

**ORDINANCE NO. 22-U**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 33, AMUSEMENT REDEMPTION MACHINE CENTERS AND PLACES, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 33-3 APPLICATION, SECTION 33-4 FEE, SECTION 33-12 RESPONSIBILITY OF LICENSEE, PERMITTEE OR OPERATOR, AND SECTION 33-14 TIME LIMITATION FOR COMPLIANCE WITHIN CHAPTER; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, the City Council of the City of Alvin 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 Council of the City of Alvin desires to promote the health, safety, and general welfare of its citizens;

**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 REDEMPTION MACHINE CENTERS AND PLACES**

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**Sec. 33-3. Application**

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**Sec. 33-4. Fee.**

The annual license and permit fees shall be those set forth in chapter 28 of this Code. License and permit fees are not refundable and shall not be prorated except as provided herein. Licenses and permits shall be valid for a year. A “year” shall mean a twelve (12) month period commencing October 1<sup>st</sup> through September 30<sup>th</sup>. If, after the effective date of this chapter, a new amusement redemption machine place or center opens for business prior to September 30<sup>th</sup>, the initial license and permit fee(s) will be prorated from the date of issuance to September 30<sup>th</sup>. The fee for issuing a replacement license for a lost, destroyed or mutilated license or permit shall be

that set forth in chapter 28 of this Code. Fees shall be paid at the city Police Department upon approval of a license or permit by the Chief of Police.

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**Sec. 33-12. Responsibility of licensee, permittee or operator.**

A licensee, permittee or operator shall not intentionally, knowingly, recklessly or with criminal negligence permit any of the following activities upon the premises of an amusement redemption machine center or amusement redemption machine place for which said person is responsible:

- (a) Violation of any possession, sale or delivery provision in subchapter four of the Texas Controlled Substances Act;
- (b) Violation of any provision in of the Texas Alcoholic Beverage Code §106.06;
- (c) Prostitution;
- (d) Gambling;
- (e) A person younger than eighteen (18) years of age to operate or use an amusement redemption machine.
- (f) Violation of Texas Penal Code §42.01 on the premises of any amusement redemption machine center or amusement redemption machine place.

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**Sec. 33-14. License/permit not to issue in violation of deed restrictions.**

- (1) No license or permit shall be granted under the terms of this chapter for the location of any amusement redemption machine center or amusement redemption machine place where it is prohibited by any deed restrictions recorded in the office of the County Clerk of Brazoria County.
- (2) It shall be the duty of the applicant for a license or permit to search the records of the county clerk's office to ensure that this type of business is not prohibited by any deed restrictions, and the applicant must file an affidavit that the location of the premises for which he is applying for a license is not prohibited by deed restrictions.
- (3) Amusement redemption machine centers and amusement redemption machine places in lawful operation on the date of enactment of this chapter shall not be subject to this section.

**Sec. 33-15. Violations of laws not authorized.**

Nothing in this chapter shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or amusement redemption machine, the keeping, exhibition, operation, display or maintenance of which is now illegal or in violation of any ordinance of the city, provision of the Penal Code of this state, or the constitution of this state.

**Sec. 33-16. Penalty.**

Any person violating a provision of this chapter, upon conviction, is punishable by a fine prescribed by section 1-5, and each day a violation continues shall constitute a separate offense.

**Sec. 33-17. Severability.**

The terms, sections, clauses, sentences and provisions of this chapter shall be deemed to be severable and if the validity of any section, clause, sentence or provision herein shall be declared to be invalid, the same shall not affect the validity of the remaining sections, clauses, sentences or provisions.

**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. Penalties.** Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 4. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. 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 6. Effective Date.** This Ordinance 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 7. 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*.

**Section 8. Publication.** The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the City of Alvin Charter.

**PASSED and APPROVED** on the 17<sup>th</sup> day of March 2022.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary