

ORDINANCE NO. A- 486

AN ORDINANCE REGULATING THE OWNING, OPERATING AND LEASING OF COIN OPERATED MACHINES WITHIN THE CITY OF CONWAY, ARKANSAS: SETTING FEES, LICENSES AND PERMITS THEREFOR: PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE: DECLARING AN EMERGENCY: AND FUR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS.

SECTION 1. The business of owning, operating or leasing of coin operated machines, including amusement game machines, merchandise vending machines **and** service vending machines, within the corporate limits of the City of Conway, Arkansas is hereby declared to be a privilege and **there** is imposed upon the owners, operators and lessors of such machines, and upon their agents and receivers, a privilege tax for the operation of such machines in such amount or amounts as is hereinafter set out.

SECTION 2. The annual license fee to engage in or conduct the business of keeping, maintaining and operating merchandise vending machines, operated or activated automatically by the insertion therein of **a** coin or token of value, for the vending and distribution at retail of goods, wares and merchandise, including, but not limited to, confections, gum, nuts, cigarettes, tobacco, foods, soft drinks, papers, and other articles for human use or consumption, shall be as follows:

Less than 6 merchandise vending machines ~~at any one location~~: \$2.50  
More than 5 but less than 11 ~~at any one location~~ ..... 5.00  
More than 10 merchandise vending machines ~~at any one location~~ .20.00

SECTION 3. The annual license fee to engage in or conduct the business of keeping, maintaining, and operating service vending machines, operated or activated automatically by the insertion therein of one or more coins or tokens of value, for the rendering of service, including, but not limited to, weighing machines, toilet locks, and parcel lockers for the checking or storing of luggage, parcels or other articles, but excluding coin box telephones, and United States postage stamp vending machines, shall be as follows:

Less than 5 service machines at any one location..... \$0.50  
More than 4 but less than 10 at any one location..... 1.00  
More than 9 but less than 15 at any one location..... 1.50  
More than 14 but less than 20 at any one location..... 2.00

More than 19 but less than **30** at any one location..... 2.75  
More than 29 but less than **40** at any one location..... 3.50  
More than 39 service machines at any one location..... 5.00

SECTION 4. The annual license fee or privilege tax upon each automatic music vending phonograph and each amusement game machine operated or activated by the insertion therein of one or more coins or tokens of value shall be \$5.00 upon each **such** amusement game machine. Amusement games shall include such games as Radio Rifles, Miniature Football, Golf, Baseball, Hockey, Bumper, Tennis, Shooting Galleries, Pool Tables, Bowling, Shuffleboard, Pinball Tables, Marble Tables, and other miniature games whether or not it shows a score and not hereinafter excluded in Section 5 of this Ordinance, and where the charge for playing is collected by a mechanical device.

SECTION 5. Nothing herein contained shall be deemed to legalize, authorize, license or permit any machine commonly known as slot machines, Roscoes, Jackpots, or any machine equipped with any automatic money pay-off mechanism.

SECTION 6. Every amusement game machine defined in Section 4, hereof, upon which the individual privilege tax specified herein has not been paid is hereby declared to be a public nuisance and the same may be seized by the Chief of Police of the City of Conway, Arkansas, or his duly authorized agent and may be sold by the Clerk-Treasurer of the City of Conway upon order of the Municipal Court of Conway, Arkansas, PROVIDED, HOWEVER, the owner thereof shall have the privilege **of** redeeming said amusement game machine within ten (10) days after such court order by paying the tax due and the costs of said proceeding.

SECTION 7. All persons, firms or corporations licensed under this Ordinance **to** engage in or conduct the business of keeping, maintaining and operating bona fide merchandise or service vending machines which do not have amusement or gaming features shall be exempt from the payment of individual machine license fees.

SECTION 8. It shall be unlawful for any person, firm or corporation, or the agents, servants, or receivers thereof, to

operate or permit; the operation of any of the machines defined or mentioned in any of the foregoing sections of this Ordinance without having first paid the license fee or privilege tax provided for hereon. Anyone found guilty of violating this section of this Ordinance shall be fined in the **sum** of \$25.00 and each day that such machine or machines are operated, without having paid such fee or tax, shall constitute a separate offense and shall be **punished as** such.

SECTION 9. The license or permits herein provided shall be issued for a term of one (1) fiscal year beginning July 1 of each calendar year and ending on June 30th of the calendar year next succeeding, but if any license or permit shall be issued after January 1 of any year the permit or license shall run **to** the end of the fiscal year then in being and the fee or **tax** thereon shall be one-half of the fee or tax hereinabove provided,,

SECTION 10. If any **of** the provisions of this Ordinance shall be held unconstitutional or invalid it shall not be construed to invalidate any of the other provisions hereof, but all portions not invalidated shall be and remain in full force and effect.

SECTION 11. All ordinances, or parts of ordinances in conflict herewith, and specifically Ordinance No. **A-182**, passed May 11, 1939, are hereby repealed.

SECTION 12. This Ordinance, being necessary for the safety and welfare of the inhabitants of the City of Conway, Arkansas, an emergency is hereby declared to exist and this Ordinance shall take effect and be in force from and after its passage and publicatinn.

PASSED this July 8, 1969.

APPROVED:

Walter D. Dumas  
Mayor

ATTEST:

David G. Gunn  
Clerk-Treasurer