

ORDINANCE NO. 20-0011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARLIN, TEXAS, AMENDING ORDINANCE NO. 20-006 WHICH WAS ADOPTED TO PROVIDE FOR REGULATIONS TO REGULATE GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES; PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 20-006 IN ORDER TO PROVIDE FOR AN EXCEPTION FOR HOLDERS OF LICENSES AND PERMITS ISSUED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION; PROVIDING FOR THE AMENDMENT OF CONFLICTING ORDINANCES, SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Marlin, Texas, ("City") adopted Ordinance No. 20-006 to provide for the regulation of game rooms and amusement redemption machines within the City;

WHEREAS, the City of Marlin is a home-rule municipality and is, therefore, duly authorized under the Texas Constitution, the laws of the state of Texas as well as pursuant to Sections 215.074, 215.075 and 217.042 Texas Local Government Code to address the negative effects of game rooms and amusement redemption machines by the adoption of appropriate regulations;

WHEREAS, the City adopted Ordinance No. 20-006 to further the City's interest in protecting the health, safety and welfare of its citizens and determined and declared that the adoption of Ordinance No. 20-006 was necessary for the protection of the health, safety and general welfare of the residents of the City and to persons frequenting game rooms and using amusement redemption machines within the City; and

WHEREAS, the City Council intends to amend Ordinance No. 20-006 in order to clarify and provide for exceptions for the possession or consumption of alcoholic beverages where expressly permitted or authorized by a duly issued and authorized license or permit issued by the Texas Alcoholic Beverage Commission;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Section 1.6 Restrictions, regulations, controls, and limitations. Subsection (n) of Section 1.6 Restrictions, regulations, controls, and limitations is amended in its entirety as follows:

(n) The sale, purchase, possession or consumption of any alcoholic beverages (as defined by the Texas Alcoholic Beverage Code) inside an amusement redemption machine game room is prohibited.

(1) A sign stating that no alcoholic beverages are allowed inside the amusement redemption machine game room shall be posted in plain sight immediately inside the entrance, midway, and exits to include stating: *"No alcoholic beverages shall be permitted inside the building, structure, facility or space housing the amusement redemption machine game room."*

(2) An amusement redemption machine game room that has been issued and possesses a valid license or permit from the Texas Alcoholic Beverage Commission is exempt from this subsection (n) as long as the amusement redemption machine game room is not in violation of the license or permit issued by the Texas Alcoholic Beverage Commission. Each amusement redemption machine game room that possesses a valid license or permit from the Texas Alcoholic Beverage Commission shall provide the City with a copy of the current license or permit issued by the Texas Alcoholic Beverage Commission.

Section 3. Amendment of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby amended to the extent of such conflict only.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is declared, found, or held invalid by a court of law, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, *Tex. Gov't. Code*.

PASSED AND APPROVED this the 10 day of November, 2020.



Carolyn Lofton, Mayor

ATTEST:



Maryann Waddle, City Secretary

