

## ORDINANCE NO. 596-02

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 Helena, Alabama allows a business license to be issued for Amusement Devices, game machines, amusement machines, or other machines or devices as defined herein, pursuant to City of Helena Ordinance No. 361, as revised in July of 1997, City of Helena License Code No. 118, and other applicable Ordinances and Code provisions of the Municipal Code of the City of Helena, Alabama, and

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

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

1. That until authorized by further action of the City Council of the City of Helena, Alabama or the repeal of this Ordinance, whichever shall occur first, the City of Helena 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 or charge.
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 Helena any amusement game or game 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 Helena pursuant to the provisions herein above described and the provisions of the current Ordinances and Municipal Code of the City of Helena, Alabama.
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 Helena, 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 the Ordinance.

STATE OF ALABAMA  
SHELBY COUNTY

I, Peggy C. Dunaway, City Clerk of the City of Helena, do hereby certify that the above is a true and correct copy of an Ordinance duly adopted by the Council of the City of Helena at its meeting held February 18, 2002.

Given under my hand and corporate seal of the City of Helena, this the 18 day of February, 2002.

  
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City Clerk