

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, March 08, 2007

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Police
RECOMMENDATION FOR COUNCIL ACTION

ITEM No 13

Subject Approve an ordinance to establish a regulatory process for game room facilities within the City

Fiscal Note There is no unanticipated fiscal impact. A fiscal note is not required.

**Additional Backup
Material**

(click to open)

Ordinance

For More Information

This action approves an ordinance to establish a regulatory process for game room facilities within the City of Austin. This action is taken in response to and to quell a recent spate of clandestine game rooms which offer illegal gambling. The illegal activity has contributed to multiple robbery calls for police service as well as numerous and varied citizen complaints. The complaints revolve around such issues as teen truancy, gambling away of family funds, and general neighborhood blight.

ORDINANCE NO

**AN ORDINANCE AMENDING TITLE 4 OF THE CITY CODE TO ADD
CHAPTER 4-11 RELATING TO REGULATION OF GAME ROOMS AND
AMUSEMENT REDEMPTION MACHINES, AND CREATING OFFENSES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

PART 1 Title 4 (*Business Regulation and Permit Requirements*) of the City Code is amended to add Chapter 4-11 to read

**CHAPTER 4-11 REGULATION OF GAME ROOMS AND AMUSEMENT
REDEMPTION MACHINES**

§ 4-11-1 DEFINITIONS

In this chapter

- (1) AMUSEMENT REDEMPTION MACHINE means a recreational machine that provides the user with an opportunity to receive something of value other than a right of replay
- (2) 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
- (3) GAME ROOM OWNER means a person who has an ownership interest in a game room
- (4) OPERATIONAL MACHINE means a machine that is ready to be played and accessible to the public
- (5) POLICE OFFICER means an Austin Police Department police officer

§ 4-11-2 UNRESTRICTED ACCESS BY POLICE OFFICER

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 police officer 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

1 **§ 4-11-3 INSPECTION BY POLICE OFFICER**

2 (A) A police officer may inspect a game room or an operational amusement
3 redemption machine located within the City of Austin, Texas' incorporated
4 city limits to determine whether the game room or operational amusement
5 redemption machine complies with this chapter and state law

6 (B) An owner, manager, or employee of a game room or other person who does
7 not allow a police officer to inspect a game room or operational amusement
8 redemption machine commits an offense

9 **§ 4-11-4 GAME ROOM SIGN REQUIRED**

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

11 (1) bears the words "GAME ROOM" in one and one-half inch or larger
12 block letters, and

13 (2) is legible from a distance of 25 feet

14 **§ 4-11-5 TRANSPARENT, UNCOVERED WINDOWS REQUIRED**

15 (A) A game room owner shall provide transparent glass in each game room
16 window

17 (B) A person may not cover a game room window or otherwise block or obscure
18 the view through a game room window

19 **§ 4-11-6 OFFENSE, PENALTY**

20 (A) A person who fails to comply with the requirements of this chapter commits a
21 Class C misdemeanor punishable by a fine not to exceed \$500

22 (B) Proof of a culpable mental state is not required for a conviction of an offense
23 under this chapter

24 (C) Each day that a violation occurs is a separate offense

PART 2 This ordinance takes effect on _____, 2007

PASSED AND APPROVED

_____, 2007

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§

Will Wynn
Mayor

APPROVED

David Allan Smith
City Attorney

ATTEST

Shirley A. Gentry
City Clerk

[Faint, illegible handwritten text]