

ORDINANCE 17-06

AN ORDINANCE AMENDING SECTIONS 6-21, 6-25 and 6-27 AND ESTABLISHING SECTION 6-29 OF CHAPTER 6, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF WILLS POINT, TEXAS, RELATED TO POOL HALLS AND GAME ROOMS WITHIN THE CITY OF WILLS POINT, AND PROVIDING FOR AN EFFECTIVE DATE, PENALTY PROVISIONS, REPEALER, AND SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

WHEREAS, Chapter 6 of the Code of Ordinances of the City of Wills Point, Texas provides for animal services within the City of Wills Point, Texas (the "City");

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City Council may adopt an ordinance, rule or police regulation that is for the good government, peace or order of the City or the trade and commerce of the City;

WHEREAS, the City is responsible for supporting and promoting the health, safety and welfare of its citizens;

WHEREAS, pursuant to Texas Local Government Code section 51.012, the City Council may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that the City Council considers necessary for the government, interest, welfare, or good order of the City as a body politic;

WHEREAS, the City Council of the City of Wills Point, Texas has determined that Article II., Sections 6-21, 6-25 and 6-27 should be amended and establishing section 6-29 of Chapter 6 of the Code of Ordinances of the City of Wills Point, Texas as follows;

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

Section 1: That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. That Chapter 6, Article II, Section 6-21 of the Code of Ordinances of the City of Wills Point, Texas shall be amended, to establish an annual inspection/license fee and an annual permit fee for each machine and/or table on the premises;

"Sec. 6-21. License / Inspection and Permit fees."

Every person operating a pool or billiard hall or game room within the corporate limits of the City shall pay a one-time application fee and an annual license fee for inspection purposes and a permit fee for each machine and/or table as currently established or as hereafter adopted by resolution of the City Council from time to time for the privilege of pursuing said business.

Section 3. That Chapter 6, Article II, Section 6-25 of the Code of Ordinances of the City of Wills Point, Texas shall be amended to allow an owner of a pool hall/game room with proper license and permit for such establishment, to allow consumption of alcoholic beverages on premise if such owner possesses a valid license from the Texas Alcoholic Beverage Commission for private membership;

“Sec. 6-25. Alcoholic Beverages.”

The consumption of alcoholic beverages in or on the premises licensed hereunder is hereby prohibited. No person authorized under the laws of the state, licensed hereunder, shall knowingly permit the use or consumption of any kind of alcoholic beverage in or upon the premises for which a license has been issued, as provided in this article, with exception to those owners, who hold a valid private club membership issued by the Texas Alcoholic Beverage Commission (TABC).

Section 4. That Chapter 6, Article II, Section 6-27 of the Code of Ordinances of the City of Wills Point, Texas shall be amended to include language that states owner shall provide City official immediate unrestricted access during operational hours to all areas of the building;

“Sec. 6-27. Inspection.”

The City Administrator shall appoint or designate the chief of police or his designee to make periodic inspections of the licensed premises, whose duty shall be to determine compliance with the building provisions, the maintenance of toilets and other sanitary facilities, and compliance with the health, plumbing, sanitary and other applicable laws of this City and of this article. An owner, manager or employee of any game room or other person exercising control over a game room, a portion of a game room or an amusement redemption machine and/or table, shall provide a City official with immediate unrestricted access during business hours to all areas of the building and to all amusement redemption machines located in the game room.

Section 5. That Chapter 6, Article II, Section 6-29 of the Code of Ordinances of the City of Wills Point, Texas shall be established regarding Regulations and Restrictions for pool halls and game rooms;

“Sec. 6-29. Regulations/Restrictions.”

- (a) Shall not permit operation of the machines/tables between the hours of 12:00 a.m. and 8:00 a.m.
- (b) Shall not permit any person under the age of 18 to play any amusement redemption machine.
- (c) Not operate more than 20 machines and/or tables in any game room
- (d) The owner, manager or employee of a game room shall not permit any obstruction of public view by use of drawn shades, blinds, partitions or tinting or other obstructions or structures on any windows to such an establishment.
- (e) Must post the words “GAME ROOM” in black four inch letters with white background on the front of the gaming room at entrance of the building that is visible for at least 25 feet
- (f) Must post a sign at the entrance of the game room that states the following in 2 inch black lettering with a white background:

GAMBLING AND THE PROMOTION OF GAMBLING IN THE STATE OF TEXAS IS ILLEGAL. THIS BUSINESS DOES NOT PAY CASH IN LIEU OF WINNINGS FROM ANY AMUSEMENT REDEMPTION MACHINE.

Section 6. All penalty provisions adopted by the City, as amended, shall remain applicable to the regulations adopted by this Ordinance.

Section 7. All ordinances, orders or resolutions passed and adopted by the City Council of the City of Wills Point, Texas, are hereby repealed to the extent that these ordinances, orders or resolutions, or parts thereof, are in conflict with this Ordinance.

Section 8. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 9. This Ordinance shall become effective immediately upon its passage and publication according to state law, and it is accordingly so ordained.

Section 10. The City Secretary of the City of Wills Point, Texas is hereby directed to publish this Ordinance in the local newspaper as soon as practicable and as according to law.

PASSED AND APPROVED THIS THE _____ DAY OF May, 2017.

Mark Turner, Mayor

ATTEST:

Carla Oldacre, City Secretary

APPROVED AS TO FORM:

Tracy Lowe, City Attorney