

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.

4. Any person, firm, or corporation violating this Ordinance or any section thereof shall be deemed guilty of a misdemeanor which shall be punished 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 Helena, 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 No. 596-02 shall become effective immediately upon its passage by the City Council of the City of Helena and upon being published and posted as provided by law.

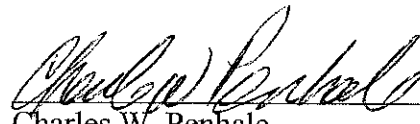
ADOPTED and APPROVED this 18 day of February, 2002.

[SEAL]

ATTEST:




Peggy C. Dunaway
City Clerk



Charles W. Penhale
Mayor

absent

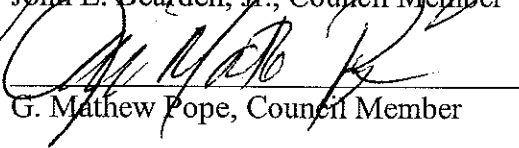
Connie Brady, Council Member



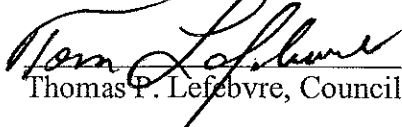
John L. Bearden, Jr., Council Member



Paul DeCarlo, Council Member



G. Mathew Pope, Council Member




Thomas P. Lefebvre, Council Member

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.



City Clerk

CERTIFICATION

I, Peggy C. Dunaway, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 596-02 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, in the United States Post Office in the City of Helena, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City of the 23 day of February, 2002, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 18 day of February, 2002.



City Clerk