

AN ORDINANCE REGULATING AND LICENSING THE OPERATION OF BILLIARD PARLORS AND AMUSEMENT CENTERS, OR COMBINATIONS THEREOF, FIXING A FEE ON BILLIARD TABLES AND COIN OPERATED AMUSEMENT DEVICES, SETTING OPERATING HOURS AND CONDITIONS FOR OPERATIONS AND PROVIDING FOR A PENALTY OF NOT LESS THAN \$1.00 AND NOT MORE THAN \$1,000.00 FOR VIOLATIONS OF ANY PROVISION HEREOF.

WHEREAS, there is a need for licensing and regulating the hours and the operations of billiard parlors, amusement centers or combinations thereof within the City of Bells, Grayson County, Texas

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLS, TEXAS, GRAYSON COUNTY, TEXAS:

SECTION I - Definitions

1. BILLIARD PARLOR means any business established by every person owning and operating for profit and every firm, association of persons, corporation and every other organization, save and except religious, charitable or educational organizations, authorized under the laws of the State of Texas, owning and operating any billiard table, by whatever name called, for public use located in any house or building within the city limits of the City of Bells, Grayson County, Texas.

2. BILLIARD TABLE is defined as any table surrounded by a ledge or cushion with or without pockets upon which balls are impelled by a stick or cue, provided, however, that any coin-operated billiard table, being a skill or pleasure coin-operated machine, shall be subject to the provisions of this ordinance and taxable thereunder.

3. AMUSEMENT CENTER means a business establishment in which at least 25 percent of the public floor area is devoted to coin-operated amusement devices and their public use. If a billiard parlor, as defined in this ordinance, occupies a portion of a business establishment, the billiard parlor floor area shall not be included in determining the total public floor area of the establishment.

4. COIN OPERATED AMUSEMENT DEVICE means a machine or device operated by insertion of a coin, token or similar object, for the purpose of amusement or skill. This term does not include:

- (A) Musical devices
- (B) Billiard tables
- (C) Machines designed exclusively for children or
- (D) Devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

5. CHIEF OF POLICE means the chief of police of the City of Bells, Grayson County, Texas, or his designated agent.

6. LICENSEE means a person licensed to operate billiard parlors and amusement centers, or combinations thereof.

7. OPERATOR means a person who manages or controls billiard parlors and amusement centers, or combinations thereof.

8. PERSON means an individual, assumed name entity, partnership, joint-venture, association or other legal entity.

SECTION II - License required.

1. No person may operate a billiard parlor or amusement center, or combinations thereof, without first obtaining a license from the Chief of Police of the City of Bells, Grayson County, Texas, or his designated agent.

SECTION III - License application

(A) An applicant for a license shall file with the Chief of Police of the City of Bells, Texas, or his designated agent, a written application on a form provided for that purpose, which form shall be signed by the applicant, who shall be the owner of the billiard parlor and amusement center, or combinations thereof. Should an applicant maintain a billiard parlor and amusement center, or combinations thereof, at more than one location, a separate application must be filed for each location. The following information is required in the application:

- (1) Name, address, and telephone number of the applicant, including the trade name by which applicant does business and the street address of the billiard parlor and amusement center, or combination of both, and if incorporated, the name registered with the Secretary of State.
- (2) Name, address and telephone number of the operator of the billiard parlor and amusement center, or combination of both, and proof that the operator is at least 18 years of age.
- (3) Whether the applicant, operator, and, if applicable, any corporate officer of the applicant has been convicted of a felony or within the preceding five years of an offense involving drugs, gambling, prostitution, obscenity, or unlawfully carrying a weapon.
- (4) The previous occupation of the applicant, operator, and, if applicable, all corporate officers of the applicant within the preceding five years.
- (5) Whether a previous license of applicant, or, if applicable, corporate officer of applicant has been revoked within two years of filing of the application.
- (6) Number of coin-operated amusement devices in the center.
- (7) A statement that all the facts contained in the application are true.

(B) The Chief of Police may require additional information of an applicant or licensee to clarify items on the application.

SECTION IV - Fee

1.- The annual license fee, effective beginning September 30, 1985, for billiard parlors and amusement centers, or combinations thereof, shall be \$7.50 for each billiard table and coin operated machine. The licenses expire one year from the date of issuance. The fee for issuing a replacement license for one lost, destroyed or mutilated is \$2.00. The fee is payable to the Department of Revenue and taxation upon approval of the license by the Chief of Police. No refund of license fees will be made.

SECTION V - License display, replacement and transferability

(A) Each license issued pursuant to this ordinance must be posted and kept in a conspicuous place in the billiard parlor and amusement center, or combination thereof, and must state the number of coin-operated amusement devices for which the license was issued.

(B) A replacement license may be issued for one lost, destroyed, or mutilated, upon application on a form provided by the Chief of Police. A replacement license shall have the word "REPLACEMENT" stamped across its face and shall bear the same number as the one it replaces.

(C) A billiard parlor and amusement center, or combination thereof, license is not assignable or transferable.

(D) A licensee shall notify the Chief of Police within ten days of a change or partial change in the ownership or management of the billiard parlor and amusement center, or combination thereof, or a change of address or trade name.

SECTION VI - Refusal to issue or renew license.

The Chief of Police shall refuse to approve issuance or renewal of a billiard parlor and amusement center, or combination thereof, license for one or more of the following reasons:

- (1) A false statement as to the material matter made in an application for a license.
- (2) Conviction of the applicant, his operator, or corporate officer of the applicant of a felony or within the preceding five years of an offense involving drugs, gambling, prostitution, obscenity, or unlawfully carrying a weapon.
- (3) Revocation of a license, pursuant to this ordinance, of the applicant or corporate officer of the applicant within two years preceding the filing of the application.

SECTION VII - License revocation

(A) The Chief of Police shall revoke a billiard parlor and amusement center, or combination thereof, license for one or more of the following reasons:

- (1) A false statement as to a material matter made in an application for a license, license renewal or a hearing concerning the license.
- (2) Conviction of the licensee, his operator, or corporate officer of the licensee of a felony or an offense involving drugs, gambling, prostitution, obscenity or unlawfully carrying a weapon.
- (3) Conviction twice within a one year period of the licensee or his operator for a violation of the hours of operation provided in this ordinance.
- (4) Employment by the licensee of an operator who is under 18 years of age.
- (5) Operation of a billiard parlor and amusement center, or combination thereof, containing more coin-operated amusement devices than the center is licensed for.
- (6) Violation by the licensee or his operator of this ordinance.

(B) The Chief of Police shall send written notice of revocation to a licensee by certified mail, return receipt requested, setting forth the reasons for the revocation.

SECTION VIII - Appeal from refusal to issue or renew license; from decision to revoke license.

1. If the Chief of Police refuses to approve the issuance of a license or the renewal of a license to an applicant or revokes a license issued to a licensee under this ordinance, this action is final unless the applicant or licensee, within ten days after the receipt of written notice of the action, files with the City Mayor a written appeal. The City Mayor shall, within ten days after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision either sustaining or reversing the action. If the City Mayor sustains the action, the applicant or licensee may, within ten days of that decision file a written appeal with the City Secretary to the City Council setting forth specific grounds for the appeal. The City Council shall, within 30 days, grant a hearing to consider the action. The City Council has authority to sustain, reverse or modify the action appealed. The decision of the City Council is final.

SECTION IX - Hours of operation

(A) Except as provided in this ordinance, no licensee or his operator may operate a billiard parlor and amusement center, or combination thereof, between the hours of 12:01 a.m. to 9:00 a.m. Monday through Friday, and between the hours of 1:00 a.m. to 9:00 a.m. Saturday and Sunday.

(B) If a billiard parlor and amusement center, or combination thereof, is within 500 feet of family residences, no licensee or his operator may operate the amusement center except between the hours of 9:00 a.m. to 11 p.m. Sunday through Thursday, and between the hours of 9:00 a.m. to 12 midnight, Friday and Saturday.

(C) If a billiard parlor and amusement center, or combination thereof, is within 500 feet of a public or private elementary or secondary school, no licensee or his operator may operate the billiard parlor and amusement center, or combination thereof, between the hours of 9:00 a.m. to 3:00 p.m. during the fall or spring term when students are required to attend school in the school district in which the center is located.

(D) For purposes of this ordinance measurements shall be made in a straight line without regard to intervening structures or objects, from the nearest entry door in the portion of the building used as a billiard parlor and amusement center, or combination thereof, to the nearest point of a district restricted to residential use or nearest entry door of a school.

SECTION X - Responsibility of licensee

(A) A licensee or his operator may not permit any of the following activities within the billiard parlor and amusement center, or combination of both:

- (1) Violation of any possession, sale or delivery provision in subchapter four of the Texas Controlled Substances Act.
- (2) Violation of any provision in Article 666-17(14) of the Texas Liquor Control Act.
- (3) Prostitution.
- (4) Gambling.
- (5) Entry of a person younger than 17 years between the hours of 9:00 a.m. to 3:00 p.m. during the fall or spring term when students are required to attend school in the school district in which the center is located.

(B) A licensee or his operator may not permit any of the following activities on premises of the billiard parlor and amusement center, or combination thereof:

- (1) Violation of Section 42 of the Penal Code.

(C) In subsection (B) of this section, "premises" means an area, other than the interior of a billiard parlor and amusement center, or combination thereof, to which the public or a substantial group of the public has access and which is under the control of an owner or operator of a billiard parlor and amusement center, or combination thereof, such as a parking facility or private sidewalk.

SECTION XI - Penalties

1. In addition to any of the foregoing, any person who violates any part of the hereto ordinance shall be subject to a fine of not less than \$1.00 and not more than \$1,000.00 for each violation.

SECTION XII - Separability of Provisions

1. It is the intention of the City Council of Bells, Texas, that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that, if any provisions of this ordinance is declared invalid or unconstitutional, all other provisions thereof shall remain valid, enforceable and constitutional.

SECTION XIII - Repeal of conflicting ordinances

1. All existing ordinances of the City of Bells, Texas, are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

PASSED and APPROVED this 5<sup>th</sup> day of March, A.D., 1985.

  
MAYOR

ATTEST:

  
CITY SECRETARY