

ARTICLE 4.300 COIN-OPERATED MACHINES*

Sec. 4.301 Definitions

The following words, terms and phrases as used in this article are defined as follows:

City. Means the City of Abernathy, Texas.

Owner. Means any person, individual, firm, company, association or corporation owning or having the care, control, management or possession of any "coin-operated machine" in the city.

Coin-Operated Machine. Means every machine or device of any kind or character which is operated by or with coins, or metal slugs, tokens or checks; "music coin-operated machines" and "skill or pleasure coin-operated machines" as those terms are hereinafter defined, shall be included in such term.

Music Coin-Operated Machine. Means every coin-operated machine of any kind or character, which dispenses or vends or which is used or operated for dispensing or vending music and which is operated by or with coins or metal slugs, tokens or checks. There is expressly included within said term phonographs, pianos, graphophones, radios, and all other coin-operated machines which dispense or vend music.

Skill or Pleasure Coin-Operated Machine. Means every coin-operated machine of any kind or character whatsoever, when such machine or machines dispense or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of "merchandise or music" or "service" exclusively, as those terms are defined herein. There is expressly included within said term coin-operated billiard and pool games, marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, and all other coin-operated machines which dispense or afford a skill or pleasure, except coin-operated amusement machines designed exclusively for children, provided that every machine or device of any kind or character which dispenses or vends merchandise, commodities, or confections or plays music in connection with or in addition to such games or dispensing of skill or pleasure shall be considered as skill or pleasure machines.

Service Coin-Operated Machine. Means every pay toilet, pay telephone and all other machines or devices which dispense service only and not merchandise, music, skill or pleasure.

(1974 Code, Chapter 4, Article 3, Section 4-30)

Sec. 4.302 Amount of Tax

Every "owner" who owns, controls, possesses, exhibits, displays, or permits to be exhibited or displayed in the city any "coin-operated machine" shall pay, and there is hereby levied on each "coin-operated machine" as defined herein, except as are exempt herein, an annual occupation tax of one-fourth of the amount of such annual occupation tax levied and collected thereon by the State of Texas. (1974 Code, Chapter 4, Article 3, Section 4-31; Ordinance adopting Code)

Sec. 4.303 Exemptions from Tax

Gas meters, pay telephones, pay toilets, food vending machines, confection vending machines, beverage vending machines, merchandise vending machines, and cigarette vending machines, stamp vending machines, and "service coin-operated machines", as that term is defined herein, are expressly exempt from the tax levied by this article. (1974 Code, Chapter 4, Article 3, Section 4-32)

Sec. 4.304 Public Nuisance

Every coin-operated machine subject to the payment of the tax levied herein, and upon which the said tax has not been paid as provided herein, is hereby declared to be a public nuisance, and may be seized and destroyed by any police officer of the city as in such cases made and provided by law for the seizure and destruction of common nuisances. (1974 Code, Chapter 4, Article 3, Section 4-33)