

ORDINANCE NO. 2015-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 16-51. – REGULATIONS GOVERNING LICENSED GAME ROOMS OF DIVISION 3, ARTICLE II OF CHAPTER 16 THEREOF ENTITLED “GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES”, PROVIDING FOR REGULATION OF GAME ROOMS AND THE USE OF “AMUSEMENT REDEMPTION MACHINES”; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rosenberg is authorized to regulate game rooms operating “amusement redemption machines” as defined herein, pursuant to Chapter 51 of the Texas Local Government Code and the City Charter; and,

WHEREAS, the City Council finds that regulating game rooms is a legitimate and reasonable means to ensure that operators of game rooms do not knowingly allow their establishments to be used as places to conduct illegal activities; and,

WHEREAS, the City Council finds that the proliferation of these “amusement redemption machines” in the City will necessitate increased police and code enforcement regulation to ensure that such machines and establishments are operated within lawful parameters; and,

WHEREAS, the City Council finds that game rooms that operate amusement redemption machines can have a deleterious secondary effect on the surrounding areas adjacent to them, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary, and,

WHEREAS, the City Council of the City of Rosenberg, Texas, desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizens and community of Rosenberg, Texas;

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

Section 1. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by amending Section 16-51 of Division 3 of Article II of Chapter 16 thereof to provide as follows:

“Sec.16-51. - Regulations governing licensed game rooms.

Every business or place under this article shall at all times conform to the following regulations:

- (a) All building, and fire code standards must be met. Inspection by building official and certificate of occupancy shall be obtained before license is issued.
- (b) In the case of a game room to be operated under an assumed name, a true and correct copy of the registration of the assumed name certificate.
- (c) No activities allowed outdoors.
- (d) The premises shall be kept and maintained in a clean, healthful and sanitary condition in accordance with all applicable statutes and ordinances, and all rooms or halls connected thereto shall be well-lighted and kept open and free from blinds, screens and obstructions.
- (e) No loud, boisterous, indecent or suggestive conduct shall be allowed on the premises.
- (f) No alcoholic beverages shall be sold, consumed, or served on the premises nor within the same building nor at any other place within 300 feet of the premises which is reasonably under the control of the owner, occupant, operator or custodian of the premises. The three-hundred-foot measurement shall be from property line to property line.
- (g) No gambling of any kind shall be allowed on the premises.
- (h) No loitering shall be allowed on the premises either within or without a building.
- (i) Truants, as that term is defined in V.T.C.A., Education Code § 25.088 et seq., shall not be allowed on the premises during regular public school hours.
- (j) No one under the age of eighteen (18) shall be permitted.

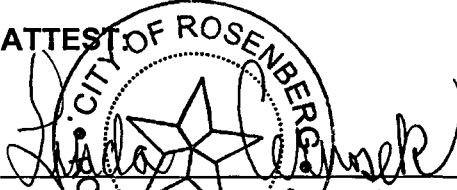
- (k) No amusement redemption machine game room shall be located within 300 feet of a church, school, hospital, residence, or City park or recreation center. The 300-foot measurement shall from property line to property line.
- (l) It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to clearly mark their hours of operation on every entrance.
- (m) Amusement redemption machine game room may only operate between the hours of 10:00 a.m. and 12:00 midnight.
- (n) Inside lighting shall be maintained at an intensity of not less than thirty (30) foot-candle power, three (3) feet from the floor, measured at any location in any room open to the public, which shall be operative during all hours of operation of any place of business covered under the ordinance from which this section derives.
- (o) Parking shall be the greater of one (1) approved paved on-site parking space for every 45 square feet of each game room or one (1) approved paved on-site parking space for each two (2) machines located within each game room. In addition one (1) space per employee per shift must be provided for each game room.
- (p) All parking to serve each game room shall be brought into compliance with Code of Ordinances, Ch. 6, Art. XVI, Sec. 6-416 (8) pertaining to parking lot lighting.
- (q) Either the owner, operator, or manager of the premises must be present to supervise the operation of the machines. The machines shall not be left unattended.
- (r) An amusement redemption machine game room operator must be a person who is at least twenty-one (21) years of age."

Section 2. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part

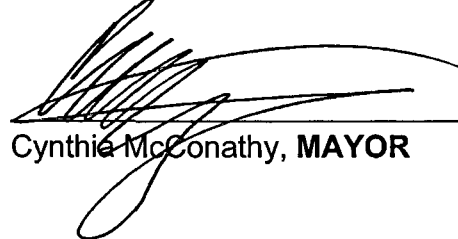
of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 3. This ordinance shall take effect after adoption and publication as required by law.

PASSED AND APPROVED by a vote of 7 "ayes" in favor and 0 "noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 2nd day of June 2015.

ATTEST

Linda Gernosek, **CITY SECRETARY**

APPROVED:


Cynthia McConathy, **MAYOR**

APPROVED AS TO FORM:


Scott Tschirhart, **CITY ATTORNEY**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.