

CITY OF SEGUIN

ORDINANCE NO.

STATE OF TEXAS

AN ORDINANCE OF THE SEGUIN CITY COUNCIL AMENDING CHAPTER 22, BUSINESSES, ARTICLE VI, AMUSEMENT REDEMPTION MACHINE ESTABLISHMENTS TO ADD NEW PROCEDURES FOR REVOCATION OF PERMITS AND APPEAL THEREOF; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, no means for revoking permits was included in the Ordinances pertaining to amusement redemption machine establishments when the Ordinances were adopted; and

WHEREAS, some of the establishments that house amusement redemption machines allow unlawful conduct to take place; and

WHEREAS, in order to better protect the safety of city residents, staff recommends adopting procedures for revocation of the establishment's permit; and

WHEREAS, in order to provide the business with an opportunity to appeal a revocation decision, staff recommends establishing an appeal procedure along with a fee to cover the staff costs.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas:

SECTION ONE. Article 22, Businesses, Division VI, Amusement Redemption Machine Establishments, is amended by the addition of the following two new sections:

Sec.22-305 Revocation of Permit

a. The Chief of Police shall revoke a permit if a permittee or an employee of a permittee has:

1. violated any provision of this Article VI; or
2. knowingly permitted gambling by any person on the premises.

b. The Chief of Police shall revoke a permit if the Chief of Police determines that one or more of the following is true:

1. A permittee has given false or misleading information in the material submitted to the Chief of Police during the application process;
2. A permittee or employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
3. a permittee or employee has knowingly allowed prostitution on the premises;

4. a permittee or employee has knowingly allowed or promoted gang activity on the premises.

5. a permittee is convicted of or is under indictment for any felony offense.

c. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

Sec.22-306 Appeals

a. If the Chief of Police denies the issuance or renewal of a permit or suspends or revokes a permit, the Chief shall send to the applicant or permittee, by certified mail, return receipt requested, written notice of the action and the right to an appeal.

b. The aggrieved party may appeal the decision the Chief of Police to the City Council by filing a written appeal with the Chief of Police within 10 days of the receipt of the notice of revocation.

c. To be effective the notice of appeal must include the posting of a cash bond in the amount set out in Exhibit C, Fees.

d. Timely filing of a notice of appeal, including the cash bond, shall stay the action of the Chief of Police in suspending or revoking a permit until the City Council makes a final decision.

e. The City Council shall hear the appeal within 30 days of filing. If, after a hearing, the City Council denies the appeal or in the event the aggrieved party fails to fully prosecute the requested appeal to a conclusion, the cash bond previously posted shall be forfeited as costs and any suspension or revocation shall be fully implemented. The decision of the City Council shall be final.

SECTION TWO. The Seguin Code of Ordinances, Appendix C, Fees, Chapter 22, Business, Article VI, Amusement Redemption Machine Establishments is hereby amended as follows (underline indicates added text).

<i>Article VI. Amusement Redemption Machine Establishments</i>			
(a)	An annual non-refundable permitting fee for Amusement Redemption Machine Establishments, including establishments using sweepstakes devices, based on the numbers of players that can play on a machine at one time at any single premises. Fee shall paid at the time of permit application.		
	(i)	For a single machine upon which only a single person may play at one time	1,200.00

	(ii)	For establishments where more than one player may plat at the same time; fee per player or machine	1,200.00
(b)		<u>Fee for filing an appeal of a permit revocation to City Council</u>	<u>750.00</u>

SECTION THREE. In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall become effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

SECTION FOUR. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

SECTION FIVE. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

PASSED AND APPROVED on first reading this 21st day of April 2015.

PASSED AND APPROVED on second reading this 5th day of May 2015.

DON KEIL, MAYOR

ATTEST:

Thalia Stautzenberger, City Secretary