

Occupational Licenses and Regulations

AN ORDINANCE PROVIDING FOR AN OCCUPATIONAL TAX FOR BUSINESSES OPERATING IN THE CITY OF LOG CABIN; AND FOR THE ISSUANCE OF APPROPRIATE LICENSE TO OPERATE; PROVIDING FOR THE LAWFUL OPERATION OF GAME ROOMS, BILLIARD TABLES, COIN OPERATED MACHINES AND ISSUANCE OF LICENSE FOR SAME. PROVIDING FOR THE COLLECTION OF AN ANNUAL LICENSE FEE FOR EACH DEVICE AND FOR THE REGULATION OF CONDITIONS OF OPERATION OF SUCH ESTABLISHMENTS, TO INCLUDE THE PROHIBITION OF ALCOHOLIC BEVERAGES AND DESIGNATING THE OPERATING HOURS; TO PROVIDE FOR THE INSPECTION OF SUCH OPERATIONS BY THE CITY BUILDING INSPECTOR; AND TO PROVIDE THE PENALTY FOR VIOLATION OF THE REQUIREMENTS SET FORTH HEREIN.

WHEREAS, it is deemed necessary to provide minimum standards for the operation of business establishments in the City of Log Cabin to regulate the operation of certain businesses within the City by licensing and inspections to protect and promote the public safety, health, and welfare.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN:

ARTICLE I - IN GENERAL

Sec. 1 That this ordinance shall apply specifically to establishments providing the following activities and/or devices for use by the public; Billiards; Marble Machines; Coin Operated Music Machines; Electronic Game Machines.

Sec. 2 - General levy.- An occupation tax is levied against any person in any occupation taxable as such by the state; the amounts herein levied being one-half ( $\frac{1}{2}$ ) the amount authorized to be collected by the state. (State law reference---Authority generally, V.T.C.S., arts. 1175(23), 7048).

Sec. 3 - Engaging in business without license.- Any other person engaging in any occupation taxable under the laws of the state without first paying such occupation tax to the city shall be punished as provided in section 1-5, and each day the person shall fail or refuse to pay such occupation tax shall be a separate offense and punishable as such.

Sec. 4 - Civil remedy to collect; evidence of license. - The imposition of punishment shall not be construed so as to affect any civil remedy to enforce the collection of taxes, and a tax receipt from the proper officer shall be a sufficient license to follow such occupation, calling or profession.

ARTICLE II - BILLIARDS

Sec. 1- Definition- As used in this article, the terms "pool table" and "billiard table" shall mean any table surrounded by a ledge or cushion with or without pockets, upon which balls are propelled by a stick or cue.

Sec. 2 - Operation lawful when in compliance. - Pool halls, billiard halls, pool tables and billiard tables shall be lawful, subject to the restrictions set forth in this article.

Sec. 3 - License---Required; posting. - It shall be unlawful for any person, save and except religious, charitable or educational organizations, authorized under the laws of the state to own and operate for any profit any pool table or billiard table within the city without first having obtained an appropriate license from the city secretary for each table, as herein provided, which license shall at all times be displayed in some conspicuous place within the place of business for each table therein or thereon.

Sec. 4 - Same---Fee. - The city secretary is authorized to collect for each pool table and billiard table an annual license fee of seven dollars and fifty cents (\$7.50), and a like sum for each renewal thereof. (State law reference---State license, V.A.T.S., Tax.-Gen., art. 1901(10)).

Sec. 5. - Terms, non-transfereable. - Any license issued pursuant to this article shall be for one year and shall be non-transferable.

Sec. 6. - Revocation. - The city council may revoke or cancel the license of any person issued under this article after giving such licensee ten (10)days' notice of a hearing, and after conducting such hearing for the purpose of determining whether such license should be revoked; provided, however, such power of cancellation or revocation shall be exercised only under the following conditions:

- (1) For the violation of any provision of this article;
- (2) For knowingly permitting the sale, use or consumption of any alcoholic beverage in or upon the premises licensed hereunder;
- (3) For violation of the prescribed hours of operation as provided herein;
- (4) For knowingly permitting the presence on the premises of a person under the influence of intoxicating liquor;
- (5) For knowingly permitting disorderly conduct or immoral practices on the premises;
- (6) For knowingly permitting the violation of the laws of the state or the ordinances of the city;
- (7) For gambling on the premises;
- (8) For unsanitary conditions existing in the premises.

Sec. 7. - Hours of operation. - No person may engage for profit in the operation of any pool table or billiard table within the city on week-days between the hours of twelve (12) midnight and seven (7) a.m. following; provided, however, such table may be operated on Sundays only between the hours of one (1) p.m. and seven (7) p.m.

Sec. 8. - Alcoholic beverages. - The sale of alcoholic beverages in or upon the premises is prohibited, and the use therein is prohibited. No person licensed hereunder shall knowingly permit the sale, use or consumption of any kind of alcoholic beverages in or upon the premises where licenses for pool tables or billiard tables have been issued.

Sec. 9. - Inspection. - The city administrator or mayor shall appoint or designate the city building inspector to make periodic inspections of the premises, whose duties shall be to determine compliance with the

provisions herein, the maintenance of the rest rooms and other sanitary facilities and compliance with the health, plumbing, sanitary, and other applicable ordinances of the city. (Ord. # 5, City Building Code).

### ARTICLE III. MARBLE MACHINES

Sec. 1. - Definition. - The term "marble machine" as used this article shall mean any coin-operated machine used for pleasure in which the user inserts a coin or token into a slot and receives therefor the opportunity by the use of a plunger to propel balls with the intent to hit certain markers, springs, pegs, slots, holes or other devices or instrumentalities by which a score, total, sum in numbers, letters, digits or any other manner of accounting whereby one player may pit his skills against himself or another or any group, and the same is intended to cover single players or multiple players.

In addition "marble machine" is intended to include what is commonly called bowling machines whereby a player inserts a coin or coins into a slot, thereby receiving metal, plastic, wooden or other fabricated discs which he slides and attempts to strike pins, numbers, pegs, holes, balls, or other objects by which a score in numbers, digits, strikes, roman numerals, characters, figures or any other manner in which a score or total may become legible or intelligible to the players.

The term, "marble machine" also includes any other coin-operated device, gadget or machine by which one player may compete against himself or others in any manner calculated or devised to lend an atmosphere of a game of chance, a test of skill, strength, courage, determination, fortitude, cowardice, valor or any other sensibility possessed by humans.

Sec. 2. - Compliance required. - All marble machines operated within the city shall operate under the restrictions set forth in this article.

Sec. 3 - License---Required, posting. - It shall be unlawful for any person, save and except religious, charitable or educational organizations, to own or operate for profit any marble machine within the city without having first obtained an appropriate license from the city secretary for each machine, which license shall at all times be displayed in some conspicuous place within the place of business for each machine therein or thereon.

Sec. 4. - Same---Fee. - The city secretary is authorized to collect for each marble machine an annual license fee of seven dollars and fifty cents (\$7.50), and a like sum for each renewal thereof.  
(State law reference---State tax, V.A.T.S., Tax. - Gen., art. 13.02.)

Sec. 5. - Term, nontransferable. - Any license issued pursuant to this article shall be for one year and shall be nontransferable.

Sec. 6. - Revocation. - The city council may revoke or cancel the license of any person issued this article after giving such licensee ten (10) days' notice of a hearing and after conducting such hearing for the purpose of determining whether such license should be revoked; provided, however, such power of cancellation or revocation shall be exercised only under the following conditions:

- (1) For violation of the provisions of this article;
- (2) For knowingly permitting disorderly conduct or immoral practices on the premises;

- (3) For knowingly permitting the violation of the laws of the state or the ordinances of the city;
- (4) For gambling on the premises;
- (5) For unsanitary conditions existing in the premises.
- (6) Alcohol Provision.

Sec. 7. - Inspection. - The city administrator or mayor shall appoint or designate the city building inspector to make periodic inspection of the premises, whose duties shall be to determine compliance with the provisions herein, the maintenance of the rest rooms and other sanitary facilities and compliance with the health, plumbing, sanitary and other applicable ordinances of the city. (Ord. # 5, Building Code).

#### ARTICLE IV. COIN OPERATED MUSIC MACHINES

Sec. 1. - Definition. - The term "coin-operated music machine" as used in this article shall mean any machine or device that is activated by the insertion of a coin or token into a hole or a slot, and in return thereof, the buyer, user or operator receives or gains music or other rhythmical noise or sound effects, whether the same is from a record player, tape, tape deck or any other device which emits a sound in response to the insertion of a coin or token. In addition, this term includes any other device, manual or mechanical, that produces any type of noise in response to any type of exchange whether inserted in the machine directly or any device, box or instrument in conjunction with the machine or any machine commonly known as a jukebox. In addition, this term also includes any coin-operated musical instrument, any coin-operated electronic device emitting a sound or any device, machine or instrument played for money, whether the coin or token is inserted in the machine or given or donated to any employee of the premises, owner of the machine or operator of the machine.

Sec. 2. - Compliance. - All coin-operated music machines commonly known as jukeboxes operated within the city shall operate under the restrictions set out in this article.

Sec. 3. - License---Required, display. - It shall be unlawful for any person to own or operate any machine as herein defined without having first obtained an appropriate license from the city secretary for each machine, which license shall at all times be displayed upon the machine clearly visible to all persons.

Sec. 4. - Same---Fee. - The city secretary is authorized to collect for each machine as herein defined an annual license fee of ten dollars (\$10.00), and a like sum for each renewal thereof.

Sec. 5. - Same---Term; nontransferable. - Each license issued pursuant to this article shall be for one year and shall be nontransferable.

Sec. 6. - Same---Revocation. - The city council may revoke or cancel the license of any person issued under this article after giving such licensee ten (10) days' notice of a hearing, and after conducting such hearing for the purpose of determining whether such license should be revoked; provided, however, such power of cancellation or revocation shall be exercised only under the following conditions:

- (1) For violation of any provision of this article;

- (2) For knowingly permitting disorderly conduct or immoral practices on the premises;
- (3) For knowingly permitting the violation of the laws of the state or ordinances of the city on the premises;
- (4) For gambling on the premises;
- (5) For unsanitary conditions existing in the premises;
- (6) Alcohol provision.

Sec. 7. - Inspection. - The city administrator or mayor shall appoint or designate the city building inspector to make periodic inspections of the premises, whose duties shall be to ascertain the compliance to the provisions herein.

ARTICLE V. PENALTY FOR VIOLATION; SEVERENCE CLAUSE

Section 1 - The continued operation of any game, device or activity outlined in this ordinance subsequent to revocation of license or permit is considered a violation; the penalty for which shall be a fine of not less than \$10.00 nor more than \$200.00. Penalties shall be assessed on a daily basis and shall be for each permit and/or license involved in the violation.

Section 2 - If any section, subsection, sentence, clause or phrase of this ordinance if for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall take effect upon the second reading by the City Council, and accordingly, be so ordained.

Passed and approved this 6 day of June, 1988.

Clifford E. Harmer  
Clifford E. Harmer, Mayor

A T T E S T:

Leta Hunter  
Leta Hunter, Mayor Pro-tem

Passed and approved this 11 day of June, 1988

Clifford E. Harmer  
Clifford E. Harmer, Mayor

ATTEST:

Leta Hunter  
Leta Hunter, Mayor Pro-tem