

**ORDINANCE NO. 529**

**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 AMENDING THE DEFINITION OF "CHURCH"; 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 clarification and amendment of the definition of "church" as contained in Article IX. 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**

Sec. 10-321. (f) (3) shall be and is hereby amended to read as follows:

- (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location thereafter if a specific use permit for the use of such premises for such purpose has been issued and has not been revoked.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 (a) owned, leased, rented, or otherwise used or occupied as its principal meeting place by a religious organization and (b) 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.

## **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.

2005.

PASSED AND APPROVED this the 9<sup>th</sup> day of May,

David Foster  
DAVID FOSTER, Mayor

ATTEST:

Deborah J. Sutherland  
DEBORAH SUTHERLAND  
City Secretary