

**ORDINANCE NO. 871-07-04-10**

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS,  
AMENDING TITLE VI BY CREATING CHAPTER 114,  
RELATING TO THE REGULATION OF GAME ROOMS AND  
AMUSEMENT REDEMPTION MACHINES; PROVIDING FOR A  
PENALTY NOT TO EXCEED \$500.00 AND PROVIDING AN  
EFFECTIVE DATE**

WHEREAS, the City Council recognized that City has duty to protect the health, safety and welfare of the Citizens of Pflugerville; and

WHEREAS, the City Council recognized that unregulated operation of game rooms and amusement redemption machines contributes to inappropriate and illegal activities including gambling, fraud and truancy; and

WHEREAS, the City Staff has recommended that the Code Ordinance be amended to better address these concerns.

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

I.

That Title VI Chapter 114 of the Code of Ordinances of the City of Pflugerville, Texas is hereby created to read as follows:

CHAPTER 114        REGULATION OF GAME ROOMS AND AMUSEMENT  
REDEMPTION MACHINES

114.1 DEFINITIONS

- (a) AMUSEMENT REDEMPTION MACHINE means a recreational machine that provides the user with an opportunity to receive something of value other than the right of replay.
- (b) GAME ROOM means a building, facility or other place that is open to the public and that contains one or more operational amusement redemption machines.
- (c) GAME ROOM OWNER means a person who has an ownership interest in a game room.
- (d) OPERATIONAL MACHINE means a machine that is ready to be played and accessible to the public.
- (e) CITY OFFICIAL means a police officer, code enforcement officer or building official of the City of Pflugerville.

#### 114.2 UNRESTRICTED ACCESS BY CITY OFFICIAL

An owner, manager or employee of a game room or other person exercising control over a game room, a portion of a game room or an operational amusement redemption machine, shall provide a City Official with immediate unrestricted access during business hours to all areas of the game room and to all operational amusement redemption machines located in the game room.

#### 114.3 INSPECTION BY CITY OFFICIAL

- (a) A city official may inspect a game room or an operational amusement redemption machine located within the City of Pflugerville, Texas' incorporated city limits to determine whether the game room or the operational amusement redemption machine complies with the City of Pflugerville Code of Ordinances and State law.
- (b) An owner, manager or employee of a game room or other person who does not allow a city official to inspect a game room or operational amusement redemption machine commits an offense.

#### 114.4 SIGNAGE REQUIRED

A game room owner shall mark each entrance to a game room with a conspicuous sign that:

- (a) bears the words "GAME ROOM" in six (6) inch or larger block letters; and
- (b) is legible from a distance of twenty five (25) feet.

#### 114.5 TRANSPARENT, UNCOVERED WINDOWS REQUIRED

- (a) Every game room shall have transparent unobstructed windows or open space on at least one (1) side so that the area is open to view by the general public passing by on a public street or using a corridor, lobby or other rooms to which the public has access and is admitted without charge. The owner, manager or employee of a game room shall not permit any obstruction of such public view by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions.
- (b) The requirements of (a) above may be waived or modified by the Building Official if the game room owner can demonstrate:
  - (i) The game room is located in a structure deemed a historic landmark, or the structure is within a historic district, and deemed to have architectural or historic significance; and
  - (ii) Compliance with the unobstructed view requirement shall require alterations to the structure that will have a substantially detrimental effect on its historic or architectural features; or

- (iii) The game room is at least three thousand five hundred (3,500) square feet in floor space and the business derives at least fifty one percent (51%) of it's net revenue from sources other than amusement redemption machines.

#### 114.6 HOURS OF OPERATION, INGRESS AND EGREES

- (a) All game rooms shall have their hours of operation clearly marked on every entrance.
- (b) All game room shall have all doors providing ingress and egress from the game room unlocked during the hours of operation.
- (c) It shall be unlawful for any person to keep, conduct or operate any game room for profit or to allow or permit any game room to remain open for business or open to the public before the hour of 7:00 a.m. or after the hour of 2:00 a.m.

#### 114.7 OFFENSE, PENALTY

Any person who shall violate any of the provisions of this section or fail to comply therewith shall be deemed guilty of a Class C Misdemeanor and, upon conviction, shall be fined not less than \$1.00 nor more than \$500.00. This offense is hereby declared to be a strict liability offense and the culpable mental state required by Chapter 6.02 of the Texas Penal Code is hereby specifically negated and clearly dispensed with. Each day that the violation occurs shall constitute a distinct and separate offense.

#### II.

This Ordinance will take effect after the second reading and its passage by three affirmative votes on May 1, 2007; provided that this Ordinance will be posted and published in accordance with the provisions of the City Charter.

#### III.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of the Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

PASSED AND APPROVED THIS 10th day of APRIL, 2007

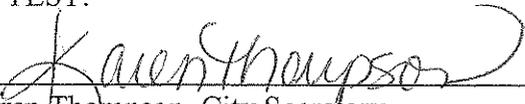
CITY OF PFLUGERVILLE, TEXAS

By:



Catherine T. Callen, Mayor

ATTEST:

  
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Karen Thompson, City Secretary