

ORDINANCE NO. 2686

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5B OF THE CODE OF THE CITY OF MESQUITE BY DELETING THE PRESENT CHAPTER 5B AND ADOPTING A NEW CHAPTER 5B RELATING TO COIN-OPERATED AMUSEMENT MACHINES AND ESTABLISHMENTS WITHIN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the State of Texas has enacted a comprehensive statute giving the State exclusive authority to impose license fees on coin-operated amusement machine establishments; and

WHEREAS, it is in the City's best interest to delete the portions of the City Code authorizing licensing of coin-operated amusement machine establishments by the City; and

WHEREAS, the City will continue to collect the tax on each coin-operated amusement machine as permitted by State Statute;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 5B of the Code of the City of Mesquite shall be amended to read as follows, said code in all other respects to remain in full force and effect:

**COIN-OPERATED AMUSEMENT MACHINES  
AND ESTABLISHMENTS**

**A. Definitions.**

For the purpose of this ordinance, the following words and terms are defined as follows:

*Coin-Operated Amusement Machine* shall mean a machine or apparatus that may be played or operated by the insertion of a coin and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting, or guiding objects or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

*Coin-Operated Amusement Establishment* shall mean any business or commercial establishment or other building or location wherein five (5) or more coin-operated amusement machines are displayed.

**B. Tax.**

(1) There is hereby levied a yearly tax of Seven (\$7.50) Dollars and fifty cents for each coin-operated amusement machine in the City.

(2) Except in the case of machines placed in connection with special events temporarily permitted under Section 1-600 of the Municipal Zoning Ordinance, payment of such tax shall be made to the Manager, Division of Collections of the City of Mesquite.

Payment of the tax for machines placed in connection with special events shall be made to the Building Official at the time application is made for the special event.

(3) At the time of payment, the person paying the tax shall, on a form provided by the City, show the type of machine for which the tax is being paid, the serial number of the machine, the name of the owner or person in control of the machine, the name and location of the establishment where the machine is to be placed and the name of the person paying the tax.

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(4) Evidence of payment of the Seven Dollar (\$7.50) and fifty cents tax for individual machines shall consist of a sticker for the year issued to be provided by the City and permanently affixed to the machine in such a manner that it can be seen from the usual position of the player and facing such position and shall be displayed at all times such machine is displayed.

C. Violations.

(1) It shall be unlawful for the owner or person in control of a coin-operated amusement machine to display or operate the coin-operated amusement machine without a current tax sticker having been issued for the machine.

(2) It shall be unlawful for the owner or person in control of a coin-operated amusement machine to display or operate the coin-operated amusement machine without a current tax sticker properly affixed thereto.

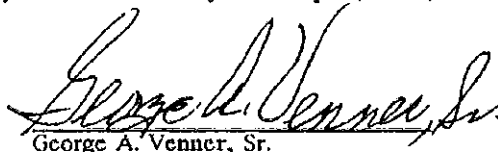
(3) It shall be unlawful for any owner, operator or displayer of coin-operated amusement machines or coin-operated amusement establishments to allow any person under the age of seventeen (17) years to play or operate a coin-operated amusement machine between the hours of 8:30 A.M. and 3:30 P.M. during the days when public school is open in Mesquite during regular session, unless such minor is accompanied by a parent or legal guardian.

SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, section or provision of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of any other provision of the Code of the City of Mesquite.

SECTION 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in Municipal Court shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.


SECTION 4. The fact that the Code of the City of Mesquite does not adequately provide for the taxation and regulation of coin-operated amusement machines, creates an urgency and an emergency and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of July, 1990.

  
George A. Venner, Sr.  
Mayor

ATTEST:

APPROVED:

  
Lynn Prugel  
City Secretary

  
B.J. Smith  
City Attorney