

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF JONES CREEK, TEXAS CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID VILLAGE TO PERMIT THE SPECIFIC USE OF 6602 HWY 36, JONES CREEK, TEXAS WITHIN THE CORPORATE LIMITS OF VILLAGE, AND THE IMPROVEMENTS THEREON SITUATED, TO OPERATE AS A GAME ROOM FOR COIN OPERATED MACHINES TO BE OPERATED UNDER THE CERTAIN CONDITIONS THEREIN SPECIFIED; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE VILLAGE OF JONES CREEK, TEXAS:

SECTION ONE - Findings of Fact and Conclusions of Law

The Board of Alderman of the Village of Jones Creek, Texas, (“the Village”) makes the following findings of fact and conclusions of law:

First, that all public hearings required by the Zoning Enabling Act of the State of Texas codified as Subchapter A of Chapter 211, Section 211.001, et seq., of the Texas Local Government Code, hereinafter called “the Code”, and present Comprehensive Zoning Ordinance of the Village, read, passed and approved as Ordinance No. 81 on the 21st day of March, A.D. 1971, hereinafter called the “Zoning Ordinance,” were conducted in the manner and at the time required by the Code and Zoning Ordinance.

Second, that not less than fifteen (15) days prior to the date of such hearings, a public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in the Village, stating the time and place of such hearings.

Third, no less than ten (10) days before the date of such public hearings, written notice of the application of the Specific Use Permit hereinafter mentioned was sent to all owners of real property located within two hundred (200’) feet of the hereinafter described real property for which such permit is sought.

Fourth, that after giving due regard to the nature and condition of all adjacent uses and structures, the Board of Alderman of the Village is of the opinion of that such proposed use conforms to the requirements and intent of the Zoning Ordinance and the Comprehensive Plan of the Village; that conditions contained below attached to the granting of such permit are necessary to the public interest; and that such use under such conditions will not under the circumstances of

this particular case constitute a nuisance or be detrimental to the public welfare of the community.

Fifth, that the health, safety, morals and general welfare of the Village of Jones Creek, Texas and the safety of those using the public highway within the Village will be best served by the adoption of this ordinance and the granting of the Specific Use Permit hereinafter mentioned.

SECTION TWO – Comprehensive Zoning Ordinance Amended and Specific Use Permit Granted

The Zoning Ordinance is hereby amended and a Specific Use Permit is hereby granted with respect to 6602 HWY 36, JONES CREEK, TEXAS, and the improvements thereon situated, hereinafter called “the premises”, to authorize the use of the premises as a game room for coin operated machines under the terms and conditions set forth in Section Three (3) hereof.

SECTION THREE – Terms and Conditions of Permit

1. The subject locations must be marked by sign that says “GAME ROOM” in 6” or larger block lettering, clearly visible at all entrances.
2. Electronic locks are prohibited.
3. Game Room shall provide at least one (1) window in the front of the building and at least one (1) other window on one (1) other side, allowing a clear and unobstructed view of all machines located in the Game Room.
4. Game Room shall operate only between the hours of 8 a.m. and 10 p.m.
5. Game Room shall not restrict entry to a Game Room and/or prohibit the participation in any activity inside a Game Room by a patron through the requirement of a Game Room membership.
6. All machines to be licensed by the State of Texas.

SECTION FOUR – Termination of Permit

First, the permit herein granted shall automatically terminate upon the first to occur of the following events:

(1) The permittee fails to apply for, obtain or continually maintain in good standing a license to operate a game room for coin operated machines issued by the Village; ceases to hold such license; or ceases, for thirty (30) consecutive days, to use the premises as a location for such machines.

(2) The permittee ceases to occupy the premises.

(3) The permittee ceases to be a legally recognized entity authorized to do business in Texas.

Second, this permit may also be terminated by the Board of Alderman for any violation of any provision of Section Three of this Ordinance, or any amendment thereto. Such termination

by the Board of Alderman shall be effected by the adoption of an ordinance terminating this Ordinance, or any amendment hereto, adopted by the affirmative vote of a majority of members of the Board of Alderman present and voting at any regular or special meeting thereof on the agenda of which such termination appear as an action item, such meeting to be held at least ten (10) days prior written notice of the date, time and place of such meeting and of such proposed action is sent by certified mail, return receipt requested and addressed to the permittee at the premises, specifying the particular violation or violations for which such termination is based. Any decision of the Board of Alderman thereon shall be final and non-appealable.

SECTION FIVE – Automatic Repealer Clause

All of the section of provision of this Ordinance were adopted and are intended by the Board of Alderman of the Village to be integrated whole. Therefore, if any section or provision is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared not to be severable from the remaining sections and provisions of this Ordinance and such remaining sections and provisions and this Ordinance shall thereupon automatically cease to be of any further force and effect.

SECTION SIX – Effective Date

This Ordinance shall take effect and be in force from and after its passage and approval.

Passed this the ___ day of____, 2020,

Approved this the ____ day of____2020.

Mayor

Attest:

City

Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF JONES CREEK, TEXAS CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID VILLAGE TO PERMIT THE SPECIFIC USE OF 6422 STEPHEN F. AUSTIN RD., JONES CREEK, TEXAS WITHIN THE CORPORATE LIMITS OF VILLAGE, AND THE IMPROVEMENTS THEREON SITUATED, TO OPERATE AS A GAME ROOM FOR COIN OPERATED MACHINES TO BE OPERATED UNDER THE CERTAIN CONDITIONS THEREIN SPECIFIED; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE VILLAGE OF JONES CREEK, TEXAS:

SECTION ONE - Findings of Fact and Conclusions of Law

The Board of Alderman of the Village of Jones Creek, Texas, (“the Village”) makes the following findings of fact and conclusions of law:

First, that all public hearings required by the Zoning Enabling Act of the State of Texas codified as Subchapter A of Chapter 211, Section 211.001, et seq., of the Texas Local Government Code, hereinafter called “the Code”, and present Comprehensive Zoning Ordinance of the Village, read, passed and approved as Ordinance No. 81 on the 21st day of March, A.D. 1971, hereinafter called the “Zoning Ordinance,” were conducted in the manner and at the time required by the Code and Zoning Ordinance.

Second, that not less than fifteen (15) days prior to the date of such hearings, a public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in the Village, stating the time and place of such hearings.

Third, no less than ten (10) days before the date of such public hearings, written notice of the application of the Specific Use Permit hereinafter mentioned was sent to all owners of real property located within two hundred (200’) feet of the hereinafter described real property for which such permit is sought.

Fourth, that after giving due regard to the nature and condition of all adjacent uses and structures, the Board of Alderman of the Village is of the opinion of that such proposed use conforms to the requirements and intent of the Zoning Ordinance and the Comprehensive Plan of the Village; that conditions contained below attached to the granting of such permit are necessary to the public interest; and that such use under such conditions will not under the circumstances of

this particular case constitute a nuisance or be detrimental to the public welfare of the community.

Fifth, that the health, safety, morals and general welfare of the Village of Jones Creek, Texas and the safety of those using the public highway within the Village will be best served by the adoption of this Ordinance and the granting of the Specific Use Permit hereinafter mentioned.

SECTION TWO – Comprehensive Zoning Ordinance Amended and Specific Use Permit Granted

The Zoning Ordinance is hereby amended and a Specific Use Permit is hereby granted with respect to 6422 Stephen F. Austin Rd., Jones Creek, Texas, and the improvements thereon situated, hereinafter called “the premises”, to authorize the use of the premises as a game room for coin operated machines under the terms and conditions set forth in Section Three (3) hereof.

SECTION THREE – Terms and Conditions of Permit

7. The subject location must be marked by sign that says “GAME ROOM” in 6” or larger block lettering, clearly visible at all entrances.
8. Electronic locks are prohibited.
9. Game Room shall provide at least one (1) window in the front of the building and at least one (1) other window on one (1) other side, allowing a clear and unobstructed view of all machines located in the Game Room.
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termination by the Board of Alderman shall be effected by the adoption of an ordinance terminating this Ordinance, or any amendment hereto, adopted by the affirmative vote of a majority of members of the Board of Alderman present and voting at any regular or special meeting thereof on the agenda of which such termination appear as an action item, such meeting to be held at least ten (10) days prior written notice of the date, time and place of such meeting and of such proposed action is sent by certified mail, return receipt requested and addressed to the permittee at the premises, specifying the particular violation or violations for which such termination is based. Any decision of the Board of Alderman thereon shall be final and non-appealable.

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SECTION SIX – Effective Date

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Passed this the ___ day of _____, 2020,

Approved this the ___ day of _____ 2020.

Mayor

Attest:

City

Secretary

EXHIBIT "B"