

## **Ordinance 3-2007**

### **Amusement Machine Ordinance**

#### **AN ORDINANCE OF THE VILLAGE OF BONNEY TO REGULATE GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES; AND CREATING OFFENSES.**

##### **REGULATION OF GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES**

###### **DEFINITIONS.**

AMUSEMENT REDEMPTION MACHINE means a recreational machine that provides the user with an opportunity to receive something of value other than a right of replay and which complies with all applicable federal, state and local laws and regulations applicable to such machines.

A skill or pleasure coin-operated machine that is designed, made and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the use, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, novelties, or a representation of value redeemable for those items.

Any electronic, electromechanical or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with non-cash merchandise, prizes, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once or \$5.00, whichever is less.

COIN-OPERATED MACHINE means a machine or device operated by the payment or insertion of coin or paper currency or any other consideration.

REPRESENTATION OF VALUE means cash paid under authority of sweepstakes contests as provided in the Texas Business and Commerce Code, Chapter 43(B), or a gift certificate or gift card that is presented to a merchant in exchange for merchandise

GAME ROOM means a building, facility, or other place that is open to the public and that contains one or more operational amusement redemption machines.

GAME ROOM OWNER means a person who has an ownership interest in a game room.

OPERATIONAL MACHINE means a machine that is ready to be played and accessible to the public.

POLICE OFFICER means a Bonney Police Department police officer or any other Police Regulating Agency that the Village of Bonney contracts.

**LOCAL INITIAL CERTIFICATION FEE FOR AMUSEMENT REDEMPTION MACHINE GAME ROOM REQUIRED.**

**PAYMENT OF FEE AND ISSUANCE OF CERTIFICATE.**

In order to insure that the proposed business has adequate parking spaces and that the business complies with other requirements of the city, an owner, operator, or lessee of an amusement redemption machine game room shall be required to secure a certificate of operation by paying to the city a initial certification fee for each location based upon the following schedule:

\$500.00 for up to 50 amusement redemption machines

\$750.00 for more than 50 and up to 75 amusement redemption machines

\$1,000.00 for more than 75 and up to 100 amusement redemption machines

\$1,250.00 for more than 100 and up to 125 amusement redemption machines

An additional sum of \$250.00 for each additional 25 amusement redemption machines

**ISSUANCE OF CERTIFICATE.**

This certificate shall be issued by the Village of Bonney's City Secretary as directed by city council, only upon the advance payment of the above fee and must have adequate striped parking spaces (see requirements below), adequate square footage to safely house that number of machines and submission of a site plan showing the building, parking spaces and placement of the machines.

**LOCAL LICENSE FEE FOR AMUSEMENT REDEMPTION MACHINE GAME ROOM REQUIRED.**

**PAYMENT OF FEE AND ISSUANCE OF LICENSE.** 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 \$50.00 per machine. Upon payment of the license fee, the City Secretary shall issue a license per direction of the City Council.

**EXPIRATION AND RENEWAL.** Annual amusement redemption machine game room licenses issued by the city shall automatically expire on August 31 following its issuance, except as otherwise stated herein. Such permit shall automatically expire if the holder thereof sells, transfers equity, or otherwise disposes of such devices. The city shall not refund any portion of a license after the license is issued, nor shall it prorate or reduce an amount of any fee due to the city.

**LATE PENALTY.** Upon the expiration of a license, and within 30 days thereafter, the person shall obtain a renewal in the same manner as an original license if he wishes to continue operating an amusement redemption machine game room. Failure to pay this fee within 30 days 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; and, will require the owner to reapply for a specific use permit.

**SEALING.** The city shall have the authority to seal any coin-operated machine located at any amusement redemption machine game room for which a license fee has not been secured. A \$50.00 fee will be charged for the release of any machine sealed for non-payment of said license fee.

**POSTING OF LICENSE.** The license shall be conspicuously posted inside the building.

**RESTRICTIONS, REGULATIONS, CONTROL AND LIMITATIONS.** The following restrictions, regulations, controls and limitations shall apply to all amusement redemption machine game rooms:

**CONDITION OF PREMISES.** All building and fire code standards must be met. Inspection by an official contracted by the Village of Bonney and certificate of occupancy and specific use permit shall be obtained before license is issued.

**METHOD OF CONDUCTION OF BUSINESS.** No alcoholic beverages shall be served or allowed on premises. No activities allowed outdoors.

**PARKING REQUIREMENTS.** One space for each three machines. The amusement redemption machine game rooms shall submit a "parking management plan" in lieu of this requirement, provided said "plan" is approved by the City Council of the Village of Bonney.

**LOCATION REQUIREMENTS.** Premises shall not operate within 300 feet of a church, school, day care or hospital and any government entity.

## **TERMINATION OF LICENSE.**

The city council may terminate any license to maintain and operate an amusement redemption machine game room when the licensee is in violation of any provision of this article and other ordinance of the city, or any applicable state or federal law or 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 ten days' 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 may not be appealed.

## **UNRESTRICTED ACCESS BY POLICE OFFICER.**

An owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of a game room, or an operational amusement redemption machine, shall provide a police officer with immediate unrestricted access during business hours to all areas of the game room and to all operational amusement redemption machines located in the game room. The term "Police Officer" shall include any officer associated with any municipal, county, state or federal agency.

## **INSPECTION BY POLICE OFFICER.**

A police officer may inspect a game room or an operational amusement redemption machine located within the Village of Bonney, Texas' incorporated city limits to determine whether the game room or operational amusement redemption machine complies with this chapter and state law.

An owner, manager, or employee of a game room or other person who does not allow a police officer to inspect a game room or operational amusement redemption machine commits an offense.

## **GAME ROOM SIGN REQUIRED.**

A game room owner shall mark each entrance to a game room with a sign that:

bears the words "GAME ROOM" in one and one-half inch or larger block letters; and is legible from a distance of 25 feet.

**TRANSPARENT, UNCOVERED WINDOWS REQUIRED.**

A game room owner shall provide transparent glass in each game room window.

A person may not cover a game room window or otherwise block or obscure the view through a game room window.

**DISCLAIMER**

By issuing the required license, the city is not certifying the installation or use of the amusement redemption machines applying for a license, the applicant shall acknowledge that the city is not certifying or sanctioning the installation or use of such machines. By the acceptance of a license under this article, the licensee acknowledges that the installation and use of the machines which are the subject of this article may be found to violate state law. By the acceptance of a license issued under this article, the license fee paid belongs to the city and will not be refunded.

**OFFENSE; PENALTY.**

Violation of any provision of this article constitutes a Class C misdemeanor. Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction therefor shall be assessed a fine of not less than \$1.00, nor more than \$500.00; and each day such violation continues and each part of any day such violation occurs shall constitute a separate offense.

Proof of a culpable mental state is not required for a conviction of an offense under this chapter.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF BONNEY, TEXAS:**

PASSED, APPROVED and ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor

<Seal>

Attest:  
\_\_\_\_\_  
City Secretary