

ORDINANCE NO. 03-04

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, ESTABLISHING A TEMPORARY MORATORIUM ON THE LOCATION AND OPERATION OF AMUSEMENT REDEMPTION MACHINES OTHERWISE KNOWN AS EIGHT-LINER MACHINE(S) AND ARCADES IN THE CITY OF COMMERCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, commercial amusement redemption machines, otherwise known as "eight-liner machine(s)" and "eight-liner arcades", defined herein, are becoming a popular method of entertainment and amusement; and

WHEREAS, the proliferation of these "eight-liner machine(s)" and "eight-liner arcades" in the City will necessitate increased police regulation and review to ensure that such machines and arcades are operated within lawful parameters; and

WHEREAS, the City Council of the City of Commerce, Texas is of the opinion that the pursuit of alternatives to the location and operation of commercial indoor amusements, otherwise known as "eight-liner machine(s)" and "eight-liner arcades" is worthwhile and wishes to explore any and all alternatives for the location and regulation of said machine(s) and arcades; and

WHEREAS, the City Council of the City of Commerce, Texas finds and determines that a temporary six month moratorium on the location and operation of amusement redemption machines, otherwise known as "eight-liner machine(s)" and "eight-liner arcades" is warranted for a reasonable period of time to allow the City to pursue such alternatives, as well as to satisfy itself that it is properly and legally utilizing its police powers in regulating such activities.

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

SECTION 1. The facts and matters set forth in the preamble of this Ordinance are found to be true and correct.

SECTION 2. That the City Council of the City of Commerce, Texas does hereby find and determine that, in the exercise of its police powers under laws of the State of Texas, the public's interest in effectively and legally regulating the use of amusement redemption machines, otherwise known as "eight-liner machine(s)" and "eight-liner arcades" is paramount to individual interests in the owning and operating of such indoor amusements. The City Council further declares that it has a legitimate interest in determining to what extent the placement of amusement redemption machines, otherwise known as "eight-liner machine(s)" and "eight-liner arcades" either encourages or retards the development and maintenance of the safety and welfare of the City of Commerce. From and after the passage of this Ordinance, and continuing through September 15, 2003, a temporary moratorium on the location and operation of amusement redemption machines, otherwise known as "eight-liner machine(s)" and "eight-

liner arcades" is hereby approved to allow sufficient time to study the issue and determine the need for amendment to the City of Commerce Code of Ordinances to deal with the issue.

SECTION 3. Said moratorium shall not apply to any amusement redemption machines, otherwise known as "eight-liner machine(s)" and "eight-liner arcades", lawfully operating under State law prior to the date this Ordinance is passed.

SECTION 4. The term "eight-liner machine(s)", shall mean any electronic, electromechanical, or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have wholesale value available from a single play of the game or device of not more than ten (10) times the amount charged to play the game or device once, or five-dollars (\$5.00), whichever is less. The term "eight-liner arcade" shall mean a building or any part of a building in which "eight-liner machine(s)" are present.

SECTION 5. The location and operation of amusement redemption machines, otherwise known as "eight-liner machine(s)" and "eight-liner arcades", in certain circumstances, may be detrimental to the health, safety, morals, and welfare of the general public.

SECTION 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be fined in an amount not to exceed two thousand and no/100 dollars (\$2,000.00). Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

SECTION 7. The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion hereinabove described shall be held or declared to be invalid, the same shall not affect the validity of the balance and remainder of the Ordinance.

SECTION 8. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on this the 1st day of April, 2003.

ATTEST:

CITY OF COMMERCE, TEXAS

Marty Cunningham
Marty Cunningham, City Secretary

Sheryl Zelhart
Sheryl Zelhart, Mayor

(seal)

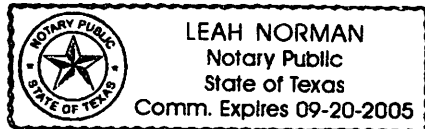
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

Marty Cunningham
Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 3 day of April, 2003, to certify which witness my hand and seal of office.

(Seal)



Leah Norman
Notary Public, State of Texas