

ORDINANCE NO. 22-NN

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, AMENDING THE ALVIN CODE OF ORDINANCES, CHAPTER 33, AMUSEMENT REDEMPTION MACHINE CENTERS AND PLACES FOR THE PURPOSE OF INCLUDING THE TERM “SWEEPSTAKES MACHINES” IN THE DEFINITION OF AMUSEMENT REDEMPTION MACHINES; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin, Texas (“City”) is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and that the procedures herein reflect standard practice; and

WHEREAS, the City recognizes that the unregulated operation of amusement redemption places and amusement redemption machines contribute to inappropriate and illegal activities which may include gambling, fraud, truancy, disorderly conduct; and

WHEREAS, the City has determined and does hereby now declare that the adoption of this Ordinance is necessary to the health, safety, and general welfare of its citizens and to the persons frequenting amusement redemption places and using amusement redemption machines;

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

Section 1. That Chapter 33 Amusement Redemption Machine Centers and Places, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 33 AMUSEMENT REDEPTION MACHINE CENTERS AND PLACES

Sec. 33-1. Definitions.

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Amusement redemption machine means ~~a amusement redemption machine~~ any electronic, electromechanical, or mechanical contrivance, that is designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively noncash merchandise prizes, toys or novelties, or a representation of value redeemable for those items, and is in compliance with Section 47.01(4)(b) of the Texas Penal Code ~~that have a~~

~~wholesale value from a single play of the machine of not more than ten (10) times the amount charged to play the machine once or five dollars (\$5.00), whichever is less. (Such machines are generally referred to as eight liners). The term includes “sweepstakes machines” or other devices that afford a player a chance to win a prize for consideration (either payment, purchase, or donation) even if some chances are afforded to players without making any purchase or donation.~~ The term does not include:

- (a) A machine that awards the user noncash merchandise prizes, toys, or novelties solely and directly from the machine, including the claw, crane, or similar machines; or
- (b) A machine from which the opportunity to receive on site noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items (but only if all prizes are awarded on site) varies depending upon the user's ability to throw, roll, flip, toss, hit, or drop a ball or other physical object into the machine or a part thereof, including basketball, skee ball, golf, bowling, pusher, or similar machines.

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Section 2. That except as amended herein all other provisions of Chapter 33 of the Code of Ordinances, City of Alvin, Texas, 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 3. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 4. Effective Date. The Ordinance as amended shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 5. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

PASSED and APPROVED on the 21st day of July 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary