



MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: April 15, 2014

Re: Ordinance amending Chapter 22 to provide procedures for revocation of an amusement redemption machine establishment permit and to provide for appeal procedures

The Ordinance before you sets out some procedures that would give the Chief of Police the power to deny or revoke a permit for an amusement redemption machine establishment. The City Code as presently drafted does not have any provisions that would allow the city to revoke or even deny a permit in such circumstances where the operation of the machines is detrimental to public health and safety.

To date machines have been seized from businesses that are actually paying out large sums of money which is contrary to the gambling laws. After seizure, these businesses simply replace the machines and the gambling continues. Continued movement of money in this fashion can also lead to other criminal activity.

The procedures set out in the Ordinance provide the Chief of Police the authority to revoke a permit if the Chief finds that the permittee (or an employee of the permittee) knowingly allowed gambling (or other criminal activity) on the premises. The Ordinance also provides the business with an opportunity to be heard by filing an appeal of the Chief's decision. That appeal will be heard by the City Council (thus providing a public hearing concerning the business' activities).