

ORDINANCE NO. _____

An ordinance amending Chapter 6A, “Amusement Centers,” of the Dallas City Code by reserving the chapter; amending Chapter 7, “Animals,” by amending Section 7-7.3; amending Chapter 12B, “Convenience Stores,” by amending Section 12B-21; amending Chapter 32, “Parks and Water Reservoirs,” by amending Section 32-74; and amending Chapter 50, “Consumer Affairs,” by amending Section 50-135; repealing the requirement for an amusement center to obtain a license from the city, the prohibition on coin-operated amusement devices in convenience stores, and the prohibition on keeping roosters; providing that property left unattended at Lake Ray Hubbard for a period greater than 48 hours is considered litter; providing that electrical, plumbing, and mechanical contractors are not required to obtain a home repair license if they are licensed by the state of Texas and have provided any notice or registration required by the Texas Occupations Code and Chapter 52 of the Dallas City Code to the building official; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 6A, “Amusement Centers,” of the Dallas City Code is amended to read as follows:

**“CHAPTER 6A
RESERVED [AMUSEMENT CENTERS**

~~SEC. 6A-1. DEFINITIONS.~~

~~In this chapter:~~

(1) ~~AMUSEMENT CENTER means a business establishment in which at least 25 percent of the public floor area is devoted to coin-operated amusement devices and their public use. If a billiard hall, as defined in Chapter 9A of this code, occupies a portion of a business establishment, the billiard hall floor area shall not be included in determining the total public floor area of the establishment.~~

(2) ~~COIN-OPERATED AMUSEMENT DEVICE means a machine or device operated by electronic transfer of funds or by insertion of a coin, bill, token, card, or similar object, for the purpose of amusement or skill. This term does not include:~~

(A) ~~musical devices;~~

(B) ~~billiard tables;~~

(C) ~~machines designed exclusively for children; or~~

(D) ~~devices designed to train persons in athletic skills or golf, tennis, baseball, archery, or other similar sports.~~

(3) ~~CHIEF OF POLICE means the chief of police of the city of Dallas or his designated agent.~~

(4) ~~LICENSEE means a person licensed to operate an amusement center.~~

(5) ~~OPERATOR means a person who manages or controls an amusement center.~~

(6) ~~PERSON means an individual, assumed name entity, partnership, joint-venture, association, or other legal entity.~~

~~SEC. 6A-2. LICENSE REQUIRED.~~

~~No person may operate an amusement center in the city without first obtaining a license from the chief of police.~~

~~SEC. 6A-3. RESERVED.~~

~~SEC. 6A-4. LICENSE APPLICATION.~~

(a) ~~An applicant for a license shall file with the chief of police a written application on a form provided for that purpose, which shall be signed by the applicant, who shall be the owner of the amusement center. Should an applicant maintain an amusement center at more than one location, a separate application must be filed for each location. The following information is required in the application:~~

(1) ~~name, address, and telephone number of the applicant, including the trade name by which applicant does business and the street address of the amusement center, and if incorporated, the name registered with the Secretary of State;~~

(2) ~~name, address, and telephone number of the operator of the amusement center and proof that the operator is at least 18 years of age;~~

(3) ~~whether the applicant, operator, and, if applicable, any corporate officer of the applicant has been convicted of a felony or within the preceding five years of an offense involving drugs, gambling, prostitution, obscenity, or unlawfully carrying a weapon;~~

(4) ~~the previous occupation of the applicant, operator, and, if applicable, all corporate officers of the applicant within the preceding five years;~~

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

(6) ~~number of coin-operated amusement devices in the center; and~~

(7) ~~a statement that all the facts contained in the application are true.~~

(b) ~~The chief of police may require additional information of an applicant or licensee to clarify items on the application.~~

(c) ~~No applicant may maintain an amusement center in violation of the comprehensive zoning ordinance of the city.~~

~~SEC. 6A-5. FEE.~~

~~The annual fee for an amusement center license is \$25 for each coin-operated amusement device located in the center. Amusement center licenses expire one year from the date of issuance. The fee for issuing a replacement license for one lost, destroyed, or mutilated is \$2. The fee is payable to the city upon approval of the license by the chief of police. No refund of license fees will be made.~~

~~SEC. 6A-6. LICENSE DISPLAY, REPLACEMENT, AND TRANSFERABILITY.~~

(a) ~~Each license issued pursuant to this article must be posted and kept in a conspicuous place in the amusement center and must state the number of coin-operated amusement devices for which the license was issued.~~

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

(c) ~~An amusement center license is not assignable or transferable.~~

(d) ~~A licensee shall notify the chief of police within 10 days of a change or partial change in the ownership or management of the amusement center, or a change of address or trade name.~~

~~SEC. 6A-7. REFUSAL TO ISSUE OR RENEW LICENSE.~~

~~The chief of police shall refuse to approve issuance or renewal of an amusement center license for one or more of the following reasons:~~

- ~~(1) a false statement as to a material matter made in an application for a license;~~
- ~~(2) conviction of the applicant or an operator or corporate officer of the applicant of a felony or, within the preceding five years, of an offense involving drugs, gambling, prostitution, obscenity, or unlawfully carrying a weapon;~~
- ~~(3) revocation of a license, pursuant to this chapter, of the applicant or corporate officer of the applicant within two years preceding the filing of the application; or~~
- ~~(4) violation by the applicant or the applicant's operator of the location requirements of Section 6A-3 of this chapter.~~

~~SEC. 6A-8. LICENSE REVOCATION.~~

~~(a) The chief of police shall revoke an amusement center license for one or more of the following reasons:~~

- ~~(1) a false statement as to a material matter made in an application for a license, license renewal, or a hearing concerning the license;~~
- ~~(2) conviction of the licensee or an operator or corporate officer of the licensee of a felony or an offense involving drugs, gambling, prostitution, obscenity, or unlawfully carrying a weapon;~~
- ~~(3) conviction twice within a one year period of the licensee or the licensee's operator for a violation of the hours of operation provision of this chapter;~~
- ~~(4) employment by the licensee of an operator who is under 18 years of age;~~
- ~~(5) operation of an amusement center containing more coin-operated amusement devices than the center is licensed for;~~
- ~~(6) violation by the licensee or the licensee's operator of Section 6A-11 of this chapter; or~~
- ~~(7) violation by the licensee or the licensee's operator of the location requirements of Section 6A-3 of this chapter.~~

(b) The chief of police shall send written notice of revocation to a licensee by certified mail, return receipt requested, setting forth the reasons for the revocation.

**SEC. 6A-9. ~~APPEAL FROM REFUSAL TO ISSUE OR RENEW LICENSE;
FROM DECISION TO REVOKE.~~**

~~If the chief of police refuses to approve the issuance of a license or the renewal of a license to an applicant, or revokes a license issued to a licensee under this article, this action is final unless the applicant or licensee, within 10 days after the receipt of written notice of the action, files with the city manager a written appeal. The city manager shall, within 10 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 city manager sustains the action, the applicant or licensee may, within 10 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 30 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.~~

SEC. 6A-10. ~~HOURS OF OPERATION.~~

(a) ~~Except as provided in Subsection (b) or (c) of this section, no licensee or his operator may operate the amusement center between the hours of 12:01 a.m. to 9 a.m., Monday through Friday, and between the hours of 2 a.m. to 9 a.m., Saturday and Sunday.~~

(b) ~~If an amusement center is within 500 feet of a district restricted to residential use under the Comprehensive General Zoning Ordinance of the City of Dallas, no licensee or his operator may operate the amusement center except between the hours of 9 a.m. to 11 p.m., Sunday through Thursday, and between the hours of 9 a.m. to 12 midnight, Friday and Saturday.~~

(c) ~~If an amusement center is within 500 feet of a public or private elementary or secondary school, no licensee or his operator may operate the amusement center between the hours of 9 a.m. to 4 p.m. during the fall or spring term when students are required to attend school in the school district in which the center is located.~~

(d) ~~For purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest entry door in the portion of the building used as an amusement center to the nearest point of a district restricted to residential use or nearest entry door of a school.~~

(e) ~~If an amusement center's hours are restricted only by Subsection (a) of this section, a licensee may obtain a temporary permit to operate continuously. The chief of police shall issue a temporary permit for no longer than 30 days and only once a year.~~

SEC. 6A-11. ~~RESPONSIBILITY OF LICENSEE.~~

(a) ~~A licensee or his operator may not permit any of the following activities within the amusement center:~~

(1) ~~violation of any possession, sale, or delivery provision in Subchapter 4 of the Texas Controlled Substances Act;~~

(2) ~~violation of any provision in Article 666-17 (14) of the Texas Liquor Control Act;~~

(3) ~~prostitution;~~

(4) ~~gambling; or~~

(5) ~~entry of a person younger than 17 years between the hours of 9 a.m. to 3 p.m. during the fall or spring term when students are required to attend school in the school district in which the center is located.~~

(b) ~~A licensee or his operator may not permit any of the following activities on premises of the amusement center:~~

(1) ~~violation of Section 42.01 of the Penal Code; or~~

(2) ~~violation of Chapter 7A of the Dallas City Code.~~

(c) ~~In Subsection (b) of this section, “premises” means an area, other than the interior of an amusement center, to which the public or a substantial group of the public has access and which is under the control of an owner or operator of an amusement center, such as a parking facility or private sidewalk.]”~~

SECTION 2. That Section 7-7.3, “Keeping of Roosters,” of Article VII, “Miscellaneous,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“SEC. 7-7.3. **RESERVED.** **[KEEPING OF ROOSTERS.**

(a) ~~In this section, ROOSTER means the male of the domestic fowl.~~

(b) ~~A person commits an offense if he owns a live rooster on any premises within the city.~~

(c) ~~It is a defense to prosecution under Subsection (b) that the rooster is:~~

(1) ~~kept on premises upon which animal production is permitted under Section 51A-4.201 of the Dallas Development Code;~~

(2) ~~being exhibited at the State Fair of Texas or at a special event conducted with written permission of the city;~~

~~(3) owned by a governmental entity or participating in a health, research, educational, or similar program conducted by a governmental entity;~~

~~(4) owned by a medical, educational, or research institution operating in compliance with all city ordinances and state and federal laws; or~~

~~(5) being held for slaughter in a slaughterhouse or meat packing plant operating in compliance with all city ordinances and state and federal laws.~~

~~(d) A person who owns a live rooster commits an offense if he:~~

~~(1) fails to confine the rooster at all times within an enclosure that is of sufficient height and strength to retain the rooster;~~

~~(2) confines the rooster in an enclosure that is wholly or partially located less than 20 feet from any adjacent property line;~~

~~(3) maintains the enclosure in which the rooster is confined in a manner that creates offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public health, safety, or welfare; or~~

~~(4) allows the rooster to violate the noise restrictions of Section 7 7.4 of this chapter.~~

~~(e) For the purpose of calculating the distance requirement of Subsection (d)(2) of this section, the width of alleys, street rights of way, and other public rights of way will be used. The distance between a rooster enclosure and an adjacent property line must be measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the enclosure to the nearest property line.]”~~

SECTION 3. That Section 12B-21, “Coin-Operated Amusement Devices Prohibited,” of Article III, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“SEC. 12B-21. RESERVED ~~[COIN-OPERATED AMUSEMENT DEVICES PROHIBITED.~~

~~Coin-operated amusement devices, as defined in Chapter 6A, are prohibited in a convenience store, including the sales floor, office, storage room, and back room areas, whether open or closed to the public.]”~~

SECTION 4. That Subsection (b) of Section 32-74, “Abandonment of Personal Property,” of Article IV, “Lake Ray Hubbard,” of Chapter 32, “Parks and Water Reservoirs,” of the Dallas City Code is amended to read as follows:

“(b) If property is left ~~[abandoned or]~~ unattended in places other than authorized in writing by the director, or under an existing regulation, for a period in excess of 48 hours, the property is considered litter and may be ~~[impounded by the city. If personal property is not reclaimed and an impoundment charge, if any, is not paid within 90 days, the personal property may be]~~ sold, destroyed, converted to city use, or otherwise disposed of by the city.”

SECTION 5. That Subsection (a) of Section 50-135, “License Exemptions,” of Article X, “Home Repair,” of Chapter 50, “Consumer Affairs,” of the Dallas City Code is amended to read as follows:

“(a) A person who is not a licensee may perform or agree to perform a home repair for compensation if:

(1) city licensing of persons engaged in the kind of home repair performed or agreed to be performed is prohibited under state law;

(2) he is an electrical contractor, ~~[or]~~ plumbing contractor, or mechanical contractor licensed or registered under city ordinance, or has provided any notice or registration required by the Texas Occupations Code and Chapter 52 of this code, and the kind of home repair performed or agreed to be performed is authorized by the city license, ~~[or]~~ registration, or notice and the Texas Occupations Code; or

(3) he is an employee of the contractor or owner.”

SECTION 6. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 7. That Chapters 6A, 7, 12B, 32, and 50 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

BERTRAM A. VANDENBERG, Interim City Attorney

By _____
Assistant City Attorney

Passed _____