ORDINANCE NO. 6587

AN ORDINANCE TO AMEND CHAPTER 3.34 JUKE BOXES AND AMUSEMENT DEVICES OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 3.34.060 "LICENSE FEES-EXPIRATION DATE" AND REPEALING SECTION 3.34.090 "AMUSEMENT PARKS"; SECTION 3.34.140 "IMPOUNDING OF MACHINES-STORAGE AND AUCTION"; SECTION 3.34.160 "PINBALL MACHINES AND SIMILAR DEVICES"; SECTION 3.34.170 "GAMBLING DEVICES -SEIZURE AND DESTRUCTION" AND SECTION 3.34.180 "PENALTY FOR VIOLATION".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 3.34 Juke Boxes and Amusement Devices of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended to read as follows:

Chapter 3.34 - JUKE BOXES AND AMUSEMENT DEVICES

3.34.010 Definitions - Juke Boxes And Amusement Devices
3.34.030 License Required - Operators - Distributors - Exemptions
3.34.040 License Application - Minimum Age Limit
3.34.050 Same - Duplicate Copy - Investigation And Approval Of Applicant
3.34.060 License Fees - Expiration Date
3.34.070 Refunds
3.34.080 Invalidation Of Existing Licenses
3.34.100 Posting Of License - Transfer Of Location
3.34.110 Allowing Placement Without License
3.34.120 Allowing Machines After Expiration Or Revocation Of License
3.34.130 Installation Of Unlicensed Machine By Distributor
3.34.150 Revocation Of License

3.34.010 Definitions - Juke Boxes And Amusement Devices

Juke box: Any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any slot, crevice, or opening, or by payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

Mechanical amusement device: Any machine which upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It includes such devices as marble machines, pinball machines, skill ball, mechanical grab machines, and all games, operations or transactions similar thereto under whatever name they may be indicated.

Person, firm, corporation, or association: As used herein include the following: any person, firm, corporation or association which owns any such machine; the person, firm, corporation or association

in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine; provided, however, that the payment of such fee by any person, firm, corporation or association enumerated herein shall be deemed a compliance with this section.

Operator: As used herein refers to and includes the person who operates the place of business where the mechanical amusement device or devices is or are physically located.

Distributor: As used herein refers to and includes the person or persons who sell, lease or deliver possession or custody of juke boxes or mechanical amusement devices to the operator or operators thereof.

(Ord. 3589 § 1, 1960)

3.34.030 License Required - Operators - Distributors - Exemptions

1. Any operator displaying for public patronage or keeping for operation any juke box or mechanical amusement device as herein defined by CBMC 3.34.010, shall be required to obtain a license from the city of Council Bluffs, upon payment of a license fee. Application for such license shall be made to the city clerk upon a form to be supplied by the city clerk for that purpose.
2. Any distributor who sells, leases or delivers possession or custody of mechanical amusement devices to the operator, shall be required to obtain a license from the city upon payment of a license fee. Application for such license shall be made to the city clerk upon a form to be supplied by the city clerk for that purpose.
3. Any operator displaying for public patronage or keeping for operation an amusement device distributed by the Iowa Lottery shall be exempt from the licensing requirement of this section until October 1, 1987.
4. The Iowa Lottery shall be exempt from the distributor licensing requirement established by this section.

(Ord. 4732 § 2, 1987)

3.34.040 License Application - Minimum Age Limit

1. The application for the operator's license shall contain the following information:
    1. Name and address of the applicant, age, date and place of birth;
    2. Prior convictions of applicant, if any;
    3. Place where the machine or device is to be displayed or operated and the business conducted at that place;
    4. Whether the license covers a juke box or coin-operated amusement device;

5. The name of the manufacturer, the type of machine, the serial number of each machine, and the license number of the distributor who will sell, lease, or deliver the machine or device to the operator.

2. The application for the distributor's license shall contain the following information:
    1. Name and address of the applicant, age, date and place of birth;
    2. Prior convictions of applicant, if any;
    3. That he/she is of good moral character.
3. No license shall be issued to any applicant unless he/she shall be over eighteen years of age.

(Ord. 4732 § 3, 1987)

3.34.050 Same - Duplicate Copy - Investigation And Approval Of Applicant

Application for license shall be made out in duplicate, one copy being referred to the chief of police and the other copy to the electrical inspector.

1. The chief of police shall investigate the location wherein it is proposed to operate such machine, ascertain if the applicant is a person of good moral character, and either approve or disapprove the application.
2. No license shall be issued to any applicant unless approved by the chief of police and the city's electrical inspector.

(Ord. 3589 § 5, 1960)

3.34.060 License Fees - Expiration Date

Every applicant, before being granted an operator's license, shall pay an annual license fee as listed in the Schedule Of Fees in CBMC 2.08 for the privilege of operating or maintaining for operation each juke box or mechanical amusement device as defined in CBMC 3.34.010.

Every applicant, before being granted a distributor's license, shall pay a license fee as listed in the Schedule Of Fees in CBMC 2.08. Fees for all licenses issued under the terms of this chapter shall be payable at the time of issuance and shall be effective until the next succeeding April 1st. Licenses shall expire on the first day of April of each year. If such period is less than one year, the fee shall be prorated on a monthly basis from date of issuance to the following April 1st.

(Ord. 3589 § 6, 1960)

3.34.070 Refunds

Any operator, licensee, his or her executor, administrator, or any person duly appointed by the court to take charge of and administer the property or assets of such licensee for the benefit of his or her creditors may voluntarily surrender any license issued under this chapter to the city council, and when so surrendered, the city council shall refund to the person so surrendering the license a proportionate amount of the license fee paid for such license, as follows: if surrendered during the first three months of the period when the license was issued, the refund shall be three-fourths of the amount of the license

fee; if surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the license fee; if surrendered more than six months but not more than nine months after issuance the refund shall be one-fourth of the amount of the license fee. No refunds shall be made, however, for any license surrendered more than nine months after issuance. No refunds shall be made to any licensee upon the surrender of his or her license if there is at the time of the surrender a criminal charge pending against him or her or her in any court for the violation of any of the provisions of this chapter. If, however, upon hearing on such charge, the licensee is found and adjudged to be not guilty of the violation, he or she shall be eligible for a refund on the license, as above set forth.

(Ord. 3589 § 7, 1960)

3.34.080 Invalidation Of Existing Licenses

Any operator's license issued prior to the enactment of this chapter into law is declared to be void and of no further force and effect; but any amount paid for any such existing license by the licensee shall be credited against the amount due and owing for a new license as provided under the terms of this chapter.

(Ord. 3589 § 8, 1960)

3.34.100 Posting Of License - Transfer Of Location

1. The operator's license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premise wherein the device is to be operated or maintained to be operated.
2. If the licensee moves his or her place of business to another location within the city of Council Bluffs, the license or licenses may be transferred to such new location upon the application to the city clerk, giving the street and number of the new location. The new location shall be approved by the chief of police and the electrical inspector in the same manner as provided in CBMC 3.34.050.

(Ord. 3589 § 10, 1960)

3.34.110 Allowing Placement Without License

It is unlawful for the owner, lessee, agent, manager, or any other person in charge of any premises within the city of Council Bluffs, to permit or allow any juke box or mechanical amusement device to be installed or placed upon the premises owned or leased by him or her or under his or her management, control or supervision, unless and until such machine has been duly licensed as provided herein.

(Ord. 3589 § 11, 1960)

3.34.120 Allowing Machines After Expiration Or Revocation Of License

It is unlawful for the owner, operator, lessee, agent, manager, or any other person in charge of any premises within the city of Council Bluffs, to permit or allow any juke box or amusement device to be

upon the premises under his or her management, control or supervision after any license issued for said machine has expired or has been revoked by action of the city council or of any court.

(Ord. 3589 § 12, 1960)

3.34.130 Installation Of Unlicensed Machine By Distributor

It is unlawful for any distributor to place or install any juke box or amusement device upon the premises of any operator unless and until such machine has been duly licensed as herein provided.

(Ord. 3589 § 13, 1960)

3.34.150 Revocation Of License

Every license issued under this chapter is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any juke box or mechanical amusement device contrary to the provisions of this chapter, the ordinances of the city of Council Bluffs, or the laws of the state of Iowa. Said license may be revoked by the city council after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. Ten (10) days' notice of the hearing shall be given the licensee. At such hearing the licensee and his or her attorney may present and submit evidence of witnesses in his or her defense.

(Ord. 3589 § 15, 1960)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication, as by law provided.

PASSED
AND November 13, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-23-23
Second Consideration: 11-13-23
Public Hearing: N/A
Third Consideration: _____