

ORDINANCE NO. 527

**AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, BY AMENDING ARTICLE IX ENTITLED "AMUSEMENT REDEMPTION MACHINE GAME ROOM" BY PROVIDING FOR THE LICENSING AND REGULATION OF AMUSEMENT REDEMPTION MACHINES IN LOCATIONS OTHER THAN GAME ROOMS; PROVIDING FOR THE PAYMENT OF A FEE FOR THE ISSUANCE OF SUCH LICENSE; IMPOSING RESTRICTIONS ON THE LOCATION OF SUCH MACHINES; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ANY AND ALL KINDS OF ORDINANCES, REGULATIONS, RULES OR POLICIES WHICH ARE IN ANY MANNER INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; PROVIDING THAT THE VIOLATION OF THIS ORDINANCE SHALL CONSTITUTE AN OFFENSE PUNISHABLE BY A FINE OF NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of West Columbia, Texas, is a Type A general law municipality as defined in Chapter 6 of the Texas Local Government Code; and

**WHEREAS**, sections 51.012, 54.001, 215.074, 217.042 and Chapter 211 of the Texas Local Government Code authorize the City Council to adopt the provisions of this ordinance; and

**WHEREAS**, the City Council of West Columbia, Texas, has determined and does hereby now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and to persons using amusement redemption machines within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:**

**Section One**

Article IX., Chapter 10 of the Code of Ordinances of the City West Columbia, Texas, entitled "Amusement Redemption Machine Game Room" shall be and is hereby amended as follows:

**ARTICLE IX. AMUSEMENT REDEMPTION MACHINE GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES**

**Sec. 10-320.** [unchanged]

**Sec. 10-321. License Required**

(a) *Payment of Fees and Issuance of Licenses*

(1) *Amusement Redemption Machine Games Rooms.* An owner, operator, or lessee of an amusement redemption machine game room shall be required to secure a license by paying to the City an annual inspection and amusement redemption machine game room license fee of Two Thousand Dollars (\$2,000.00) for the first two thousand (2,000) square feet of the building, or part thereof, that houses the game room, including rest rooms, storage and other areas from which the public is excluded but which are used, in whole or in part in the operation of such business, plus one dollar (\$1.00) for each square foot thereof over two thousand (2,000) square feet. Upon the payment of the required fee, a license shall be issued to such owner, operator or lessee, as the case may be, by the building official.

(2) *Amusement Redemption Machines.* An owner, operator or lessee of an Amusement Redemption Machine which is located anywhere within the City other than in an Amusement Redemption Machine Game Room, shall be required to secure a license by paying to the City an annual inspection and Amusement Redemption Machine license fee of One Hundred Fifty and No/100 Dollars (\$150.00) per machine. Upon the payment of the required fee, a license shall be issued to such owner, operator or lessee, as the case may be, by the building official.

(b) *Expiration and Renewal.* Any and all licenses issued by the City under this Article shall automatically expire on the 31<sup>st</sup> day of December in the calendar year of its issuance, except as otherwise stated herein. Any such license shall automatically expire if the holder thereof sells, transfers equity in, or otherwise disposes of such devices. The City shall not refund any portion of a license fee after the license is issued, nor shall it prorate or reduce in amount any fee due to the City, regardless of what portion of a calendar/license year may have expired on the date on which the license is issued.

(c) *Late Penalty.* No later than thirty days following the expiration of any license under this article, the licensee shall obtain a renewal in the same manner as an original license if he wishes to continue operating an amusement redemption machine game room and/or amusement redemption machine(s), as the case may be. Failure to pay this fee within the time provided will require such person to pay an additional late fee in an amount equal to 20 percent of the fee actually due or 20 percent of the previous year's fee, whichever is greater, in order to obtain reinstatement

of his license.

(d) *Sealing.* The City shall have the authority to seal any amusement redemption machine, whether located at an amusement redemption machine game room for which a license has not been secured or, if not located within such game room, for which machine a license has not been secured. A \$5.00 fee will be charged for the release of any machine sealed for nonpayment of said license fee. It shall be unlawful for anyone to tamper with, remove, alter, or otherwise circumvent any seal placed by the City on an amusement redemption machine under the provisions of this paragraph.

(e) *Posting of License.* The license shall be conspicuously posted inside the building which houses any amusement redemption machine game room or one or more individual amusement redemption machines.

(f) *Restrictions, Regulations, Controls and Limitations for Both Game Rooms and Premises with Machines.* The following restrictions, regulations, controls and limitations shall apply to all amusement redemption machine game rooms and all establishments in which individually licensed amusement redemption machines are situated:

- (1) *Condition of premises.* All building and fire code standards must be met by the building in which either the amusement redemption machine game room and/or individually licensed amusement redemption machines are located. Inspection by building official and certificate of occupancy and specific use permit shall be obtained before license is issued.
- (2) *Hours of operation.* 24 hours per day, seven days a week.
- (3) *Location Requirements.* The premises of any game room and/or business housing one or more individually licensed machines shall not operate within 300 feet of a church, school, or hospital unless it was operating such location prior to September 13, 2004; and the operator of any amusement redemption machine game room and/or business housing one or more machines subject to license under this Article, at such location prior to September 13, 2004, shall have an affirmative defense in any prosecution under this chapter for operating such game room and/or individual machines at such location thereafter if a specific use permit for the use of such premises for such purpose has been issued and has not been revoked. As used herein, "church" means any facility that is owned by a religious organization and is used

primarily for religious services, "school" means a private or public elementary or secondary school or a day-care center, as defined in section 42.002, Human Resources Code; and "hospital" means a place for the reception of persons sick or infirm in body or mind, and includes a clinic with separate offices for two or more health care professionals.

(g) *Restrictions, Regulations, Controls and Limitations for Game Rooms.* The following restrictions, regulations, controls and limitations shall apply to all amusement redemption machine game rooms:

- (1) *Methods of conduction business.* No alcoholic beverages shall be served or consumed on the premises of an amusement redemption machine game room or of the business in which one or more individually licensed amusement redemption machines are situated. No activities may be conducted on the premises of the game room outside the building in which the game room and/or individual licensed machines are housed.
- (2) *Parking requirements.* One space for each two machines, plus one space per employee per shift.

**Sec. 10-322. Termination of License**

The City Council may terminate any license to maintain and operate an amusement redemption machine game room and/or individually licensed amusement redemption machines when the licensee is in violation of any provision of this article, any other ordinance of the City or any applicable State or federal law on regulation. Such termination by the City Council shall be upon the affirmative vote of a majority of the members of the City Council present and voting at any regular or special meeting thereof held after at least end days prior written notice sent by certified mail, return receipt requested and addressed to the licensee at the premises, specifying the particular violation or violations. Any decision of the City Council thereon shall be entered upon the minutes of such meeting. Any decision of the City Council thereon shall be final and nonappealable.

**Sec. 10-323. Disclaimer**

[unchanged]

**Section Two**

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this ordinance which are not specifically designated as being illegal, invalid or unenforceable.

**Section Three**

Any rules, ordinances, police regulations, resolutions, and/or policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

**Section Four**

Violation of this ordinance shall be punishable by a fine not to exceed \$500.00, and each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.

**Section Five**

This ordinance shall be effective and applicable immediately from and after the date of its passage and approval by the City Council of the City of West Columbia, and the publication of its caption as provided by law.

**PASSED AND APPROVED** this the 8th day of November,  
**2004.**

*David E. Foster*

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**DAVID FOSTER, Mayor**

**ATTEST:**

*Deborah J. Sutherland*

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**DEBORAH SUTHERLAND**  
City Secretary