

ORDINANCE NO. 110.06

AN ORDINANCE OF THE CITY OF HAWKINS, TEXAS, WITH THE PURPOSE OF REQUIRING GAME ROOMS AND AMUSEMENT REDEMPTION DEVICES WITHIN THE CITY OF HAWKINS TO HAVE A PERMIT; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hawkins has recently observed explosive growth in game rooms in other cities, which growth threatens the economic stability of the city and the long range business health of the economy; and

WHEREAS, the City Council finds it in the public interest to require a permit for the operation of game rooms and amusement redemption machines as defined in this Ordinance, and establish standards for their operation.

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

**Section 1: Definitions:**

- a) **Gaming place or game room** means any real estate, building, room, tent, vehicle, boat, or other property whatsoever, open to the public and that contains one or more gaming devices
- b) **Gaming devices** means any electronic, electromechanical, computerized, or mechanical contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. This includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, computerized, or mechanical games, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games, and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits; and does not include any electronic, electromechanical, computerized, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5.00, whichever is less (section 47.1 of Texas penal code), or other legal prizes per the State of Texas.
- c) **Private place** means a place to which the public does not have access, and excludes, among other places, streets, highways, restaurants, taverns, nightclubs, schools, hospitals, and the common areas of apartment houses, hotels, motels, office buildings, transportation facilities, and shops.

- d) **Thing of value** means any benefit, but does not include an unrecorded and immediate right of replay not exchangeable for value.
- e) **Placed in the establishment** means all machines physically located in the establishment whether operating or not.
- f) **Game room owner** means a person who has an ownership interest in a game room.
- g) **Code Enforcement Officer** means any employee, officer, or reserve officer of the Hawkins Police or Fire Departments.

## **Section 2: Prohibition.**

The operation of a game room within the City Limits of the City of Hawkins is prohibited.

## **Section 3: Enforcement**

- a) **Punishment.** A person who fails to comply with any of the requirements of this section commits a Class C misdemeanor punishable by a fine not to exceed \$500.00 for each offense. Each day that a violation occurs is a separate offense.
- b) **Sealing.** The city shall have the authority to seal any gaming found within the City of Hawkins. A \$100.00 fee will be charged for the release of any machine sealed for failure to obtain a permit.

## **Section 4:**

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of the ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, words or provisions hereof be given full force and effect for it purpose.

## **Section 5:**

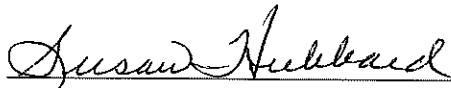
This Ordinance shall not be recorded in length in the minutes of the City of Hawkins, but shall be filed for permanent record in the office of the City Secretary.


**Section 6:**

This Ordinance shall become effective on and after the adoption and publication as required by law.

NUMBER OF VOTES FOR 5 NUMBER OF VOTES AGAINST 0

Passed and Approved on this 6<sup>th</sup> day of March, 2023.

  
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Susan Hubbard, Mayor

  
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Mandy K. Thomas, City Secretary