by the provisions hereof. This Ordinance shall not apply to a bona fide merchan-

dising machine nor to mechanical music devices within the purview of this ordinance.

Section 3. DISTRIBUTOR; LICENSE FEES: A person engaged in the business of selling, leasing, renting, licensing, or otherwise permitting the use to others of any machine or device mentioned in Section 1 of this Ordinance shall be known as a distributor, who shall, prior to engaging and while engaged therein pay to the City a license fee of \$10.00 per machine for each calendar year, and obtain a license therefor; provided, that for any license issued after July 1 of each year, such distributor shall pay the sum of \$5.00 per machine for the remainder of each calendar year.

Section 4. PAYMENT; RECORDS: No licenses shall issue except to and upon the application of a distributor accompanied by payment of the license fee. Licenses shall expire on the last day of the calendar year for which issued. The license number originally assigned to a machine or device shall remain the same for each license thereafter, provided that should any such machine or device be replaced by the distributor for any reason whatever so that he no longer has the same in use, then the replacement machine may have such license number transferred to it. The Clerk shall keep a record of licenses issued. Such record shall show the information required on said license.

Section 5. DISTRIBUTORS; QUALIFICATIONS: Distributors' licenses shall be issued only to a citizen of the United States <sup>resident</sup> of the City <sup>over the age of 18 years</sup>, or to firms or corporations organized under the laws of the State. Application for distributors' licenses shall be in writing, upon oath before, and filed with the Clerk accompanied by the payment of the annual fee and

AMENDED BY  
RESOLUTION OF  
CONCIL FEB 9, 1976  
"SECTION 5 AND 11"  
DELETED "RESIDENT"  
OF THE CITY



shall show the names, addresses, citizenship, and residence of every person, unless the applicant is a corporation, owning any interest in the business, and place of business, or business, if any, other than that of a distributor, the place where machines are to be kept for distribution, the name of the person who is to direct or supervise distribution, a guaranty on the part of the distributor that no machines or devices of a kind, the keeping or playing of which is, or will be, a violation of any law of the State, will be kept or distributed by such distributor.

Section 6. LICENSE; ISSUANCE: All licenses issued under the provisions of this Ordinance shall be issued by the Clerk upon the payment of the fees herein required to be paid; providing, the Clerk shall issue no license to any distributor except upon the specific instructions from the Council so to do and upon the payment of the license fees so required.

Section 7. REVOCATION: All licenses issued under the provisions of this Ordinance shall be subject to revocation by the Council for violation of any of the terms or provisions herein prescribed or for any cause which appears satisfactory to the Council.

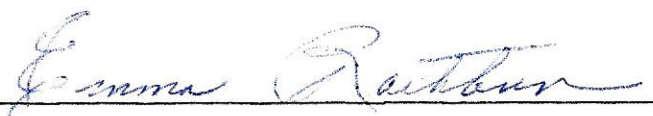
Section 8. LICENSE INSPECTOR; DUTIES: There is hereby created the office of License Inspector who shall be the City Clerk and whose duties shall be to report violations or nonpayment of any City licenses provided herein to the City Council.

Section 9. PENALTY: Any person, firm or corporation violating any of the provisions of this Ordinance, upon conviction thereof,

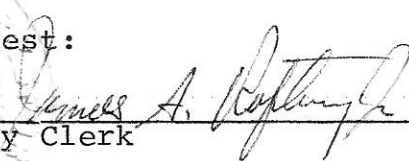
shall be punished by a fine in any sum not to exceed \$300.00 or by imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment.

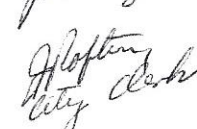
Section 10. This Ordinance shall be in full force and effect from and after its publication as provided by law in the Sandpoint News Bulletin, a weekly newspaper of general circulation in the City of Clark Fork, Idaho, which newspaper is hereby designated as the official newspaper of the City for the publication of this Ordinance.

Passed under suspension of the statutes and rules and duly enacted as an Ordinance of the City of Clark Fork at a regular meeting of the City Council of the City of Clark Fork held on the 3rd day of December, 1975.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Published January 14, 1976.  
  
City Clerk