

ORDINANCE NO. O-05-25

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF CROCKETT, TEXAS, BY THE AMENDMENT OF CHAPTER 13, LICENSES AND BUSINESS REGULATIONS, AMENDING ARTICLE VII, COIN-OPERATED MACHINES, AND AMENDING ARTICLE XIII, AMUSEMENT REDEMPTION MACHINES; ADDING REQUIREMENT FOR A CORPORATION OR ASSOCIATION CLAIMING EXEMPTION FROM THE CITY OCCUPATION TAX FOR COIN-OPERATED MACHINES TO PROVIDE A COPY OF THE WRITTEN NOTICE FROM THE STATE COMPTROLLER CONFIRMING ITS QUALIFICATION FOR SUCH EXEMPTION; ADDING PROVISION TO EXEMPT THOSE NON-PROFIT ORGANIZATIONS THAT ARE EXEMPT FROM THE CITY OCCUPATION TAX FOR COIN-OPERATED MACHINES TO ALSO BE EXEMPT FROM THE ANNUAL AMUSEMENT REDEMPTION MACHINE INSPECTION AND LICENSE FEE; ADDING A REQUIREMENT THAT EACH AMUSEMENT REDEMPTION MACHINE NOT EXEMPT FROM THE ANNUAL INSPECTION AND LICENSE FEE MUST DISPLAY A CURRENT TAX PERMIT ISSUED BY THE STATE COMPTROLLER BEFORE THE CITY WILL ISSUE OR RENEW A LICENSE FOR THE MACHINE; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION I:

Section 13-121 of the Crockett Code is hereby amended to revise the definition of coin-operated machine to read as follows:

Coin-operated machine means any kind of machine or device operated by or with a coin or other United States currency, metal slug, token electronic card, or check, including a music or skill or pleasure coin-operated machine.

SECTION II:

Section 13-123 of the Crockett Code is hereby amended to add paragraph (d) to read as follows:

(d) A corporation or association claiming exemption from the City occupation tax shall provide the code enforcement officer with a copy of the written notice from the state comptroller provided to the organization in accordance with the Tex. Admin. Code, Part 1, Chapter 3, Section 3.602(f) and informing the organization that it qualifies for an exemption from the tax payments for coin-operated machines.

SECTION III:

Section 13-125 of the Crockett Code is hereby added to read as follows:
Sec. 13-125.-Zoning.

Zoning provisions and restrictions relating to the exhibition of a music or skill or pleasure coin-operated machine shall be in accordance with Section 309, Article 3, of the Crockett Zoning Code.

SECTION IV:

Section 13-126 of the Crockett Code is hereby added to read as follows:
Sec. 13-126-Additional Provisions.

In addition to the provisions established by this article, a coin-operated machine meeting the definition of an amusement redemption machine as defined in Article XIII, Chapter 13 of the Crockett Code shall be required to comply with all provisions established by that article, including the stricter zoning restrictions established by that article.

SECTION V:

The reference to the reserved sections of Article VII of the Crockett Code is hereby updated to read as follows:

Secs. 13-127 – 13-140 – Reserved.

SECTION VI.

Section 13-501(b) of the Crockett Code is hereby amended to read as follows:

(b) *Fee.* An owner, operator, or lessee of premises on which an amusement redemption machine is made available to others shall be required to secure a license by paying to the city an annual inspection and license fee of one thousand dollar (\$1,000.00) per amusement redemption machine in full at the time of license issuance. A corporation or association that provides a written notice from the state comptroller that the organization is qualified to be exempt from the state occupation tax for coin-operated machines is exempt from this fee but must comply with all other licensing requirements. Upon compliance with all licensing requirements including payment of the fee or verification of exemption from the fee, the license shall be issued by the city.

SECTION VII:

Section 13-504(b) of the Crockett Code is hereby amended to read as follows:

(b) The city shall not issue or renew an amusement redemption machine establishment license and shall suspend or cancel a license if it be determined that:

(1) the applicant or licensee is indebted to the city for any fee, costs, penalties, or delinquent taxes; or

(2) an amusement redemption machine exhibited at an establishment other than an establishment exempt from the inspection and licensing fee does not have a securely attached current tax permit issued by the state comptroller.

SECTION VII: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION III: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective _____, 2025.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the ____ day of _____, 20__.

CITY OF CROCKETT

BY: _____
DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY

DONNA GORDON, CITY ATTORNEY

**COMPARISON COPY OF AMENDMENTS DELETING OR CHANGING
THE CURRENT LANGUAGE**

SECTION I:

Section 13-121 of the Crockett Code is hereby amended to revise the definition of Coin-operated machine to read as follows:

Coin-operated machine means any kind of machine or device operated by or with a coin or other United States currency, metal slug, token electronic card, or check, including a music or skill or pleasure coin-operated machine. ~~Coin-operated machine does not mean an amusement redemption machine, as defined in section 13-500 of the Crockett Code.~~

SECTION II: All new language

SECTION III: All new language

SECTION IV: All new language

SECTION V: Secs. ~~13-125~~ 13-127 – 13-140. – Reserved

SECTION VI:

(b) *Fee.* An owner, operator, or lessee of premises on which an amusement redemption machine is made available to others shall be required to secure a license by paying to the city an annual inspection and license fee of one thousand dollar (\$1,000.00) per amusement redemption machine in full at the time of license issuance. ~~A corporation or association that provides a written notice from the state comptroller that the organization is qualified to be exempt from the state occupation tax for coin-operated machines is exempt from this fee but must comply with all other licensing requirements. Upon compliance with all licensing requirements including payment of the fee or verification of exemption from the fee, the license shall be issued by the city. The license shall be issued by the code enforcement officer. Upon payment of the fee and compliance with all licensing requirements, the license shall be issued by the city.~~

SECTION VII:

Section 13-504(b) of the Crockett Code is hereby amended to read as follows:

(b) The city shall not issue or renew an amusement redemption machine establishment license and shall suspend or cancel a license if it be determined that:

(1) the applicant or licensee is indebted to the city for any fee, costs, penalties, or delinquent taxes; or

(2) ~~an amusement redemption machine exhibited at an establishment other than an establishment exempt from the inspection and licensing fee does not have a securely attached current tax permit issued by the state comptroller.~~