

*ORDINANCE NO. 2008-O-6C*

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING ORDINANCE NO. 2003-O-12E KNOWN AS “REGULATION OF AMUSEMENT REDEMPTION MACHINES”; AMENDING THE CERTIFICATION AND LICENSE FEES; AMENDING THE RESTRICTIONS, REGULATIONS, CONTROLS AND LIMITATIONS PROHIBITING AMUSEMENT REDEMPTION MACHINE GAME ROOMS WITHIN 1000 FEET OF A CHURCH, SCHOOL, DAY CARE OR HOSPITAL; PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.**

WHEREAS, the City of Angleton, Texas, hereinafter referred to as “the City”, is a Home Rule City and a Home Rule Municipality lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Sections 51.072, 54.001, 54.004, 215.074, 217.042 and Chapter 211 of the Local Government Code, Section 2153.452 of the Occupations Code and the Home Rule Charter of the City authorize the City Council to adopt the provisions of this Ordinance; and,

WHEREAS, the installation and use of redemption machines creates a public interest and may lead to conduct which causes or imminently threatens to cause material and substantial disruption of the community or an invasion of the rights of others; and,

WHEREAS, the City Council desires to protect the public safety, health, morals and general welfare of all the citizen by enhancing reasonable rules and regulations with regard to the installation and use of amusement redemption machines; and

WHEREAS, the City Council desires to protect the public safety, health, morals, and general welfare of all the citizens by enacting reasonable rules and regulations with regard to the installation and use of amusement redemption machines; and

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and persons using amusement redemption machines therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

**SECTION I: Ordinance No. 2003-O-12E, codified as Chapter 21.2 of the Code of Ordinances is hereby amended as follows:**

A) Section 21.2-02 is hereby amended to read as follows:

**Section 21.2-02. 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:

\$600.00 for up to 50 amusement redemption machines

\$900.00 for more than 50 and up to 75 amusement redemption machines

\$1,200.00 for more than 75 and up to 100 amusement redemption machines

\$1,500.00 for more than 100 and up to 125 amusement redemption machines

An additional sum of \$12.00 for each additional amusement redemption machine over 125.

This certificate shall be issued by the City's Chief Building Official, only upon the advance payment of the above fee and only after the city is satisfied that the business is in the proper zone, has 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.

B) Sections 21.2-03(a) and 21.2-03(f)(4) are hereby amended to read as follows:

**Section 21.2-03. LOCAL LICENSE FEE FOR AMUSEMENT REDEMPTION MACHINE GAME ROOM REQUIRED.**

(a) 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 two hundred dollars (\$200.00) per machine. Upon payment of the license fee the building official shall issue a license.

(f)(4) Location Requirements: Premises shall not operate within 1000 feet of a church, school, day care or hospital.

**SECTION II:** That except as amended herein all other provisions of the Code of Ordinances of the City of Angleton, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

**SECTION III:** In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

**SECTION IV:** This Ordinance shall take effect and be in force on the first day of JULY, 2008.

**PASSED AND APPROVED THIS 24<sup>TH</sup> DAY OF JUNE, 2008.**

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**J. PATRICK HENRY, MAYOR  
CITY OF ANGLETON, TEXAS**

**ATTEST:**

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**AMANDA DAVENPORT, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**KEITH VAUGHAN, CITY ATTORNEY**