

City of Caney City
Ordinance No. 2010-04
Coin-Operated/Electronic Game Machines

An Ordinance regarding the possession and operation of coin operated/electronic game machines, imposition of permit fees and late fees of \$10 per day.

Definitions: Coin Operated/Electronic Game Machine (Game Machine) - A machine which displays several configurations of various symbols on a screen, the arrangement of which, when played, indicates various quantities of accumulated points which are recorded on a paper ticket dispensed by the machine.

BE IT ORDAINED by the City Council of Caney City, Texas:

1. The possession and operation of game machines is allowed providing:

A. A permit for each machine has been purchased from the City of Caney City by the owner of the business establishment where the machines are located and a Game Machine Affidavit executed.

B. The maximum number of machines within any established location is five machines.

C. The principal purpose of the business is the sale of products and services unrelated to game machines and the business has a current permit to operate a business in Caney City.

D. The business pays a \$50 dollar permit fee for each machine per calendar quarter to the City of Caney City on or before the due date which is the first business day of January, April, July and October of each year.

E. The City of Caney City business permit as well as the individual machine permits are displayed at all times in a conspicuous place within the licensed place of business.


F. The ownership, keeping and operation of the machines shall at all times comply with all State, Federal and County statutes, laws and Ordinances.

2. Machine permits are not transferable or refundable.

3. Payments made after the due dates shall be considered late and a late fee of \$10 per day, per machine, will be added to the permit fee. If fees are late beyond 30 days, the machines shall automatically be subject to seizure without further notice by the Caney City Police Department and ownership of the machines will immediately transfer to the City of Caney City. Caney City may immediately, without notice, dispose of the machines in any manner they so choose including but not limited to sale or destruction.


4. The Caney City Police Chief or his designee shall have the right to enter the premises at any time the business is open to inspect the machines, their use and the permits without advance notice of any kind.

PASSED AND APPROVED THIS THE 12th day of Aug. 2010.



Joe Barron
Mayor, Caney City

ATTEST:



Jamey Locke
City Secretary, Caney City



AN ORDINANCE

AN ORDINANCE REGULATING THE OWNERSHIP AND/OR OPERATION OF ANY COIN-OPERATED MUSIC MACHINES WITHIN THE CITY OF CANEY CITY, TEXAS: DEFINING A MUSIC MACHINE; PROVIDING FOR THE ISSUANCE OF A LICENSE AND FIXING A FEE THEREOF; PROVIDING FOR THE CANCELLATION OR REVOCATION OF LICENSES HEREUNDER; DESIGNATING THE CITY BUILDING INSPECTOR TO MAKE INSPECTION; PROVIDING A FINE OF NOT MORE THAN \$100 UPON THE CONVICTION OF THE VIOLATION OF ANY PROVISION OR PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE, AND REPLACING ALL ORDINANCES IN CONFLICT THEREWITH, AND DECLARING AND EMERGENCY.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CANEY CITY, TEXAS;

SECTION 1.

That hereafter, all coin-operated music machines commonly known as juke boxes operated within the City of Caney City shall operate under the following restrictions hereinafter set.

SECTION 2.

DEFINITION: The term "coin-operated music machine" as herein used shall mean any machine or device that is activated by the insertion of coin or token into a hole or a slot, and in return therefore, the buyer, user or operator receives or gains music or other rhythmical noise or sound effects, whether the same be from a record player, tape, tape deck or any other device which emits a sound in response to the insertion of a coin or token. In addition, this term includes any other device, manual or mechanical, that produces any type of noise in response to any type of exchange, whether inserted in the machine directly or any device, box or instrument in conjunction with the said machine or any machine commonly known as a juke box.

In addition, this term also includes any coin-operated musical instrument, any coin-operated electronic device emitting a sound or any device, machine or instrument played for money, whether the coin or token is inserted in the machine or given or donated to any employee of the premises, owner of the machine or operator of the machine.

SECTION 3.

LICENSE: It shall be unlawful for any person, firm, association of persons, corporations and any other organization to own and/or operate any machine as herein defined without first obtained an appropriate license from the City Secretary for each and every machine, which license shall, at all times, be displayed upon the machine clearly visible to all persons.

SECTION 4.

LICENSE FEES: The City Secretary is authorized to collect the following annual license fee for each machine as herein defined, to-wit: the sum of \$7.50 for each license issued, and a like sum for each renewal thereof.

SECTION 5.

TERM OF LICENSE: Any license issued pursuant to this ordinance shall be for one year, and nontransferable.

SECTION 6.

revocation of license; The City Council is hereby authorized and empowered to revoke or cancel the license of any person, firm, or association of persons, corporations and every other organization having such license as herein defined after giving such licensee ten (10) days notice of the hearing, and after conducting such hearing for the purposes of determining whether such license of licenses should be revoked, provided however, that such power of cancellation or revocation shall be exercised only under the following conditions:

- a. For violations of the provisions of this ordinance;
- b. For knowingly permitting disorderly conduct or immoral practices on the premises;
- c. For knowingly permitting the violation of the law or the laws of the State of Texas or Municipal Ordinances of this city on said premises.
- d. For gambling on the premises;
- e. Unsanitary conditions existing in the premises

SECTION 7.

INSPECTION: The Town Mayor shall appoint or designate the City Building Inspector to make periodic inspections of the premises, whose duties shall be to ascertain the compliance of the provisions herein.

SECTION 8.

PENALTIES: Any person, firm, association of persons, corporations or every other organization obtaining a license or licenses hereunder violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Twenty-Five (\$25.00) Dollars and not more than Two Hundred (\$200.00) Dollars.

SECTION 9.

SEVERABILITY: If any section, subsection, paragraph, sentence, clause, phrase or word of this ordinance or application hereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of the ordinance, and the City Council hereby declares it would have passed the remaining such portions of this ordinance despite such invalidity.

SECTION 10.

REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are expressly repealed.

SECTION 11.

The fact that the Town of Caney City has an ordinance partially governing the matters regulated herein but said ordinance is deemed by the Town Council to be inadequate in the fact that the use of said machines is inadequately regulated so as to protect the citizens of the Town of Caney City in their property and persons, as aforesaid, creates an emergency, which is here and now declared, and this ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

PASSED AND APPROVED this the 12th day of February, 1980.


MAYOR

ATTEST:


Secretary