

Ordinance No. //

An ordinance by the City Council of the City of Payne Springs, Texas regulating the ownership and operation for profit of marble or pin ball machines and pool tables within the City of Payne Springs, Texas; defining certain terms, providing for the supervision and inspection of any establishment or premises in which one or more machines are situated and operated for profit; providing for the issuance of a license for each machine within this City ; establishing a fee for the permit for each machine, providing for the cancellation or revocation of permits issued pursuant to this ordinance; designating the City Building Inspector or his deputy to make inspections of the premises where a marble machines may be located ; providing for a monetary fine for each violation of this ordinance; providing a severance clause, repealing any ordinance in conflict herewith to the extent of the conflict; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS, TEXAS:

Section 1: Each machine which is used, operated or stored within the City of Payne Springs, Texas shall have a current license from the City of Payne Springs, Texas

Section 2: The following definitions are provided for certain word used in this ordinance:

a. The term “marble or pin ball machine” means :

(i) any coin operated machine in which the user or multiple users inserts a coin, coins or token into a slot or opening and receives the opportunity to , by use of a plunger, to propel balls with the intent to hit certain markers, springs, pegs, slots holes, or other device or instrumentality by which a score, total, sum of numbers, letters, digits, or any other manner of accounting by where one player may pit his skill against himself or another or a group of persons; or .

(ii) a machine or devise whereby a player inserts a coin. coins or tokens into a slot or opening and thereby receive a metal, plastic, wooden, or other fabricated disc which he slides in an attempt to strike pins, numbers, pegs, holes, balls or other objects by which a score in numbers, digits, strikes, roman numerals, characters, figures, or device may become legible or intelligible to the player or players; or

(iii) any devise, gadget or machine which may be operated by use of a coin or token and by which one player may compete against himself or others in any manner calculated or devised to provide an atmosphere of a game or chance, a

test of skill, strength, courage, determination, fortitude, cowardice, valor, or any other sensibility possessed by a human being.

- (iv) a pool table where a person with a stick endeavors to hit a cue ball so as to propel one or more balls to enter one of six pockets on the table.

(b) The term “stored machine” is a machine that is not operational, but is on the premises by an entity for machines that are operational.

Section 3: It shall be unlawful for any person, firm an association of persons, partnership, corporation, or other business entity to own or operate, or store any marble machines within the City without having obtained an appropriate and current license fee from the City Secretary of the City and having each license displayed conspicuously within the room where the machine is located.

The provisions of this section do not apply to religious, charitable or educational organizations which are recognized by the Internal Revenue Service under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1954, as amended.

Section 4: The initial license fee for each marble machine shall be for the remainder of the calendar year, and the renewal of a license shall be for the succeeding calendar year. The initial license fee for each marble machine, including stored machines, is established to be \$10.00. The renewal fee, as provided in the following section, irrespective of whether it is operational, shall be \$7.50 for each machine. If a machine is on the premises without being licensed, the penalty shall be \$5.00 a day or a portion of a day for each such machine. That is not licensed. A license may not be transferred.

Application for a license or renewal shall be submitted to the City Secretary who shall issue the original or renewal license upon the submission of an application and the applicable fee, provided however, an application for renewal of a license must be submitted prior to the expiration of the prior license and shall become effective simultaneously with the expiration of the prior license.

Section 5: The City Council is authorized and empowered to revoke and cancel licenses granted pursuant to this ordinance because the holder thereof has violated the provisions of this ordinance, has permitted disorderly conduct or immoral practices on the premises in violation of the laws of the State of Texas or this City, has permitted gambling on the premises, or has permitted unsanitary conditions to exist on the premises of the business..

Prior to the cancellation or revocation of a license, however, the City Council shall notify the licensee of the specific violation of this ordinance alleged to have occurred and which have been made known to the Council. Such notice shall also inform the licensee that a public hearing will be held at a time and place established by the Council. The date for such hearing shall be not less than 10 days after such notice has been delivered or placed in the mail addressed to the recipient . After the close of such hearing, a majority vote of the City Council

that one or more of the alleged violations has occurred shall be required for the cancellation of the license. If the licensee is dissatisfied with the ruling or determination by the Council, the matter may be appealed to the Municipal Court of the City.

Section 6: The Mayor shall appoint or designate a City Building Inspector to make periodic inspections of the premises of each licensee to determine whether the restrooms and other facilities are in compliance with health, plumbing and sanitary standards established by this City.


Section 7: Any licensee or other person who violated the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$100 for each day or fraction of a day the provisions of this ordinance have been violated.

If a fine has not been paid within 10 days of its assessment, an additional fee of not less than \$30 for each violation shall be assessed.

Section 8: If any portion of this ordinance or its application is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of the provisions of this ordinance.

Section 9: The fact that existing ordinances have proven to be inadequate to control the problem sought to be corrected by the terms of this ordinance and the fact that machines are not currently regulated so as to protect the citizens of the City, creates an emergency requiring this ordinance be in force and effect from and after its passage and publication as required by law, and it is so ordained.

Passed and approved this 21 day of SEPTEMBER 2004.



Mayor

Attest:



City Secretary

