

Ordinance No. 10

An ordinance by the City Council of the City of Payne Springs, Texas, requiring the issuance of a permit for the operation of "8 - Liner" machines within the City of Payne Springs; establishing fees for the issuance of such permit; providing procedures for the enforcement of such ordinance; providing penalties for the violation of the provisions of this ordinance, and providing an effective date.

Be it ordained by the City Council of the City of Payne Springs, Texas:

Section 1: This ordinance is hereby declared to be one in the exercise of the police power of the City of Payne Springs, Texas, for the protection and welfare of its citizens, and all of its provisions are for that purpose and shall be construed for the accomplishment of that purpose.

Section 2: A video slot machine, common known as an "8-liner," is one which is capable of being operated by the insertion of coins or tokens. Such machines are commonly used for gambling, but use of such machines for that purpose within this City is prohibited.

No person shall have on his property any "8-liner" machines unless he has first obtained a permit from this City and paid the quarterly fees in advance.

An application for the initial permit must be submitted to the City Secretary and each application must be accompanied by the permit fee of \$25.00 for each month, or portion of a month, for the time remaining in the quarter in which the application is made.

Application for renewal of a permit and payment of the quarterly fee must be made before the expiration date of the permit being renewed

A quarter shall begin on the first day of January, April, July and October of each year.

Upon the granting of the permit, the City Secretary shall provide the applicant with a sticker showing the date the permit will expire. The failure of the applicant to affix the sticker in a prominent place, showing the date the permit will expire, on the top of the machine where a view thereof is not obstructed, shall constitute a criminal offense.

A permit is not transferable, but remains personal to the person or entity to whom issued.

Section 3: Any person or business making application for a permit or the renewal of a permit to operate an "8-liner" machine within the City must sign a notarized statement that such machine will be used for entertainment only. Cash award or

the transfer of anything of value, including gift certificates, free games or any other form of reward based upon the operation of the machine is prohibited.

Section 4: Failure to comply with the provisions of this ordinance may result in the loss of the permit to operate "8-liner" machines and may result in the removal of the machines by the Payne Springs Police Department at the expense of the owner. Disposal of the machines shall be at the sole discretion and direction of the City Council of the City of Payne Springs.

Section 5: Any person, company, corporation or other entity permitted by the laws of the State of Texas to operate within this state that violates any provision of this ordinance, or fails to observe a provision of this ordinance shall be guilty of a misdemeanor for each offense and, upon conviction, shall be fined a sum not less than \$25 nor more than \$200 for each offense. Additionally, each and every day or fraction of a day during which this ordinance or any part thereof is violated shall constitute a separate offense and be subject to punishment as such.


Section 6: The City Secretary shall cause notice of the passage of this ordinance to be given by posting a copy of it at the door of the City Hall of this City and at two other public places within the City. Additionally, this ordinance shall be published in The Monitor.

Section 7: This ordinance shall be effective on the eleventh day following its publication in the newspaper.


Section 8: Each and every paragraph, provision, sentence and clause of this ordinance have been considered separately and passed by the City Council of the City of Payne Springs, Texas, and each provision, paragraph, sentence and clause would have been passed separately without any other provisions, and if any provision, paragraph, sentence or clause should be ineffective or invalid for any cause, it shall not impair or affect the remaining portions nor any other part of this ordinance. The valid portion shall enforced in the same manner as if it had been passed alone.

Passed and Approved this 21 day of SEPT, 2004.

Approved:


Mayor

Attest:


City Secretary