

ORDINANCE NO. 78-8
AMENDED 3/10/98

FOR THE PURPOSE OF LICENSING, TAXING, INSPECTION,
SUPERVISION AND REGULATION OF THE OWNING AND OPERA-
TION FOR PROFIT OR FOR ANY OTHER PURPOSE OF ANY
RECREATION BUSINESS AS HEREIN DEFINED AND WITHIN
THE CITY LIMITS OF NEWCASTLE, YOUNG COUNTY, TEXAS

BE IT ORDAINED BY THE City Council of the City of Newcastle,
Young County, Texas:

That it shall be unlawful for any person, firm, association
of persons, corporations, or any other organization to own and operate
for profit any business wherein pool, billiard tables, or gaming machines
of any type or character or used within Newcastle, Young County, Texas,
without having first obtained an appropriate permit from the City Secre-
tary of said City, as herein provided, which permit shall at all times
be displayed in some conspicuous place within the licensed place of busi-
ness.

The City Secretary is authorized to collect the following annual
permit fee for each location on which any pool, billiard table or other
gaming machine or device is or are owned and operated for profit, to-
wit:

The sum of \$50.00 per year for each permit issued and a like sum
for each renewal thereof.

All permits issued pursuant to this ordinance shall be for one (1) year
and shall not be transferable.

The Mayor of the City of Newcastle, Young County, Texas, shall
appoint a committee from the City Council to issue permits under this
Ordinance and such committee shall have the right and duty to investi-
gate fully the person or persons making the application for permit
hereunder. Due to the fact that no gambling or betting is allowed
in the City of Newcastle, Texas, and due to the fact that pool,
billiards, and gaming machines give rise to the placing of bets or
gambling, IT IS ORDAINED that no person who has ever been convicted of
a felony shall be licensed to operate a billiard or pool club or recre-
ation business in the City of Newcastle, Texas, nor shall any such
person be allowed to manage same under a permit issued to any other
person or persons and the breach of this provision shall be grounds
for revoking any permit or licenses so issued. Any permit issued
hereunder shall be non-transferable. Upon renewal, the person or per-
sons desiring same shall meet with the City Council and if the committee
recommends the issuance of a permit to said person, then such person
shall before the final issuance of the permit or the re-issuance of same,
meet with the City Council of Newcastle, Texas, at a regularly scheduled
meeting for approval by the full Council and before the permit is issued.

There is hereby levied an annual occupation tax of Ten Dollars (\$10.
for each pool or billiard table and each machine owned and operated within
the City of Newcastle, Texas, by any person, firm, association of persons,
corporations and every other organization of any type or character. Such
tax levied herein shall be paid to the City Secretary of the City of

Newcastle, Texas who shall issue an occupation tax receipt. The occupation tax receipt shall specify the number of the gaming machines or tables for which it is issued, the address of the building or premises in or on which such table or tables or machines are located and shall bear the serial number or numbers, if any, of the particular table or tables or machines. such occupation tax shall have and bear no relation to any permit or fee provided herein, said license fee being required to provide proper official supervision, inspection and service for the premises.

No person may engage in the operations of any billiard, pool, or any other gaming tables as herein set out within this City and except during the following hours:

Monday through Friday - from 8:00 A.M. to 12:00 P.M.

Saturdays - from 8:00 A.M. to 1:00 A.M.

Sundays - from 1:00 P.M. to 12:00 P.M.

The City Council is hereby authorized and empowered to revoke or cancel the license or permit of any person, firm, association of persons, corporation and every other organization authorized under the laws of the State of Texas, licensed to own and operate a pool or billiard table or tables hereunder, after giving such license ten days notice of a hearing and after conducting such hearing for the purpose of determining whether such permit should be evoked, provided however, that such power of cancellation or revocation shall be exercised only under the following conditions:

- (a) For the violation of any of the provisions of this ordinance;
- (b) For violation of the prescribed hours of operation provided herein;
- (c) For knowingly permitting disorderly conduct or immoral practices on the premises;
- (d) For knowingly permitting the violation of the law or laws of the State of Texas or of the Municipal Code of this City, and for allowing any gambling of any sort in connection with such games so played, or in connection with the running of billiard or pool hall and business where gaming machines are kept. The fact that there is an agreement that the loser of a game agrees to pay the cost thereof is not to be considered gambling, but any agreement to pay a greater sum than the cost of the use of the tables and equipment for the game shall be considered gambling.

It shall be necessary that any building housing such pool, billiard or recreation building must have sanitary facilities within such building and such building shall be located within the general business area of the City and shall not be located in any residential area. Same shall be on the ground or street level of any building.

The City Secretary or Manager shall appoint or designate the City Building Inspector to make periodic inspection of the permit or licensed premises, whose duty shall be to determine the compliance of the building provisions, the maintenance of toilets and other sanitary facilities and compliance with the health, plumbing, sanitary and other applicable ordinances of this City.

If any section, sub-section, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid, such holdings shall not affect the validity of the remaining portions of the Ordinance and the City Commission hereby declares it would have passed such remaining portions of the Ordinances despite such invalidity.

All Ordinances or parts of Ordinances in conflict herewith are expressly repealed.

For the purposes of this Ordinance, it shall be specifically concluded that items included herein shall be pool and billiard tables (meaning any tables surrounded by a ledge of cushion with or with pockets on which balls are propelled by sticks or cues) and any mechanical gaming device, whether operated with or without the use of coins.

The importance of this Ordinance and the absence of any regulation relating to the owning and the operation of the items set forth herein or a portion thereof and the levy and collection of an occupation tax thereon creates an emergency and an imperative public necessity and requires that this Ordinance shall take effect and be in force from and after its passage and it is so ordained.

THE CITY OF NEWCASTLE

By: Earline Swarts
MAYOR

ATTEST:

Shanda Woodruff
CITY SECRETARY

Passed and approved this 10th of March, 1998