

**ORDINANCE NO. 2018-O-072**

**AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 18, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES TO MODIFY THE LICENSING AND REGULATORY PROCESS FOR AMUSEMENT REDEMPTION MACHINE ESTABLISHMENTS AND AMUSEMENT REDEMPTION MACHINES WITHIN THE CITY BY PROVIDING CLARIFICATION ON DEFINITIONS, APPLICATION, REGISTRATION, RENEWAL, SUSPENSION, AND REVOCATION OF LICENSES; ESTABLISHING NEW RULES AND REGULATIONS FOR AMUSEMENT REDEMPTION MACHINE ESTABLISHMENTS; AMENDING THE LAREDO LAND DEVELOPMENT CODE, ARTICLE IV, SECTION 24.65.15, HIGHWAY COMMERCIAL DISTRICT, AND SECTION 24.65.16, LIGHT MANUFACTURING DISTRICT, BY CHANGING THE HOURS OF OPERATION OF AMUSEMENT REDEMPTION MACHINE ESTABLISHMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Laredo (“City Council”) is concerned about the number of amusement redemption machine establishments that have opened in the City of Laredo; and

**WHEREAS**, the City is expressly authorized to regulate amusement redemption machine establishments operating amusement redemption machines such as eight liners by virtue of being a home rule municipality; and

**WHEREAS**, licensing amusement redemption machine establishments is a legitimate and reasonable means of regulation to ensure that operators of amusement redemption machine establishments do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes; and

**WHEREAS**, establishments that operate amusement redemption machines, such as but not limited to eight liners, can have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary; and

**WHEREAS**, establishments that operate amusement redemption machines have objectionable operational characteristics, particularly when located within close proximity to each other, contributing to urban blight and downgrading the quality of life in the adjacent area; and

**WHEREAS**, the City Council desires to minimize and to control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve the quality of life; preserve property values and character of surrounding neighborhoods and deter the spread of urban blight; and

**WHEREAS**, the City Council has determined that it is in the public's best interest and in support of the health, safety, and general welfare of the citizens of the City that amusement redemption machine establishments be regulated through a licensing process in addition to the City's use of zoning as a regulator of amusement redemption machine establishments.

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

**Section 1.** The City of Laredo Code of Ordinances, Chapter 18, Article I, is hereby amended as follows:

Sec. 18-2.1. - Amusement redemption machine defined.

(a) *Definitions.*

(1) *Amusement redemption machine* means any electronic, electromechanical, 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. An amusement redemption machine also includes a machine that is designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively 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 ten (10) times the amount charged to play the game or device once, or five dollars (\$5.00), whichever is less.

(2) *Amusement Redemption Machine Establishment or Establishment means a building, facility, or other place where one or more amusement redemption machines are present.*

(3) *Amusement Redemption Machine Establishment Owner or Owner means a person who:*

*(A) has an ownership interest in, or receives the profits from, an amusement redemption machine establishment or an amusement redemption machine located in an establishment;*

(B) is a partner, director, or officer of a business, company, or corporation that has an ownership interest in an amusement redemption machine establishment or in an amusement redemption machine in an establishment;

(C) is a shareholder that holds more than ten (10) percent of the outstanding shares of a business, company, or corporation that has an ownership interest in an amusement redemption machine establishment or in an amusement redemption machine in an establishment;

(D) has been issued by the county clerk an assumed name certificate for a business that owns an amusement redemption machine establishment or an amusement redemption machine located in an establishment;

(E) signs a lease for an amusement redemption machine establishment;

(F) receives a certificate of occupancy or certificate of compliance for an amusement redemption machine establishment;

(G) pays for advertisement of an amusement redemption machine establishment; or

(H) signs an alarm permit for an amusement redemption machine establishment.

(4) City official means a police officer, code enforcement officer, fire marshal or building official of the city.

(5) Licensee means any person, individual, firm, company, association, or corporation operating an amusement redemption machine establishment in the city.

(6) Manager, operator or owner means an individual who supervises, manages, or participates in the performance of activities that contribute to the functioning of an amusement redemption machine establishment, including but not limited to, operating cash register/drawer, credit card transaction or some other depository on the premises of an amusement redemption machine establishment; displays, delivers or provides to a customer of an amusement redemption machine establishment merchandise, goods, entertainment or other services; takes orders from a customer of an amusement redemption machine establishment for merchandise, goods, entertainment or other services; or acts as a door attendant to regulate the entry of customers.

~~(2)~~(7) *Representation of value.* A representation of value includes a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

(b) *Excluded machines.* An amusement redemption machine does not include:

(1) A machine that awards the user noncash merchandise prizes, toys, or novelties, solely and directly from the machine, including claw, crane or similar machines; or a representation of value redeemable for those items; nor

(2) A machine from which the opportunity to receive noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit, or drop a ball or other physical object

into the machine or a part thereof, including basketball, skeeball, golf, bowling, pusher, or similar machines.

Sec. 18-2.2. – ~~[Local permit fee]~~ License for amusement redemption machine ~~[premises permit]~~ establishment.

(a) License Required. No person shall maintain, display for patronage, or otherwise keep for operation by the patrons any amusement redemption machines without first obtaining a license from the City.

~~((a))~~(b) Fee. An owner, operator, or lessee of premises on which an amusement redemption machine is made available to others shall be required to secure a ~~[permit]~~ license by paying to the city an annual inspection and ~~[amusement redemption machine premises permit]~~ license fee of one-thousand fifty dollars, (\$1,050.00) per amusement redemption machine in full at the time of [permit] license issuance. The ~~[permits]~~ license shall be issued by the city building development services department. Upon payment of the fee and compliance with all licensing requirements, the license shall be issued by the City.

~~((b))~~(c) Expiration ~~and~~, renewal, and late fee. ~~[Permits]~~ A license issued under section 18-2.1 (a) shall automatically expire on the anniversary date of the issuance of the ~~[permit]~~ license. Upon the expiration of a license, the licensee shall be required to obtain a renewal of the expired license if the licensee wishes to continue operating an amusement redemption machine establishment. A license may be renewed for the following year beginning sixty (60) days before expiration of the current license by filing a completed application and paying the applicable fee. A renewal application shall be subject to the same requirements as an application for a new license. Failure to obtain the renewal within thirty (30) days after expiration will require such person to pay an additional late fee in an amount equal to 20 percent of the fee actually due or 20 percent of the previous year's fee, whichever amount is greater, in order to obtain reinstatement of his license. Nothing herein authorizes the licensee to operate after the expiration of a license and before a renewal is effective. Such ~~[permit]~~ license shall also automatically expire if the ~~[holder thereof]~~ licensee sells, transfers equity, or otherwise disposes of such ~~[devices]~~ amusement redemption machines. The city shall not refund any portion of an amusement redemption machine ~~[premises permit]~~ license fee after the ~~[permit]~~ license is issued, nor shall it prorate or reduce in amount any fee due to the city.

~~((e))~~(d) Sealing. The city shall have the authority to seal any amusement redemption machine located at an establishment for which an amusement redemption machine establishment ~~[premises permit]~~ license ~~[fee]~~ has not been secured. A one-thousand fifty dollar (\$1,050.00) fee will be charged for the release of each machine sealed for non-payment of said amusement redemption machine ~~[premises permit]~~ license fee.

~~((d))~~(e) Posting of [permit] license. The registration of amusement devices certificate shall be conspicuously posted inside the building. The license shall list the date of issue and the date of expiration. The license shall list the name of the licensee, name of the amusement

redemption machine establishment, and the physical address of the establishment. If the license holder is a corporation, or a legal entity, then the license shall also list the person(s) asserting control over the legal entity. The license shall list any applicable exemption to the requirements of this Ordinance for which the licensee is qualified.

(f) Transfer or Assignment of License. A license for an amusement redemption machine establishment under this section is not assignable or transferable.

(g) A license for an amusement redemption machine establishment vests no property right in the licensee except to maintain, display for patronage, and permit the use for skill or pleasure of amusement redemption machines in accordance with the terms and conditions of this ordinance.

(h) A license for an amusement redemption machine establishment is effective for a single place of business only.

Sec. 18-2.3. Application for an amusement redemption machine premises license

A person desiring a license to operate an amusement redemption machine establishment shall file a written application with the Building Development Services Director or designee. A separate application must be filed for each location sought to be licensed. The application must be on a form provided by the City and the following information is required in the application:

(a) Name, address, telephone number, and copy of government-issued photo identification of the applicant if the applicant is a natural person;

(b) Name, address, telephone number and copy of government-issued photo identification of all persons who own an interest in the amusement redemption machine establishment;

(c) Name, address, telephone number and copy of government-issued photo identification of all corporate officers, if any, of the business;

(d) Name, address, telephone number of the business;

(e) If incorporated, the name of the business registered with the Texas Secretary of State;

(f) If a partnership, the name, address, telephone number, and copy of government-issued photo identification of each of the general and limited partners;

(g) The trade name by which the applicant does business and true and correct copy of the registration of the applicant's assumed name filed in the office of the county clerk, bearing the file mark or stamp that evidences its filing in that office;

(h) The street address of the premises;

(i) If applicant is not the owner of the premises, the applicant shall furnish the name, address, and telephone number of the property owner;

(j) Name, address and telephone number of the operator of the premises to be licensed;

(k) Number of amusement redemption machines in the premises to be licensed and the serial number of each amusement redemption machine;

(l) Whether a previous license of the applicant, or, if applicable, a corporate officer of the applicant, has been revoked within two years of filing of the application;

(m) The previous occupation(s) of the applicant and, if applicable, all corporate officers and partners of the applicant within the preceding five years;

(n) Name, address, and telephone number of an emergency contact person who can be reached after hours;

(o) A floor plan of the amusement redemption machine establishment interior depicting the layout of the establishment interior specifically including, but not limited to, the location of all amusement redemption machines, coin-operated machines or devices, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will not be permitted;

(p) If the applicant has been convicted of any crime directly related to an amusement redemption machine establishment, the date, location, and nature of the offense and the penalty received;

(q) Each applicant shall sign a waiver authorizing the City to conduct a criminal history background check on the applicant; and

(r) A notarized statement, under oath, that:

(1) All the facts contained in the application are true and correct;

(2) The amusement redemption machines are not and will not be used as gambling devices;

(3) The location and operation of the amusement redemption machine establishment will not violate any applicable deed restrictions;

(4) The amusement redemption machine establishment will be operated in accordance with all laws;

(s) Any failure to provide the documents required by this section shall be grounds for denial of the application to which it applies.

Sec. 18-2.4. Restrictions, regulations, controls, and limitations.

- (a) All building and fire code standards must be met. Inspection by building officials and the issuance of a certificate of occupancy shall be obtained before a license for an amusement redemption machine establishment is issued.
- (b) Amusement redemption machine establishments shall only be considered in existing Highway Commercial (B-4), Light Manufacturing (M-1), Heavy Manufacturing (M-2), or Mixed Use Development (MXD) districts.
- (c) Distancing Restrictions:
- (1) No amusement redemption machine establishments shall be situated within three hundred (300) feet of any church, school, residential district or use, hospital or any other amusement redemption machine establishment. The distance shall be measured along the property lines of the street fronts and from front door to front door, or to zoning district, park, school, or hospital, as applicable, and direct lines across intersections.
- (2) Only one amusement redemption machine establishment shall be allowed on any lot or in any single building, structure or tenant space within a strip center.
- (3) Amusement redemption machine establishments are exempt from the distancing restrictions of this subsection upon proof that the applicant continuously owned and operated the amusement redemption machine establishment at the same location and under the same name prior to the publication of this Ordinance. If the amusement redemption machine establishment changes its name, its owner, and/or adds another owner after this date, or if the permit is allowed to lapse, then the amusement redemption machine establishment will be considered a new amusement redemption machine establishment and not exempt from the distancing requirements.
- (d) All amusement redemption machine establishments shall have all doors providing ingress and egress from the establishment unlocked during hours of operation.
- (e) The hours of operation for amusement redemption machine establishments shall be limited to the following hours:
- (1) Monday through Thursday, open at 8:00 a.m. and close at 11:00 p.m.; and
- (2) Friday through Sunday, open at 8:00 a.m. and close at 12:00 a.m.
- (f) The owner, operator, or manager of the licensed premises must be present to supervise the operation of the amusement redemption machine establishment. The amusement redemption machine establishment shall not be left unattended.
- (g) Amusement redemption machines must be situated within the licensed premises as to be in full and open view through all windows and public access doors, which entails being visible to all customers of the establishment. Windows and doors must be clear of all items that would obstruct a clear view including, but not limited to, tinting, signage, advertisements, shelving, and merchandise.
- (h) Amusement redemption machine establishment memberships.
- (1) Amusement redemption machine establishment memberships are prohibited for any purpose.

- (2) An amusement redemption machine establishment shall not restrict entry to an establishment and/or prohibit the participation in any activity inside an establishment by a patron through the requirement of an amusement redemption machine establishment membership.
- (3) Amusement redemption machine establishments shall not issue membership cards to any individual for any purpose.
- (4) Amusement redemption machine establishments shall not have, make use of, employ, and/or require check-in procedures of any kind prior to entering or before exiting a game room.
- (i) No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the amusement redemption machine establishment.
- (j) A sign stating that no one under the age of 18 is allowed inside the amusement redemption machine establishment building shall be posted in plain sight immediately inside the entrance stating that: "No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the amusement redemption machine establishment."
- (k) An amusement redemption machine establishment operator must be a person who is at least 18 years of age.
- (l) A sign stating shall be posted in plain sight immediately inside the entrance stating that: "If you or anyone you know has a gambling problem, call 1-800-522-4700. Si usted o alguien que usted conoce tiene un problema de adicción al juego, llame al 1-800-522-4700"
- (m) Nothing contained herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the city, any section of the penal code of this state, or the constitution of this state.

Sec. 18-2.5. Grounds for denial of license; applicants or licensees indebted to City

(a) The City shall refuse to approve issuance or renewal of a license for one or more of the following reasons:

- (1) Any failure to provide the information required by section 18-2.3;
- (2) A determination by the City that inaccurate, erroneous or incomplete information has been submitted;
- (3) A false statement as to a material matter made in an application for a license;
- (4) Revocation of a license of the applicant or a co-owner or a corporate officer of the applicant within two years preceding the filing of the application;
- (5) Refusal or failure to pay the correct license fee amount;



(6) The applicant or a co-worker for such license has, within the past three years, been convicted of any level of offense for the following crimes:

(A) gambling, gambling promotion, keeping of a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia as described in Chapter 47 of the Texas Penal Code;

(B) forgery, credit card abuse, or commercial bribery as described in Chapter 32 of the Texas Penal Code;

(C) a criminal offense as described in Chapter 34 of the Texas Penal Code; or

(D) criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses to the laws of another state or of the United States that, if committed in this state, would have been punishable as one or more of the aforementioned offenses.

(7) An applicant is under eighteen (18) years of age.

(b) The City shall not issue or renew an amusement redemption machine establishment license and shall suspend or cancel a license if it be determined that the applicant or licensee is indebted to the City for any fee, costs, penalties, or delinquent taxes.

Sec. 18-2.6. Suspension or revocation of license.

(a) Power and authority. If any individual, company, corporation or association who owns, operates, exhibits, or displays any amusement redemption machine(s) in an amusement redemption machine establishment in this City shall violate any provision of this ordinance, the City shall have the power and authority to suspend or revoke the license(s) issued hereunder to any of the foregoing by giving written notice, stating the reason justifying such suspension or revocation, and the license shall be suspended or revoked ten days from date of such notice.

(b) Suspension. The City Manager or his designee shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:

(1) Violated or is not in compliance with any of the provisions of this ordinance;

(2) Refused to allow or interfered with an inspection of the amusement redemption machine establishment premises; or

(3) Demonstrated an inability to operate or manage an amusement redemption machine establishment in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.

(c) Revocation for continuing violations. The City Manager or his designee shall revoke a license if a cause of suspension occurs and the license has been previously suspended within the preceding twelve months.

(d) Automatic revocation. The City Manager or his designee shall revoke a license if he determines that:

(1) A licensee gave false or misleading information in the material submitted to the City during the application process;

(2) A licensee or an employee of a licensee knowingly allowed the possession, use, or sale of a controlled substance on the premises; or

(3) A licensee or an employee of a licensee knowingly operated the amusement redemption machine establishment during a period of time when the licensee's license was suspended.

(e) Effect of Revocation. No license shall be issued within a period of one-year to anyone whose license has been revoked, except at the discretion of the City Council. If the license of an individual, company, corporation, or association owning, operating, or displaying amusement redemption machines in this city is cancelled, such individual, company, corporation or association shall not operate, display or permit to be operated or displayed such amusement redemption machines in any establishment until a new license is granted.

Sec. 18-2.7. Appeal from denial, suspension or revocation of license.

If the City refuses to approve the issuance of a license or the renewal of a license to an applicant, or suspends or revokes an amusement redemption machine establishment license, this action is final unless the applicant or licensee, within ten days after the receipt of written notice of the action, files a written appeal with the judge of the municipal court, who 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 judge of the municipal court sustains the action of the City, 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. Similarly, if the judge of the municipal court overturns the action of the City Manager or his designee, the City Manager 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 sixty (60) 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 18-2.8. Display of license; decal.

(a) A license for an amusement redemption machine establishment shall be displayed at or near the entrance of the business premises, and such display shall be permanent and conspicuous.

(b) A decal shall be issued for every amusement redemption machine located in a licensed amusement redemption machine establishment.

(1) The decal for each amusement redemption machine is deemed personal to the machine and location for which it is issued. No decal attached to an amusement redemption machine shall be placed on another amusement redemption machine. No amusement redemption machine shall be moved to another location in the City without first amending the license and obtaining a new decal for the machine.

(2) The decal shall be permanently and conspicuously attached to a permanent surface of the amusement redemption machine. Decals not properly displayed will be invalid.

(3) The decal shall include language stating the payout allowed for each amusement redemption machine pursuant to Texas Penal Code Section 47.01.

(4) The decal shall be valid until the amusement redemption machine is moved from the location for which it is issued.

#### Sec. 18-2.9. Replacement license.

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

#### Sec. 18-2.10. Inspections; Recordkeeping.

(a) The premises in which such amusement redemption machines are located shall conform to all building codes and fire prevention codes of the City and the Fire Marshal of the City and his assistants and the chief building official or fire marshal may enter into the premises where such amusement redemption machines are located at any time during normal business hours for the purpose of inspection said premises for fire hazards.

(b) It shall be the duty of all owners, managers, or employees of an amusement redemption machine establishment to provide any City official with immediate unrestricted access during business hours to all areas of an amusement redemption machine establishment and to all amusement redemption machines.

(c) Any City official may inspect an amusement redemption machine establishment or an amusement redemption machine located in the city to determine whether the establishment or amusement redemption machine complies with city ordinances and state laws.

(d) The City shall have the authority to seal any coin-operated machine located in any amusement redemption machine establishment for which a license fee has not been paid. A fee in the amount adopted by the City Council will be charged for the release of any machine sealed for non-payment of said license fee.

(e) The manager, operator, or owner of an amusement redemption machine establishment shall maintain accurate and legible records of the daily intake of cash/credit paid to play amusement redemption machines and maintain records of payouts including rights of replay, non-cash merchandise prizes, toys, or novelties, or a representation of a value redeemable for those items received by customers for play and approximate cost of such. The records or keys to the motherboard shall be presented to city officials upon request. A refusal to comply with such requests shall be grounds for revocation of a license. A refusal to provide a key to the motherboard shall be consent to damaging physical entry into the machine for the purpose of removal of the motherboard when such entry is otherwise authorized by law.

Sec. 18-2.11. Responsibility of licensee.

A licensee hereunder shall not permit any of the following activities within the licensed premises:

(a) The sale, purchase, possession or consumption of any alcoholic beverages as defined by the Texas Alcoholic Beverage Code unless the premises is licensed under the provisions of said code for the sale, purchase, or possession of alcoholic beverages;

(b) The operation of any amusement redemption machine by a person younger than 18 years of age;

(c) Gambling by any person;

(d) The possession of gambling materials; and

(e) Unlawful or criminal activity of any kind.

(f) The storing, display or exhibition on the premises of any amusement redemption machine where the license for the establishment is expired or there is no permit.

Sec. 18-2.12. Violations of existing laws not authorized.

This ordinance shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code.

**Section 2.** The Laredo Land Development Code, Article IV, Section 24.65.15 is hereby amended as follows:

Sec. 24.65.15 B-4 – HIGHWAY COMMERCIAL

...

(16) An Amusement Redemption Machine Establishment, as defined in Appendix A, shall be permitted providing the proposed establishment meets the following requirements:

(a) It shall not be located within ~~two~~ three hundred (~~{200}~~ 300) feet of:

- (1) any residential structure;
- (2) the boundary of any district zoned AG, R-S, R-1, R-1A, R-1-MH, RSM, R-2, or R-3;
- (3) a church;
- (4) a public or private park;
- (5) a public or private elementary or secondary school[-];
- (6) a hospital.

...

(c) ~~[It shall operate only between the hours of 8:00 a.m. to 2:00 a.m.]~~ The hours of operation for amusement redemption machine establishments shall be limited to the following hours:

- (1) Monday through Thursday, open at 8:00 a.m. and close at 11:00 p.m.
- (2) Friday through Sunday, open at 8:00 a.m. and close at 12:00 a.m.

**Section 3.** The Laredo Land Development Code, Article IV, Section 24.65.16 is hereby amended as follows:

Sec. 24.65.16 M-1 – LIGHT MANUFACTURING DISTRICT

...

(6) An Amusement Redemption Machine Establishment, as defined in Appendix A, shall be permitted providing the proposed establishment meets the following requirements:

(a) It shall not be located within ~~two~~ three hundred (~~{200}~~ 300) feet of:

- (1) any residential structure;
- (2) the boundary of any district zoned AG, R-S, R-1, R-1A, R-1-MH, RSM, R-2, or R-3;
- (3) a church;
- (4) a public or private park;
- (5) a public or private elementary or secondary school[-];
- (6) a hospital.

...

(c) ~~[It shall operate only between the hours of 8:00 a.m. to 2:00 a.m.]~~ The hours of operation for amusement redemption machine establishments shall be limited to the following hours:

- (1) Monday through Thursday, open at 8:00 a.m. and close at 11:00 p.m.
- (2) Friday through Sunday, open at 8:00 a.m. and close at 12:00 a.m.

**Section 4.** This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 5.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 6.** The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

**Section 7.** That any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.


**Section 8.** The publishers of the City Code of Laredo, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

**Section 9.** This Ordinance shall take effect as follows:


**(a) For amusement redemption machine establishments in operation on the date of publication of this Ordinance:** All sections of this Ordinance shall become effective on the thirtieth day following the date of publication of this Ordinance.

**(b) For amusement redemption machine establishments not yet in operation on the date of publication of this Ordinance:** All sections of this Ordinance shall become effective immediately from and after its passage and publication.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS**  
21<sup>st</sup> DAY OF May 2018.

  
**PETE SAENZ**  
**MAYOR**

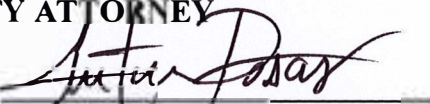
**ATTESTED:**

  
\_\_\_\_\_  
**JOSE A. VALDEZ, JR.**  
**CITY SECRETARY**



**APPROVED AS TO FORM:**

**KRISTINA K. LAUREL HALE**  
**CITY ATTORNEY**

BY:   
\_\_\_\_\_  
**CRISTIAN ROSAS-GRILLET**  
**ASSISTANT CITY ATTORNEY**

**City Council-Regular**

**Meeting Date:** 05/21/2018

**Initiated By:** Horacio A. De Leon, City Manager

**Staff Source:** Cristian Rosas-Grillet, Assistant City Attorney

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**SUBJECT**

**2018-O-072** An Ordinance of the City of Laredo, Texas, amending Chapter 18, Licenses, Permits and Miscellaneous Business Regulations, Article I, In General, of the Code of Ordinances to modify the licensing and regulatory process for amusement redemption machine establishments and amusement redemption machines within the city by providing clarification on definitions, application, registration, renewal, suspension, and revocation of licenses; and establishing new rules and regulations for amusement redemption machine establishments; amending the Laredo Land Development Code, Article IV, Section 24.65.15, Highway Commercial District, and Section 24.65.16, Light Manufacturing District, by changing the hours of operation of amusement redemption machine establishments; providing for a penalty; providing that this ordinance shall be cumulative; providing a severability clause; providing for publication; and declaring an effective date.

**PREVIOUS COUNCIL ACTION**

On February 9, 2018, at the Special City Council Strategic Planning Meeting, staff was directed to develop amendments to the current permitting process that would make amusement redemption machine establishments safer and more transparent.

On May 7, 2018, City Council introduced the ordinance.

**BACKGROUND**

The proposed ordinance provides:

- Distancing Restrictions:
  - o No amusement redemption machine establishment shall be situated within three hundred (300) feet from any church, school, residential district or use, hospital or any other amusement redemption machine establishment.
  - o Existing businesses are exempt from the distancing restrictions upon proof that the applicant continuously owned and operated the amusement redemption machine establishment at the same location under the same name prior to passage and approval of the ordinance.
- Hours of Operation:
  - o Monday through Thursday from 8:00 a.m. to 11:00 p.m.
  - o Friday through Sunday from 8:00 a.m. to 12:00 p.m.
- Windows and doors must be clear of all items that would obstruct a clear view of the establishment including but not limited to, tinting, signage, advertisements, shelving, and merchandising.
- Only one amusement redemption machine establishment shall be allowed on any lot or in any single



building, structure or tenant space within a strip center. · Amusement redemption machine establishment memberships are prohibited for any purpose. · No person under the age of 18 years of age shall be permitted inside the building, structure, facility or space housing the amusement redemption machine establishment. · All amusement redemption machine establishments shall have all doors providing ingress and egress from the establishment unlocked during hours of operation. · As part of the application process for a new license or license renewal, the applicant(s) must provide: o Information on convictions of any crime directly related to an amusement redemption machine establishment, the date, location, and nature of the offense and the penalty received. o A waiver authorizing the City to conduct a criminal background check of the applicant. · Grounds for denial, suspension, or revocation of a license. · Appeal process from denial, suspension or revocation of a license: an applicant may file a written appeal with the judge of the municipal court, who shall consider all evidence in support or against the action appealed, and render a decision, either sustaining or reversing the action. The decision of the judge of the municipal court can be appealed to the City Council, which shall grant a hearing within sixty (60) days.

#### **COMMITTEE RECOMMENDATION**

N/A

#### **STAFF RECOMMENDATION**

Staff recommends that City Council approve this ordinance.

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#### **Fiscal Impact**

**Fiscal Year:**

**Budgeted Y/N?:**

**Source of Funds:**

**Account #:**

**Change Order: Exceeds 25% Y/N:**

**FINANCIAL IMPACT:**

N/A

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#### **Attachments**

2018-O-072

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Large black & tan, \$250 OBO, tails docked 2nd shots. (956) 763-3682  
 Ringneck Parrot for sale, \$150.  
 956-442-1604

Yorkie Puppies, \$450 each, clipped tail, dewormed, parvo shot, Call (956) 775-8907

**LIVESTOCK & SUPPLIES 130**

Aqua grey heading horse and a 2004 S&H goose neck trailer, 3 horse slant \$8,000.  
 (956)763-2763

BOER GOATS, 9 months old, 3 females and 1 male. All for \$400. Call 956-718-2650

Large organic Male Ducks \$15.00 and up. Call (956) 949- 6834

Stallion and Mare Aqua registered Apalosa Horse club for Sale or trade, equal amount \$3,500 for both. Serious inquiries only. 956-401-9423

**MISCELLANEOUS**



**GARAGE SALES 134**

2 Family Sale! Saturday! 8am-2pm, 2839 Emory Loop (Ponderosa Hills), furniture, clothes, & misc

Fri, Sat, & Sun, 8a-2p, 4614 Monterrey Ln., clothes, office desk, baby items & misc items

Friday & Saturday! 9am-5pm, 2315 Geronimo Dr. clothes, furniture, & more!

Child Table w/4 chairs, \$60.00 ea. Call (956)334-0577

Countertops for sale \$2000. Call for info (956)334-0577

For sale 2 lawnmowers, \$70 each OBO. 956-693-0022

Hamar Universal Hybrid Lift AL600, for scooter, wheelchair, etc. \$800 OBO. 956-206-4170

King Size Mattress Set, wtr dispenser w/5 gall bottle, shelves, lamp, large end tables set, antique chair set, weed eaters, 3 ton floor jack, tools, and more. (956) 774-6976

Natural gas stove, good working condition, \$90. 956-763-6526

Office Furniture, Equipment, executive chairs, executive desks, matching shelves, conference chairs, restaurant equipment, restaurant tables & chairs, frame decor, office sofas, and much more!! Call (956) 717-8583 or come by 501 Marina.

Oportunidad! Por cambio de residencia vendo muebles elegantes, objetos arte, antiguos y oil paintings, 1501 Clark (corner of Seymour) de 12 a 6 pm

FOR SALE 2008 SPRI CT RV \$8,799.00 OBO Contact # (956) 722-1433

**LEGALS 250**

**ORDINANCE NO. 2018-O-069**

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 31, ARTICLE I, SECTION 31-3(a) DELETING EXEMPTIONS FOR TRACTS WITH PRIOR WATER SYSTEM IMPROVEMENT EXPENDITURES; AMENDING SECTION 31-3(b)3 OF THE CODE OF ORDINANCES REQUIRING DEVELOPERS PAY WATER AND SEWER TREATMENT FEES EQUIVALENT TO THOSE REQUIRED BY THE ANNEXATION ORDINANCE AND REQUIRING INDUSTRIAL PURPOSE OWNERS AND DEVELOPERS ENTER INTO A WATER SUPPLY AND CONTROLLED DEVELOPMENT CONTRACT; ADDING SECTION 31-3(b)6 REQUIRING INDUSTRIAL PURPOSE OWNERS AND DEVELOPERS TO ANNEX UPON THE DEVELOPMENT BECOMING CONTIGUOUS WITH THE CITY; ADDING SECTION 31-3(b)7 REQUIRING INDUSTRIAL PURPOSE DEVELOPERS APPLY TO CITY COUNCIL FOR APPROVAL OF THEIR INDUSTRIAL PURPOSE DEVELOPMENT IN ORDER TO OBTAIN WATER SERVICES; AMENDING SECTIONS 31-4 TO PROVIDE FOR SERVICE CHARGES CONSISTENT WITH SECTIONS 31-138.1.2 AND 31-102; AND DELETING SECTION 31-6 (REFUNDS TO PERSONS SIXTY FIVE YEARS OF AGE AND OLDER). AMENDING CHAPTER 31, ARTICLE III, DIVISION 1, SECTION 31-113 TO SPECIFY PLUMBING PERMIT REQUIRED AND ADDING REQUIREMENT OF ANNEXATION; DELETING SECTION 31-115 SAME-FAILURE OF WATERWORKS TO CONNECT DEEMED MISDEMEANOR; DELETING SECTION 31-116. SAME-FAILURE OF OWNER TO CONNECT DEEMED A MISDEMEANOR; RENUMBERING OF SECTION 31-117 AS 31-115; AND RENUMBERING SECTION 31-118 AS 31-116 RESERVED. (AS AMENDED)  
 L-71

tenant - Gloria Solis: Boxes, Clothing, Desk, Shoes, Home Décor, Artwork Chairs L-59

**LEGALS 250**

**LEGALS 250**

**ORDINANCE NO. 2018-O-072**

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 18, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES TO MODIFY THE LICENSING AND REGULATORY PROCESS FOR AMUSEMENT REDEMPTION MACHINE ESTABLISHMENTS AND AMUSEMENT REDEMPTION MACHINES WITHIN THE CITY BY PROVIDING CLARIFICATION ON DEFINITIONS, APPLICATION, REGISTRATION, RENEWAL, SUSPENSION, AND REVOCATION OF LICENSES; ESTABLISHING NEW RULES AND REGULATIONS FOR AMUSEMENT REDEMPTION MACHINE ESTABLISHMENTS; AMENDING THE LAREDO LAND DEVELOPMENT CODE, ARTICLE IV, SECTION 24.65.15, HIGHWAY COMMERCIAL DISTRICT, AND SECTION 24.65.16, LIGHT MANUFACTURING DISTRICT, BY CHANGING THE HOURS OF OPERATION OF AMUSEMENT REDEMPTION MACHINE ESTABLISHMENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE.  
 L-73

**ORDINANCE NO. 2018-O-071**

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING LOTS 1 THROUGH 7, BLOCK 1070, EASTERN DIVISION, AND THE NORTHEAST CORNER OF LOT 3, AND 4, BLOCK 1006, EASTERN DIVISION, FROM B-1 (LIMITED BUSINESS DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.  
 L-72

contents of space of The following tenant - Jose Luis Leyva: Bikes, Washer, Dryer, Toys, Totes L-54

**LEGALS 250**

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**FRIDAY, MAY 25, 2018**

**OFFICE SPACES FOR RENT 118**

Centrally located, 1000 sq ft office space. Move in ready. Call Sally Gonzalez, Exit Realty, Laredo, 956-324-1956

Executive Office at Northtown Professional Office, 6999 McPherson Road, Suite 329. New furniture. \$500. month, all inclusive. Use of Conference Room included. 956 489 6019

Office / Studio For Rent, 2,650 sq ft. 956-722-2491 Mon - Fri 9am -6pm, 1616 Calle del Norte apt #48

**OFFICE SUITES FOR RENT**  
 8320 Mines Road  
 FM 1472

**GARAGE SALES 134**

Garage Sale! 2518 E. Montgomery. Fri & Sat! 8:00 am

HUGE 3 Fam. Garage Sale, adult & teen clothes, shoes, toys, kitchen & household items, cosmetics, and many more, 5500 Mcpherson Rd. #10, Saturday at 8 am No Early Birds!!

Jueves y Viernes, 7am, 3317 Flores Ave., ropa de marca, tenis, ropa de recién nacido, pantalones de mezcla, camisas, misc.

MUST SELL EVERYTHING! Friday! 7-11am 2306 Willow

Sabado y Domingo! 2010 Laredo. 10am-4pm, Gran Venta! Varias Familias!

Saturday & Sunday 8am-2pm. 2410 E. Frost

**ARTICLES FOR SALE 136**

L-shaped office desk, \$125 OBO. 956-290-4681

Red Chairs for sale (16) \$35.00 each. Call for info (956)334-0577

Refrigerador, estufa, lavadora y secadora, precios desde \$120 y mucho descompuestos. 956-220-4681

Tables (2) 4 seat, \$80 each. Call for info (956)334-0577

**HEAVY EQUIPMENT 192**

1996 Lufkin Endump Trailer, good working condition, \$7,000. 956-645-9333

2000 Trailer Mobile 53 ft. Air Ride Sliding Axle, metal roof. \$4,000 OBO. 956-220-6494

**SUVS 196**

2003 Ford Expedition, necesita reparacion, \$700. Asi como esta, (956)441-7190

2006 Ford Explorer, V6, 4x4, New Tires, leather int. cold A/C, blue clean title \$4,000.OBO 319-5537

2009 Chevy Traverse, excel. cond. \$5,500. OBO (956)462-4864

**TRUCKS FOR SALE 198**

1985 Chevy, \$2,500. buenas cond. Hablar al (956)726-8033 Sr. Padron

2010 Ford F150, Regular Cab, Automatic, V8, Great Working Conditions, Clean Title \$9,450.00, Text or Call (956) 288-6718

2011 Chevy Silverado Texas edition, fully equipped, \$11,500. OBO., (956)242-9537

**TRUCKS FOR SALE**

97' Ford Pickup, auto, good running call for info, \$2,600 956-763-6524

Se Vende Troca 2 Denali HD GMC, Di 60 M/M 4x4+2 Si (956)480-206.

**CARS FOR SALE**

\*\*\*2008 Toyota Corolla excelente, \$2,500 956-229-8164

\*\*We buy damaged salvaged, inoperable vehicles and/or ornal title, also sell trade, for more ir call: 956-508-08

\*Compro Carr jalando o par yonke Llamar al