

## SLOT MACHINES AND VENDING MACHINES

## ARTICLE I - Title, Authority, Jurisdiction and Purpose

Title. This ordinance shall hereinafter be known as, and may be cited as, the "Slot Machines and Vending Machines Ordinance of Wythe County, Virginia", Ordinance number 82-3.

Authority. This ordinance is adopted pursuant to the authority of Section 58-266.1 and 58-359 of the Code of Virginia 1950, as amended.

Jurisdiction. The provisions of this ordinance shall apply to Wythe County and shall include the incorporated municipalities, provided they do not impose a town license tax upon the same privilege.

Purpose. This ordinance is to establish taxes for coin operated machines and to regulate their use.

Definitions. a. The term "amusement operator" means any person selling, leasing, renting or otherwise furnishing or providing a coin-operated amusement machine in Wythe County; however, the term "amusement operator" shall not include a person owning less than three such machines and operating such machines on property owned or leased by such person.

b. "Amusement machine" shall mean any coin-operated machine not listed in Section 58-359 of the Code of Virginia.

## ARTICLE II - Amount of Tax on Operator

Every person selling, leasing, renting or otherwise furnishing or providing ten or more coin operated amusement machines shall pay a license fee of two hundred dollars (\$200.00) per year. For less than ten amusement machines the license fee shall be one hundred fifty dollars (\$150.00) per year. In addition, there shall be a tax of thirty-six cents (36¢) per one hundred dollars (\$100.00) of gross receipts from amusement machines operated in Wythe County. This section shall not apply to any person owning less than three such machines and operating such machines on property owned or leased by such person. This section shall not be applicable to operators of weighing machines, automatic baggage or parcel checking machines or receptacles, nor to operators of vending machines which are so constructed as to do nothing but vend goods, wares and merchandise or postage stamps or provide service only, nor operators of washing machines, dryers, or dry cleaning machines, nor to operators of viewing machines, dryers, or photomat machines, nor operators of machines affording rides to children or for the delivery

of newspapers. Notwithstanding the situs requirement of Section 58-266.5(a) of the Code of Virginia, Wythe County imposes the aforestated license tax on any amusement operator whose machines are located in Wythe County, Virginia.

ARTICLE III - Unlawful to Permit Unlicensed Machine;  
Machine Without Sticker on Premises

1) The Commissioner of the Revenue shall prepare and issue a license which, when signed by the Commissioner of the Revenue, shall evidence the payment of the license tax.

2) The license shall be for the calendar year and shall be paid on or before the thirty-first day of January of each year. The gross receipts tax shall be paid on or before the first of March of each year.

3) Every operator shall furnish to the Commissioner of the Revenue a complete list of all machines on location and the address of each location on or before the thirty-first day of January of each year.

4) Each machine shall have conspicuously located thereon a decal, sticker or other adhesive label, no less than one by two inches in size, clearly denoting the operator's name and address

ARTICLE IV - Article Not Construed as Permitting  
Operation of Unlawful Machine

Nothing contained in this article shall be construed as permitting any person to keep, maintain, exhibit or operate any slot machine or other device, the operation of which is prohibited by law. The Commissioner of the Revenue shall issue no license under this article for coin machines which are unlawful under the provisions of the Code of Virginia, Sections 18.2-325 and 18.2-331.

ARTICLE V - Penalty

Any person providing any such coin operated machines or other devices and failing to procure a county license, or otherwise violating this article shall be guilty of a misdemeanor and, upon conviction thereof, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than twelve (12) months in jail, either or both, and the machine or other device shall become forfeited to the County.

ARTICLE VI - Legal Status Provisions

Certified Copies of Ordinance. Certified copies of this ordinance and all amendments thereto shall be filed in the offices of the Planning Commission, the County Administrator, and the Clerk of the Circuit Court of Wythe County, Virginia.

Validity. Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Conflicting Ordinances. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

Effective Date. This ordinance was duly considered following a required public hearing held on October 12, 1982, and was adopted by the Board of Supervisors of Wythe County, Virginia, at its regular meeting held on October 12, 1982, the members voting:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Dunford			X
James			X
Johnstone	X		
Mabe	X		
Matney			X
Payne		X	
Reardon	X		

This ordinance shall be effective on and after 12:01 a.m. on January 1, 1983.