

ORDINANCE NO. 012-98

AN ORDINANCE OF THE CITY OF DE LEON, AMENDING ORDINANCE 78-100 REGULATING PUBLIC RECREATIONAL CENTERS; REQUIRING A PERMIT TO OPERATE PUBLIC RECREATIONAL CENTERS; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE; REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE AND AN OPEN MEETING CLAUSE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:

**Section 1. Definitions.** The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

*Billiards* includes any of several games played on an oblong table by driving small balls against one another or into pockets with a cue; a game in which one scores by causing a cue ball to hit in succession two object balls.

*City* means the City of De Leon.

*City Council or Council* means the De Leon City Council.

*Permit* means a permit issued by the City of De Leon which is required prior to commencing operation as a Public Recreational Center.

*Pin Ball Machines* includes an amusement device or game in which a ball propelled by a plunger scores points as it rolls down a slanting surface among pins and targets.

*Pool* includes any of various games of billiards played on an oblong table having six pockets (more or less) with usually 15 object balls that are hit with a cue stick into the pockets.

*Public Recreational Center* as used herein shall mean any building or location of a commercial establishment which, as one of its principal business purposes, offers for use or rental for any form of consideration any one or more of the following:

- (A) billiards,
- (B) pool,
- (C) pin ball machines; and/or
- (D) video games

*Video Games* means any coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the showing or depicting of images for interaction by the operator of the machine.

**Section 2. Hours of Operation.** Hereafter it shall be unlawful to operate or keep open any Public Recreation Center between the following hours

Monday – Friday	11:00 p.m. until 6:00 am
Saturday & Sunday	11:00 p.m. Friday until 6:00 a.m. Saturday 11:50 p.m. Saturday until 1:00 p.m. Sunday 5:00 p.m. Sunday until 6:00 a.m. Monday

**Section 3. Application for Permit.** It shall be unlawful to operate a Public Recreation Center, within the limits of the City of De Leon, Texas, without a permit. Only by meeting the terms hereinafter provided shall a permit be granted for carrying on such place of business. The application for such permit shall be in writing by the owner or manager of such Recreation Center, and presented to the City Council at any regular meeting. The City Council shall refer all applications for Public Recreation Center permits to the Mayor who shall investigate the application or cause same to be investigated to determine whether the Public Recreation Center seeking the permit complies with the regulations, ordinances, and laws applicable thereto. The said Mayor shall at the next regular meeting of the City Council, furnish said Council, in writing, or orally, the information derived from such investigation, accompanied by a recommendation as to whether a permit should be granted or refused. In the event the Mayor refuses or neglects to present written or oral recommendations at the next regular meeting of the City Council as heretofore provided, then the Council shall act on said application and issue such permit if such is deemed advisable. The City Council alone

shall have the power to issue said permit. Each permit granted herein shall expire two years from the date of issuance and the permit shall be posted in a conspicuous place within the Public Recreation Center.

The City Council may issue Temporary Permits pending investigation, as it deems necessary.

**Section 4. Fee.** There shall be no fee for the issuance of a permit required under this act. This ordinance shall be printed in full upon each permit issued and each permit shall by its terms, be made subject to revocation as herein provided.

**Section 5. Permits.** All owners of the Public Recreation Center must be identified and investigated for a permit to be issued. No permit for a Public Recreation Center shall be issued by the City Council to any owner applying for such permit who has been convicted of a crime of moral turpitude in the past 10 years. Permits are non-transferable. If at any time the permit of a Public Recreational Center shall be forfeited or revoked, at least six months shall elapse before any permit or privilege shall be granted the owner (s).

**Section 6. Grounds for Revocation.** The owner or manager of any Public Recreational Center shall not permit any person under the age of 18 years to enter such premises or remain there for any length of time after the hour of 7:00 p.m., without the consent of the parent or guardian of such minor. The owner or manager of any Public Recreational Center shall not permit or allow to continue any disorderly conduct on the premises, nor allow any violations of any laws of governing crimes of moral turpitude, violate rules, regulations, ordinances and laws governing or applying to Public Recreational Centers, or public places. Any complaint of two (2) or more violations of the hours of operations, as herein detailed, in a six (6) month period will be grounds for revocation of a permit.

The permit to operate any Public Recreational Center may be revoked or forfeited by the City Council upon filing of a complaint alleging a violation of the foregoing ordinance.

**Section 7. Penalty.** Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein

**Section 8. Conflicts.** Any ordinance in conflict herewith is hereby repealed to the extent of such conflict.

**Section 9. Effective Date.** This Ordinance shall take effect upon two readings and passage by the City Council. Its enforcement shall commence after its publication as required by law.

**Section 10. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

**Section 11. Open Meetings.** It is hereby officially found and determined that notice of the time, place and subject matter of the meeting at which this ordinance was passed was given and the meeting was open to the public as required by Chapt. 551, Tex. Gov't. Code.

**PASSED AND APPROVED** on this the 27 day of October 1998.

THE CITY OF DE LEON, TEXAS

Norma Jo Locke  
Norma Jo Locke, Mayor

Attest:

Regenia Sadberry  
Regenia Sadberry, City Secretary