

## **ORDINANCE NO. 741**

An Ordinance to declare a moratorium and to prohibit the licensing of any additional amusement or game machines of the particular type as herein defined.

**WHEREAS**, the City of Roanoke, Alabama allows a business license to be issued for Amusement Devices pursuant to schedule 66, of Ordinance # 695, Municipal Code of the City of Roanoke, Alabama, and

**WHEREAS**, recent litigation in the State of Alabama has resulted in court opinions holding that certain machines which might be licensed pursuant to the above provisions of the Municipal Code of the City of Roanoke, Alabama, are, in fact, illegal gambling machines prohibited by Alabama law, which said decisions are currently in various stages of litigation and/or appeal throughout the State, and

**WHEREAS**, the outcome of such pending litigation should provide the City of Roanoke with a definitive explanation of what amusement or game machines are valid and legal and which are illegal as gaming or gambling devices pursuant to the laws of the State of Alabama, and

**WHEREAS**, The City Council of the City of Roanoke, Alabama deems it in the best interest of the public health, safety, morals, and welfare of the citizens of the City of Roanoke that no new or additional amusement or game machines be licenses by the City of Roanoke to the extent herein specified:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA AS FOLLOWS:**

1. That until authorized by further action of the City Council of the City of Roanoke, Alabama or the repeal of this Ordinance, whichever shall occur first, the City of Roanoke shall not authorize or license any new amusement or game machines whose use could or does, in fact, result in the winning or awarding of a prize, gift certificate, cash, goods, services, property, or any other compensation or remuneration with the sole exception of a prize which only entitles the player to replay the game or device at no additional cost.

2. It shall be illegal for any person, firm, or corporation to manufacture, sell, transport, place, or possess within the city limits of the City of Roanoke any amusement game or gaming machine whose use could or does, in fact, result in the winning or awarding of a prize, gift certificate, cash, goods, services, property, or any other compensation or remuneration with the sole exception of a prize which only entitles the player to replay the game or device at no additional cost or charge unless such amusement or game machine has been specifically licensed prior to the effective date of this Ordinance by the City of Roanoke pursuant to the provisions of schedule 66, of Ordinance # 695.
3. It shall be unlawful for any person, firm, or corporation currently in possession of any amusement or game machine described in Section 1 or Section 2 above which has been specifically licensed prior to the effective date of this Ordinance by the City of Roanoke pursuant to the provisions of schedule 66, of Ordinance # 695, to add any new, additional, or other such machines or devices after the effective date hereof or to increase the number thereof which are in use prior to the effective date of this Ordinance.
4. Any person, firm, or corporation violating this Ordinance or any section thereof shall be deemed guilty of a misdemeanor which shall be punishable by a fine not to exceed five hundred dollars (\$500.00) and/or incarceration in an appropriate jail as determined by the Municipal Court of the City of Roanoke, with each day during which such offense continues being deemed a separate offense.
5. All ordinances, or parts of ordinances, contrary to the provisions of this Ordinance, are specifically repealed.
6. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.
7. This Ordinance shall become effective immediately upon its passage by the City Council of the City of Roanoke and upon being published and posted as provided by law.

ADOPTED and APPROVED this 19<sup>th</sup> day of November, 2001.

ATTEST:

Ellen Farmer  
Ellen Farmer, City Clerk

Betty S. Ziglar  
Betty S. Ziglar, Mayor

Mark A. Bell  
Councilmember

Walter Sudekitt  
Councilmember

James J. Holley  
Councilmember

Ernest Robinson  
Councilmember

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Councilmember