



ORDINANCE 2021-02

AN ORDINANCE OF THE CITY OF TOM BEAN, TEXAS, ESTABLISHING AN ANNUAL LICENSE AND FEE REQUIREMENT FOR MAINTAINING, POSSESSING, OR OPERATING FOR PROFIT ANY AMUSEMENT MACHINE, BILLIARD/POOL TABLE OR GAME ROOM.

WHEREAS, zoning or ordinance(s) regulating game rooms is a legitimate and reasonable means of regulation to ensure that operators of game rooms do not knowingly or unknowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes.

WHEREAS, it is necessary for the City of Tom Bean to provide for a permitting process for amusement machines, amusement redemption machines, game rooms and individual game room operators seeking to operate in Tom Bean; and

WHEREAS, it is necessary to establish operational regulations for operators operating in the City of Tom Bean; and

WHEREAS, it is also necessary to establish fees and fines;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS;

A. DEFINITIONS

- 1. "GAME ROOMS. "GAME ROOM"** - means a building, facility, or other place where one or more amusement redemption machines are present or where one or more, in any combination, billiard table, pool table, game machines and amusement equipment are present.
- 2. BILLIARD TABLE AND/OR POOL TABLE** - defined as any table surrounded by a ledge or cushion with or without pocket, upon which balls are impelled by a stick or cue.
- 3. GAME MACHINES AND AMUSEMENT EQUIPMENT-** shall mean any coin operated machine or game, electronic or manual, designed to be played by person(s) for the use of amusement or recreation.
- 4. AMUSEMENT REDEMPTION MACHINE** - means any electronic, electromechanical, or mechanical contrivance, including sweepstake machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or combination of skill affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items and is in compliance with section 47.01(4)(b) of the Texas State Penal Code.
- 5. COIN OPERATED MACHINE** - includes any machine or device operated by the payment or insertion of paper currency, coin, or any other consideration,

including electronic, for amusement, or recreation.

6. **REPRESENTATION OF VALUE** - includes a machine or device operated by the payment or insertion of paper currency, coin, or any other consideration.
7. **GAMBLING DEVICE** - means any electronic, electromechanical, or mechanical contrivance that for a consideration affords the player an opportunity solely or partially to obtain anything of value, the award of which is determined by chance, even though accompanied by some skill, whether or not the prize is term includes, but is not limited to, keno, blackjack, lottery, roulette, video electromechanical, or mechanical games, or automatically paid by the contrivance. The gambling device versions of bingo, poker, or similar electronic, Facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits. NOTHING IN THIS ORDINANCE IS INTENDED TO AUTHORIZE THE PRESENCE OR USE OF ANY DEVICE THAT IS ILLEGAL UNDER ANY LOCAL, STATE OR FEDERAL LAW OR STATUE.

B. LICENSE REQUIRED

It shall be unlawful for any person or persons to have, or maintain for hire or profit in any place within the City of Tom Bean, billiard or pool table, game designed for amusement game machine, amusement equipment, coin operated machine, amusement redemption machine, game room or other equipment for amusement or profit, without first making application and securing a license therefore as in this section provided, and paying a license fee on all such tables and equipment, to wit:

1. From every person, firm, or association of persons, owning or operating for profit billiard or pool table(s), coin operated machine, game machine, and/or amusement equipment, by whatever name except amusement redemption machines, there shall be collected a registration game machine; fee of \$10.00 for each billiard table and \$7.50 for each game machine.
2. From every person, firm, or association of persons, owning and operating for profit amusement redemption machines, by whatever name called, there shall be collected a license fee of \$250.00 for each amusement redemption machine.
3. All license, registration, and fees shall be issued only to individuals and not to corporations, and such license, registration, and/or fees shall be non-assignable and non-transferable.
 - a. The application for a city license required by this section shall be in the form prescribed by the Chief of Police or his designee and shall contain such information as the Chief shall require. The application will include a consent from each individual applying and for all of the partners, including limited partners, if the applicant is a partnership, to allow the Chief of Police or designee to conduct a background investigation of all Game Room establishment owners, operators, and staff. Applicant shall list each table, device or machine intended for use, sign and verify any application, and shall make application to add any table, machine, or device during the term of any existing license. Any failure to provide the information or application required by this article or a determination by

the Chief of Police or designee that inaccurate, erroneous or incomplete information has been submitted shall be grounds for denial or revocation of the application or license once approved.

4. Licenses issued under this Section shall automatically expire on the 31st day of December next following its issuance, and such permit shall also automatically expire if the permittee sells, transfers equity, or otherwise disposes of the permitted devices.
5. The City shall not refund any portion of any amusement redemption machine license/permit after the permit is issued, nor shall it prorate or reduce an amount due the City; EXCEPT, any business with four (4) or more redemption machines will have the option of paying permit fees on a quarterly basis. Payment will be considered late if not received by the 11th day of the month at the beginning of each new quarter.
6. Renewal license/permits shall be obtained in the same manner as provided for by this Section for the original operating license, registration or permits. issued

C. USES

1. Every game room or gaming area shall be open to main entrance or other use area of building with a glass door and shall not cover or otherwise block or obscure the view through the door by the use of drawn shades, blinds, partitions, tinting or other structures of obstructions, or provide a window with transparent glass in at least one exterior game room window with a dimension of at least four feet in width and four feet in height and shall not cover or otherwise block or obscure the view through a game room window by the use of drawn shades, blinds, partitions, tinting or other structures of obstructions. The door and/or window shall allow a clear, unobstructed view of the manager station and all amusement redemption machines in the game room.
2. The sale purchase, possession, or consumption of any alcoholic beverages as defined by the Texas Alcoholic Beverage Code shall not be permitted, unless the premises is licensed under the provisions of said code for the sale, purchase, or possession of alcoholic beverages.
3. Every game room or establishment shall be limited to a maximum of 15 redemption machines.
4. Only one game room shall be allowed on any lot or in any single building, structure, or tenant space in a strip center.
5. Only one game room shall be permitted on any platted lot or in any building, structure, or strip center.
6. Game rooms are limited to the operation of amusement redemption machines; gambling devices shall not be allowed.
7. The City Council shall not grant any variances to the requirements of this section.
8. Each entrance to a game room shall be marked with a sign that:
 - a. Bears the word "GAMEROOM" in six inch or larger black block letters.
 - b. Is legible from 25 feet.
9. Operating hours are restricted to 10:00 am to 10:00 pm.
10. Existing game rooms shall comply with the requirements of this section within (90) days of the effective date of these regulations.

D. PENALTIES

That any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

This ordinance shall take effect and be in full force from and after its passage, approval, and adoption.

**DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF
THE CITY OF TOM BEAN, TEXAS, ON THIS 12th DAY OF APRIL 2021.**



Daniel P. Harrison, Mayor

ATTEST:



Cathy Pugh, City Secretary