

## ARTICLE V. - AMUSEMENT REDEMPTION MACHINE GAME ROOMS<sup>[4]</sup>

Footnotes:

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**Editor's note**— Ord. 2003-O-12E, § II, adopted Dec. 16, 2003, set out provisions intended for use as Ch. 21.2. For purposes of classification, and at the editor's discretion with the concurrence of the city, these provisions have been included in Ch. 21, as Art. V, §§ 21-151—21-156.

Sec. 21-151. - Definitions.

*Amusement redemption machine game room* means any business where amusement redemption machines, with the exception of excluded machines, are the primary source of income for the business.

*Amusement redemption machine* means:

- (1) A skill or pleasure coin-operated machine that is designed, made and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the use, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, novelties, or a representation of value redeemable for those items.
- (2) Any electronic, electromechanical or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with non-cash merchandise, prizes, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to lay the game or device once or \$5.00, whichever is less.

*Coin-operated machine* means a machine or device operated by the payment or insertion of coin or paper currency or any other consideration.

*Excluded machines:* An amusement redemption machine game room does not include:

- (1) A machine that awards the user non-cash merchandise prizes, toys, or novelties solely and direct from the machine, including claw, crane, or similar machines; nor
- (2) A machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit or drop a ball or other physical object into the machine or a part thereof, including basketball, skeet ball, golf, bowling, pusher, or similar machines; nor
- (3) A machine or any device defined in V.T.C.A., Penal Code § 47.01, as a gambling device, or any activity prohibited or described in V.T.C.A., Penal Code Ch. 47.

*Representation of value* means cash paid under authority of sweepstakes contests as provided in the V.T.C.A., Business and Comm. Code Ch. 622, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

(Ord. No. 2003-O-12E, § II, 12-16-03; [Ord. No. 20210413-009](#), § 2(Exh. A), 4-13-21)

Sec. 21-152. - Local initial certification fee for amusement redemption machine game room required.

*Payment of fee and issuance of certificate.* In order to ensure that the proposed business has adequate parking spaces and that the business complies with other requirements of the city, an owner, operator, or lessee of an amusement redemption machine game room shall be required to secure a certificate of operation by paying to the city an initial certification fee for each location as laid out in the fee schedule of the City of Angleton.

This certificate shall be issued by the city's chief building official, only upon the advance payment of the above fee and only after the city is satisfied that the business is in the proper zone, has adequate striped parking spaces (see requirements below), adequate square footage to safely house that number of machines and submission of a site plan showing the building, parking spaces, and placement of the machines.

(Ord. No. 2003-O-12E, § II, 12-16-03; Ord. No. 2008-O-6C, § IA, 6-24-08; Ord. No. [20210810-009](#), § 45, 8-10-21)

Sec. 21-153. - Local license fee for amusement redemption machine game room required.

- (a) *Payment of fee and issuance of license.* An owner, operator, or lessee of an amusement redemption machine game room shall be required to secure a license by paying to the city an annual inspection and amusement redemption machine game room license fee, per machine, as listed in the fee schedule of the City of Angleton. Upon payment of the license or renewal license and compliance with all provisions of chapter 21, article V, sections 21-151 through section 21-161, the building official shall issue a license.
- (b) *Expiration and renewal.* Annual amusement redemption machine game room licenses issued by the city shall automatically expire **on August 31** following its issuance, except as otherwise stated herein. Such permit shall automatically expire if the holder thereof sells, transfers equity, or otherwise disposes of such devices. The city shall not refund any portion of a license after the license is issued, nor shall it prorate or reduce an amount of any fee due to the city.
- (c) *Late penalty.* Upon the expiration of a license, and within 30 days thereafter, the person shall obtain a renewal in the same manner as an original license if he wishes to continue operating an amusement redemption machine game room. Failure to pay this fee within 30 days will require such person to pay an additional late fee in an amount equal to 20 percent of the fee actually due or 20 percent of the previous year's fee, whichever is greater in order to obtain reinstatement of his license; and will require the owner to reapply for a specific use permit.
- (d) *Sealing.* The city shall have the authority to seal any coin-operated machine located at any amusement redemption machine game room for which a license fee has not been secured. A fee as listed in the fee schedule of the City of Angleton will be charged for the release of any machine sealed for non-payment of said license fee.
- (e) *Posting of license.* The license shall be conspicuously posted inside the building.
- (f) *Location requirements.* Premises shall not operate within 1,000 feet of a church, school, day care or hospital. Additionally, the perimeter of the building footprint shall not be located closer than 500 feet from any residentially zoned property.
- (g) *Compliance with zoning required.* The use shall only be permitted in accordance with all applicable requirements of chapter 28, Zoning, particularly section 37.2 (§ 28-81), Use regulations (Charts), which establishes the zoning districts where the use is permitted, and section 47 (§ 28-110), Special regulations for certain types of uses.

(Ord. No. 2003-O-12E, § II, 12-16-03; Ord. No. 2004-O-8D, § 1, 8-17-04; Ord. No. 2008-O-6C, § IB, 6-24-08; Ord. No. 2011-O-4D, § 2, 4-19-11; Ord. No. 1-08-2018, § 1, 8-7-18; Ord. No. [20210810-009](#), § 46, 8-10-21)

Sec. 21-154. - Unrestricted access by law enforcement officers, code enforcement officers and agents of the City of Angleton.

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of a game room, or an amusement redemption machine, to provide

any law enforcement officer, code enforcement officer or agent of the City of Angleton with immediate unrestricted access during business hours to all areas of the game room and to all amusement redemption machines located in the game room.

(Ord. No. 2011-O-4D, § 3, 4-19-11)

Sec. 21-155. - Inspection by law enforcement officer, code enforcement officer and agents of the City of Angleton.

- (a) Any law enforcement officer, code enforcement officer or agent of the City of Angleton may inspect a game room or an amusement redemption machine located in the City of Angleton to determine whether the game room or amusement redemption machine complies with the ordinance from which this section derives, and state law.
- (b) An owner, manager, or employee of a game room or other person who does not allow a law enforcement officer, code enforcement officer or agent of the City of Angleton to inspect a game room or amusement redemption machine commits an offense.

(Ord. No. 2011-O-4D, § 3, 4-19-11)

Sec. 21-156. - Signage required, hours of operation, ingress and egress.

- (a) A game room owner shall mark each entrance to a game room with a sign that: (1) bears the words "GAME ROOM" in six-inch or larger block letters; and (2) is legible from a distance of 25 feet.
- (b) 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.
- (c) All entrance doors must remain unlocked during the hours of operation.
- (d) All exit doors must comply with the International Fire Code, as amended.

(Ord. No. 2011-O-4D, § 3, 4-19-11)

Sec. 21-157. - Unobstructed view to the interior.

The entrance door of a game room shall be totally transparent to permit a clear, unobstructed view of the interior of the game room.

(Ord. No. 2011-O-4D, § 3, 4-19-11)

Sec. 21-158. - Lighting.

Lighting shall be maintained at an intensity of not less than 30 footcandle power, three 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.

(Ord. No. 2011-O-4D, § 3, 4-19-11)

Sec. 21-159. - Termination of license.

The city council may terminate any license to maintain and operate an amusement redemption machine game room when the licensee is in violation of any provision of this article and other ordinance of the city, or any applicable state or federal law on regulation. Such termination by the city council shall be upon the affirmative vote of a majority of the members of the city council present and voting at any regular or special meeting thereof held after at least ten days' notice sent by certified mail, return receipt requested and addressed to the licensee at the premises, specifying the particular violation or violations. Any decision of the city council thereon shall be entered upon the minutes of such meeting. Any decision of the city council thereon shall be final and may not be appealed.

(Ord. No. 2003-O-12E, § II, 12-16-03; Ord. No. 2011-O-4D, § 4, 4-19-11)

**Editor's note**— Section 3 of Ord. No. 2011-O-4D, added new provisions as §§ 21-154—21-158, and section 4 of Ord. No. 2011-O-4D, renumbered existing §§ 21-154—21-156 as §§ 21-159—21-161.

Sec. 21-160. - Disclaimer.

By issuing the required license, the city is not certifying the installation or use of the amusement redemption machines applying for a license, the applicant shall acknowledge that the city is not certifying or sanctioning the installation or use of such machines. By the acceptance of a license under this article, the licensee acknowledges that the installation and use of the machines which are the subject of this article may be found to violate state law. By the acceptance of a license issued under this article, the license fee paid belongs to the city and will not be refunded.

(Ord. No. 2003-O-12E, § II, 12-16-03; Ord. No. 2011-O-4D, § 4, 4-19-11)

**Note**— See Editor's Note under § 21-159.

Sec. 21-161. - Violation of any provision of this article constitutes a Class C misdemeanor.

Any person violating any provision of this article of the Angleton Code of Ordinances shall be guilty of a misdemeanor and upon conviction therefor shall be assessed a fine of not less than \$1.00, nor more than \$500.00; and each day such violation continues and each part of any day such violation occurs shall constitute a separate offense.

(Ord. No. 2003-O-12E, § II, 12-16-03; Ord. No. 2011-O-4D, § 4, 4-19-11)

**Note**— See Editor's note under § 21-159.

Secs. 21-162—21-185. - Reserved.