

ORDINANCE NO. 1142

AN ORDINANCE OF THE CITY OF RAYMONDVILLE, TEXAS, PROVIDING FOR THE REGULATION OF COIN-OPERATED MACHINES OPERATED FOR AMUSEMENT AND/OR PLEASURE AND COMMONLY DESCRIBED AS SLOT MACHINES OR EIGHT-LINER MACHINES; PROVIDING FOR THE REGULATION OF ADULT ARCADES OR AMUSEMENT CENTERS AND BUSINESS ESTABLISHMENTS WITH SUCH COIN-OPERATED MACHINES; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN ANNUAL OCCUPATION TAX; ESTABLISHING AUTHORITY TO ENFORCE; PROVIDING FOR A PENALTY OF NOT LESS THAN \$25.00 OR MORE THAN \$500.00; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the City of Raymondville finds that it is in the best interest of the citizens of Raymondville to regulate coin-operated machines operated for amusement and/or pleasure and commonly described as slot machines and/or eight-liners and businesses that provide such coin-operated machines.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF RAYMONDVILLE, TEXAS:

**I.
PURPOSE**

This Ordinance as herein established has been written for the purpose of promoting and protecting the public health, safety and general welfare of the community and in the furtherance of conserving the value of property and establishing a community desirable to reside therein.

**II.
DEFINITIONS**

As pertaining to this Ordinance, the following definitions will have their specific meaning as follows:

- A. Adult Arcade or Amusement Center. Any business establishment in which at least twenty-five percent (25%) of the public floor area is devoted to coin-operated machines used for amusement and/or pleasure as defined herein.

- B. Coin-operated Machine Used for Amusement and/or Pleasure. Every machine or device of any kind or character which is operated by the payment or insertion of paper currency, coins, or other legal tender, metal slugs, tokens, electronic card, checks or any other consideration and which is used or is capable of being used or operated for amusement

and/or pleasure and is commonly described as a slot machine and/or eight-liner machine. This term expressly excludes coin-operated music machines, pay toilets, pay telephones, coin-operated rides for children, and all other coin-operated machines which dispense or vend merchandise, commodities, confections or music.

- C. Owner. Any person, firm, company, association or corporation owning any coin operated machine used for amusement and/or pleasure from which he/she derives a profit, save and except religious, charitable and educational organizations authorized under the laws of the State of Texas.

III. OCCUPATION TAX

- A. There is leveled an annual occupation tax of \$15.00 on each coin-operated machine used for amusement and/or pleasure as defined above located within the city limits. The occupation tax shall be levied on the owner of such coin-operated machines, save and except religious, charitable and educational organizations authorized under the laws of the state; and the tax levied herein shall be paid to the City, which shall issue an occupation tax receipt and, for each machine on which the occupation tax is paid, an occupation tax tag. A current tax tag must be affixed to each coin-operated machine for which the occupation tax has been paid. There is to be charged an administrative fee of \$5.00 for each occupation tag issued. The occupation tax receipt must be posted in public view near the main public entrance to the adult arcade or amusement center.

~~B. The occupation tax and tax tag are nontransferable. In the event a change of ownership of a coin-operated machine used for amusement and/or pleasure on which the occupation tax has been paid that remains and continues to be operated within the City, a new occupation tax shall immediately be levied on the new owner and new occupation tax tags shall be issued for each such machine. In the event the owner of any of the coin operated machine used for amusement and/or pleasure wishes to substitute a different machine for one within the City on which the occupation tax has been paid, the owner will be required to pay the occupation tax on the new machine and affix a new tax tag upon the substitute machine. The machine that is replaced by the substitute machine must be removed from the City and shall not be operated for profit within the City again until a new occupation tax is paid and a new tax tag is issued and affixed to it. In the event a tax tag becomes mutilated, the owner will turn in the mutilated occupation tax tag to the City Administrator's office and receive a new tag. There shall be a \$5.00 administrative fee charged for the new tag.~~

- C. The annual occupation tax shall be assessed on an annual basis each January 1st and shall be due and payable on or before January 10th. New tax tags shall be issued upon payment of the annual occupation tax. Any occupation tax receipt and tax tags issued pursuant to this ordinance shall be for a period of one (1) year (with the exception of tax

receipts and/or tax tags issued after January 10th) and renewable on January 1 of each year. Occupation tax fees will not be prorated and tax receipts and tax tags are non transferable.

IV.

PENALTY FOR FAILURE TO PAY OCCUPATION TAX

The City may seal any coin operated machine used for amusement and/or pleasure on which the occupation tax has not been paid. The City shall charge a fee of five dollars (\$5.00) for the release of any coin operated machine used for amusement and/or pleasure that is sealed for nonpayment of the occupation tax. Whoever shall break or remove the seal affixed in the name of the City shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 or more than \$500.00 with each such violation and each such day a violation is permitted to continue constituting a separate offense.

V.

INSPECTIONS

The City Manager shall appoint or designate an authorized representative to make periodic inspections of premises licensed under this ordinance to determine compliance with the provisions of this ordinance and other applicable code provisions and any other ordinances of the City.

VI.

~~**NUISANCE DECLARED**~~

Because of the increased traffic and congestion around, late hours of, and the potential for being an attractive nuisance to minors of the adult arcades or amusement centers, the Board of Commissioners hereby finds that a further proliferation and concentration of such businesses constitutes a nuisance to the health, safety and welfare of the citizens of the City. Accordingly, subsequent to the passage of this ordinance, no such establishments will be issued an occupation tax or tax tags unless such establishment is at least three hundred (300) feet in a direct line from any of its public entrances to the nearest property line of a church, school, or hospital or other business entity operating under an occupation tax and tax tags issued under this ordinance. Any businesses existing as of the time of the passage of this ordinance shall be permitted to continue, however, if they should cease operations, or violate any of the provisions of this ordinance or any other applicable City, state or federal law, their occupation tax and tax tags shall be subject to revocation and such may not be renewed unless they meet all provisions of any applicable law including the above spacing requirements

**VII.
PENALTY CLAUSE**

Any person who violates any provision of this ordinance for which no other penalty is set forth shall, upon conviction, be subject to a penalty of not less than \$25.00 or more than \$500.00 per incident or per day in which such condition exists. Each day that such violation is permitted to continue shall constitute a separate offense.

**VIII.
SEVERABILITY CLAUSE**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional on the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**IX.
EFFECTIVE DATE**

The requirement of three readings is hereby waived and this ordinance shall take effect immediately after its adoption and publication as required by law.

PASSED, APPROVED AND ADOPTED this 24th day of November, 2009.

CITY OF RAYMONDIVLLE, TEXAS



**BY: _____
Orlando A. Correa, Mayor**

ATTEST:



Eleazar Garcia, Jr., City Manager/Secretary

ORDINANCE NO. 1204

**AN ORDINANCE OF THE CITY OF RAYMONDVILLE, TEXAS, AMENDING
ORDINANCE NO. 1142, TO REVISE RE-NUMBERED SECTION VII,
“NUISANCE DECLARED.”**

WHEREAS, the Board of Commissioners of the City of Raymondville finds that every person or entity that intends to operate an Adult Arcade or Amusement Center as defined in Ordinance No. 1142, shall be required to fulfill all the requirements as listed in the new Section VII., of Ordinance No. 1142.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE CITY OF RAYMONDVILLE, TEXAS:**

That this Section VII. entitled “Nuisance Declared” be amended as follows:

VII.

NUISANCE DECLARED

Because of the increased traffic and congestion around, late hours of, and the potential for being an attractive nuisance to minors of the adult arcades or amusement centers, the Board of Commissioners hereby finds that a further proliferation and concentration of such businesses constitutes a nuisance to the health, safety and welfare of the citizens of the City. Accordingly, subsequent to the passage of this ordinance, no such establishments will be issued an occupation tax or tax tags unless such establishment is at least five hundred (500) feet in a direct line from any of its public entrances to the nearest property line of a church, school, hospital, residential neighborhood or any other business entity operating under an occupation tax and tax tags issued under this ordinance. Owners of these eight-liner/game room establishments shall be required to mark each outside door to a game room with a sign that states “Game Room” in four inch block lettering and is legible and visible at all times from a distance of twenty-five (25) feet from each outside door. Owners of these eight-liner/game room establishments shall also ensure that all doors be readily accessible without use of a key, special knowledge, or effort during business hours or any other hours of operation. Owners of these eight-liner/game room establishments shall also ensure that these game rooms are visible to public view and not be obscured by the use of window tint, curtains or any other item obstructing view. Hours of operation for these eight-liner/game room establishments shall be between the hours of 8 a.m. and 12:00 a.m.

Any businesses existing as of the time of the passage of this ordinance shall be permitted to continue until their current permits expire, however, if they should cease operations, or violate any of the provisions of this ordinance or any other applicable City, state or federal law, their occupation tax and tax tags shall be subject to revocation and such may not be renewed unless they meet all provisions of any applicable law including the above spacing requirements. All

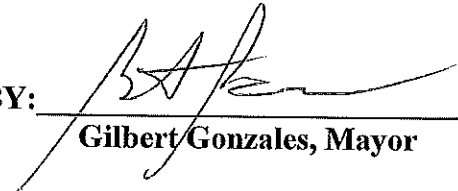
businesses with current permits will be required to follow new nuisance regulations before obtaining new permits at beginning of each year.

The requirement of three readings is hereby waived and this ordinance shall take effect immediately after its adoption and publication as required by law.

PASSED, APPROVED AND ADOPTED this 10th day of November, 2015.

CITY OF RAYMONDIVLLE, TEXAS

BY:



Gilbert Gonzales, Mayor

ATTEST:



Eleazar Garcia, Jr., City Manager/Secretary