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THE STATE OF TEXAS §
THE COUNTY OF LUBBOCK §

AN ORDINANCE ADOPTING AND ESTABLISHING GAME ROOM REGULATIONS IN ACCORDANCE WITH THE AUTHORITY AND PROVISIONS OF CHAPTER 234 OF THE TEXAS LOCAL GOVERNMENT CODE, RESTRICTING THE NUMBER OF GAME ROOMS WITHIN LUBBOCK COUNTY, PROVIDING FOR A PERMIT APPLICATION PROCESS, PROVIDING FOR OTHER REGULATIONS, PROVIDING FOR A CIVIL PENALTY FOR VIOLATION OF THESE REGULATIONS, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Chapter 234 of the Local Government Code authorizes certain counties, including Lubbock County, to regulate game rooms; and

WHEREAS, Lubbock County, Texas, has experienced a proliferation of game room operations that have had a negative impact on the quality of life of its residents; and

WHEREAS, the Lubbock County Commissioners Court desires to reduce the adverse secondary effects of illicit game rooms; and

WHEREAS, the Lubbock County Commissioners Court finds and deems it in the best interest of Lubbock County and its residents that game rooms be limited in number and regulated to minimize potential negative impact on the residents of Lubbock County; and

WHEREAS, the Lubbock County Commissioners Court finds illicit game rooms, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including but not limited to personal and property crimes, sex offenses and human trafficking, gambling offenses, negative impacts on surrounding properties, and litter; and

WHEREAS, the Lubbock County Commissioners Court believes game rooms should be separated from residential neighborhoods to minimize their impact on the residents of Lubbock County; and

WHEREAS, the Lubbock County Commissioners Court believes game rooms should have restricted hours of operation to minimize negative secondary effects; and

WHEREAS, the Lubbock County Commissioners Court finds each of the foregoing negative secondary effects constitutes a harm which Lubbock County has a substantial government interest in preventing and/or abating; and

WHEREAS, the Lubbock County Commissioners Court recognizes that this substantial government interest in preventing secondary effects, which is the rationale for these regulations, exists independent of any comparative analysis between legal game rooms and illicit game rooms; and

WHEREAS, the Lubbock County Commissioners Court finds Lubbock County's interests in regulating game rooms extend to preventing future secondary effects of either current or future game rooms that may locate in Lubbock County;

NOW, THEREFORE, BE IT ORDAINED BY THE LUBBOCK COUNTY COMMISSIONERS COURT:

Section 1. General

1.1 Authority to Regulate

- a) This Ordinance and these regulations are promulgated pursuant to and in conformity with Chapter 234 of the Texas Local Government Code, as amended, to promote the public health, safety, and welfare, as authorized by Section 234.133 of the Local Government Code.
- b) It is the intent and purpose of the Lubbock County Commissioners Court to exercise its authority, as authorized under Chapter 234 of the Local Government Code, to establish reasonable and uniform regulation of game rooms to promote the public health, safety, and welfare by regulating the operation of game rooms, restricting the location of game rooms, and restricting the number of game rooms that may operate in the areas specified, and by regulating business activities which merely serve as a front for criminal activities, including but not limited to gambling, money laundering, and tax evasion.

- c) Gambling is illegal in Texas. This Ordinance does not, and is not intended to, legalize or condone anything prohibited under the Texas Constitution or Texas Penal Code. Instead, this Ordinance is intended to *promote compliance* with the Texas Constitution and Texas Penal Code by regulating the operation of game rooms, restricting the location of game rooms, and restricting the number of game rooms that may operate in the areas specified. By implementing this Ordinance, the Lubbock County Commissioner's Court enacts a reasonable set of regulations in an industry that would otherwise lack administrative regulation and oversight.

1.2 Administration and Enforcement

- a) Pursuant to Sections 234.132 and 234.133 of the Local Government Code, the State of Texas has granted the Lubbock County Commissioners Court authority to promote the public health, safety, and welfare by regulating the operation of game rooms.
- b) The Commissioners Court designates the Lubbock County Tax Assessor's Office as the game room permit administrator (hereinafter "Permit Office"). The Lubbock County Tax Assessor's Office, located at 916 Main Street, Suite 102, Lubbock, TX 79401, shall supervise, control, and operate the Permit Office. The Permit Office shall deny, issue, attach conditions to, administratively suspend, or revoke game room permits pursuant to these regulations and any applicable state law.
- c) The Commissioners Court designates the Lubbock County Sheriff or the Sheriff's designee as the Game Room Inspector. The Lubbock County Sheriff or the Sheriff's designee (hereinafter "Game Room Inspector") shall conduct investigations and inspections within Lubbock County to ensure compliance with this ordinance, including, but not limited to, by conducting inspections, issuing citations, and making reports to the Permit Office.
- d) In accordance with Section 234.138(b) of the Local Government Code, as amended, a person commits an offense if the person intentionally or knowingly operates a game room in violation of a regulation adopted under Section 234.133. An offense under this section is a Class A misdemeanor.

1.3 Area Covered by Regulations

- a) These regulations apply to any game room located in Lubbock County.
- b) The City of Lubbock, under its authority, has adopted regulations applicable to game rooms within the city limits of the City of Lubbock, and these Regulations do not, and are not intended to, modify, alter, or override such regulations adopted by the City of Lubbock.

1.4 Definitions

As used in these regulations:

- a) "Amusement redemption machine" means any electronic, electromechanical, or mechanical connivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once, or \$5, whichever amount is less.
- b) "Applicant" means a person, corporation, partnership, or other business entity required to submit an application under these regulations, whether for a game room permit or employee permit. As it applies to an application for a game room permit, the term includes all game room owners of the particular game room that is the subject of a game room application.
- c) "Commissioned security officer" means a security officer to whom a security officer commission has been issued by the Department of Public Safety of the State of Texas.
- d) "Employee" means a person who, whether or not for compensation:
 - 1) operates a cash register, cash drawer, or other depository on the premises of a game room or of a business where the money earned or the records of credit card transactions or other credit transactions generated in any manner by the operation of a game room or activities conducted in a game room are kept;
 - 2) displays, delivers, or provides to a customer of a game room, merchandise, goods, entertainment, or other services offered on

- the premises of a game room;
 - 3) takes orders from a customer of a game room for merchandise, goods, entertainment, or other services offered on the premises of a game room;
 - 4) acts as a door attendant to regulate entry of customers or other persons into a game room; or
 - 5) supervises or manages other persons at a game room in the performance of an activity listed in this subsection.
- e) "Gambling device" means a device described in Article 47.01(4) (a) of the Texas Penal Code.
- f) "Game room" means a for-profit business located in a building or place that contains in any combination, six or more amusement redemption machines or electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes, but does not include a video arcade facility.
- g) "Game Room Inspector" means the Lubbock County Sheriff or the Sheriff's designee.
- h) "Game room owner" means a person who:
- 1) has an ownership interest in, or receives the profits from, a game room;
 - 2) is a partner, director, or officer of a business, company, or corporation that has an ownership interest in a game room;
 - 3) is a shareholder that holds shares of a business, company, or corporation that has an ownership interest in a game room;
 - 4) has been issued by the county clerk an assumed name certificate for a business that owns a game room;
 - 5) signs a lease for a game room;
 - 6) opens an account for utilities for a game room;
 - 7) receives a certificate of occupancy or certificate of compliance for a game room;
 - 8) pays for advertising for a game room; or
 - 9) signs an alarm permit for a game room.

- i) "General residential operation" has the meaning assigned by Section 42.002, Human Resources Code.
- j) "Minor" means a person who is younger than 18 years of age.
- k) "Operate" means any day-to-day activities of a game room, including, but not limited to:
 - 1) Facilitating the playing or use of amusement redemption machines or electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes;
 - 2) Operating a cash register, cash drawer, or other depository on the premises of a game room or of a business where the money earned or the records of credit card transactions or other credit transactions generated in any manner in the business of a game room or activities conducted in a game room are kept; and
 - 3) Displaying, delivering, or providing to a customer of a game room, merchandise, goods, entertainment, or other services offered on the premises of a game room.
- l) "Peace officer" means an individual as described in Article 2.12 of the Texas Code of Criminal Procedure.
- m) "Permit Office" means the Lubbock County Tax Assessor's Office.
- n) "Person" means an individual, partnership, corporation, association, or other legal entity.
- o) "Playground" means any outdoor facility that is not on the premises of a school and that:
 - 1) is intended for recreation;
 - 2) is open to the public; and
 - 3) contains three or more play stations intended for the recreation of children, such as slides, swing sets, and teeterboards.
- p) "Premises" means real property and all buildings and appurtenances pertaining to the real property.

- q) "Regulation" refers to this ordinance and these regulations of Lubbock County, Texas, governing the operation of game rooms.
- r) "School" means a private or public elementary or secondary school or a day-care center, as defined by Section 42.002, Human Resources Code, and includes a facility, including all attached playgrounds, dormitories, stadiums and other appurtenances that are part of the facility, used for the primary purpose of instruction or education, including primary and secondary schools, colleges and universities, both public and private.
- s) "Video arcade facility" means any facility that:
 - 1) is open to the public, including minors;
 - 2) contains at least three pinball, skee-ball, and/or video game machines intended to be played by any person, including minors; and
 - 3) does not contain any gambling devices.

Section 2. Game Room Permits and Game Room Permits

2.1 Permits Requirements

a) Game room permits

- 1) A game room owner must obtain a game room permit and such a permit must be renewed on a periodic basis, as provided by this ordinance. It shall be unlawful for an owner of a game room to operate, use or maintain, or to allow the operation, use or maintenance, of any room, building, or facility in Lubbock County as a game room without first seeking and obtaining an official game room permit from the Permit Office. A person who violates this regulation shall be assessed a civil penalty of \$10,000.00 payable to the Permit Office for each violation, with each day a violation occurs or continues to occur being considered a separate violation.
- 2) A completed application for a game room permit shall be filed with the Permit Office. The application shall be filed on the form provided by the Permit Office or on an accurate and legible copy of that form. An application form can be obtained at the Permit Office. The applicant shall apply in person at the Permit Office. The Permit Office will establish the hours when an application

can be submitted. A notice of deficiencies in an application will be mailed to the applicant within ten (10) business days of receipt of the application if not all the information required by these regulations has been provided in the application. A receipt shall be mailed to the applicant within ten (10) business days of submission of a complete application to the Permit Office. Any failure to provide the information after a notice of deficiencies or a determination by the Permit Office that inaccurate, erroneous, or incomplete information has been submitted will provide grounds for denial or revocation of the application. The Permit Office is authorized to conduct such inspections of the proposed game room as is deemed necessary to make a determination whether to approve or deny the application.

- 3) Each application for a game room permit shall include:
 - i. If the applicant is applying for a game room permit on behalf of a business entity (for example, limited liability company, corporation, or limited partnership), the name of the business entity and a copy of any certificate of formation or certificate of incorporation;
 - ii. The legal name, social security number, date of birth, and driver's license/identification number of each person who owns any ownership or membership interest in the business or serves in a management role for the business;
 - iii. The name, address, and phone number of the owner of the property where the game room is or will be located;
 - iv. Information concerning any other game room previously or currently operated by the applicant;
 - v. The fingerprints of the person applying for a game room permit;
 - vi. A copy of the applicant's valid state-issued driver's license or personal identification card and social security card;
 - vii. The applicant's consent for a criminal history record information check of the applicant;
 - viii. the specific number of amusement redemption machines to be located in the proposed game room;
 - ix. A non-refundable application fee of \$1,000.00;
 - x. A certification that the proposed enterprise is exempt from or will be located in compliance with the distance requirements set forth by Subsection 3.4(b) of this Ordinance; and

- xi. A written consent for the Game Room Inspector or his or her deputy to enter the premises and inspect the game room to verify compliance with this Ordinance.
- 4) The Permit Office shall assess and collect at the time of submission of an application for a game room permit a fee of \$1,000.00 to cover the cost of processing the application and investigating the applicant. The failure by any applicant to provide required information or documentation or to pay the application fee required under this section will be grounds for denial of the application.
- 5) A game room permit may be renewed for the following year no sooner than 60 days prior to the expiration of the current permit by filing a completed application for the permit with the Permit Office and paying the applicable fee of these regulations a non-refundable fee of \$1,000.00.
- 6) A renewal application shall be subject to the same requirements in these regulations for a game room permit application.
- 7) A new application for a game room permit must be submitted if there is any change in ownership of the game room. Continuing operation of the game room without submitting a new application due to change of ownership shall be grounds for revocation of the game room permit.

b) Game room employee permits

- 1) A game room employee must obtain a game room employee permit and such a permit must be renewed on a periodic basis, as provided by this ordinance. It shall be unlawful for an employee of a game room to operate any room, building or facility in Lubbock County as a game room without first seeking and obtaining an official game room employee permit from the Permit Office. A person who violates this regulation shall be assessed a civil penalty of \$10,000.00 payable to the Permit Office, with each day a violation occurs or continues to occur being considered a separate violation.
- 2) A completed application for a game room employee permit shall

be filed with the Permit Office. The application shall be filed on the form provided by the Permit Office or on an accurate and legible copy of that form. An application form can be obtained at the Permit Office. The applicant shall apply in person at the Permit Office. The Permit Office will establish the hours when an application can be submitted. A notice of deficiencies in an application will be mailed to the applicant within ten (10) business days of receipt of the application if not all the information required by these regulations has been provided in the application. A receipt shall be mailed to the applicant within ten (10) business days of submission of a complete application to the Permit Office. Any failure to provide the information after a notice of deficiencies or a determination by the Permit Office that inaccurate, erroneous, or incomplete information has been submitted will provide grounds for denial or revocation of the application. The Permit Office is authorized to conduct such background checks, investigations, or inquiries as is deemed necessary to make a determination whether to approve or deny the application.

- 3) Each application for a game room employee permit shall include:
 - i. the applicant's legal name, social security number, date of birth, and other relevant information;
 - ii. the applicant's criminal history;
 - iii. the applicant's fingerprints;
 - iv. a copy of the applicant's valid state-issued driver's license or personal identification card and social security card;
 - v. a recent photograph of the applicant's face and a recent photograph of the applicant's full body; and
 - vi. the applicant's consent for a criminal history record information check of the applicant.

- 4) The Permit Office shall assess and collect at the time of submission of an application for a game room employee permit an application fee of \$50.00 to cover the cost of processing the application and investigating the applicant. Any failure by the applicant to provide the documents or pay the application fee required under this section will provide grounds for denial of the application.

- 5) The Permit Office shall send a copy of fingerprints obtained under

this section to the Department of Public Safety to allow the department to create a permanent record of the fingerprints in the criminal justice information system.

2.2 Grounds for denial, revocation, or suspension of Permit

- a) Any violation of these regulations or failure to meet any requirement of these regulations, if applicable, will be a ground for denial, revocation, or suspension of a game room permit or game room employee permit. If a game room or game room employee's permit has been revoked, denied, or suspended, the game room or game room employee, as applicable, shall not operate, or participate in operating, a game room during the pendency of any appeal from the revocation, denial, or suspension.
- b) **Mandatory denial of game room permit.** A game room permit shall be denied upon the finding by the Permit Office that:
 - 1) less than five years have elapsed since the applicant was convicted of any of the following crimes:
 - i. gambling, gambling promotion, keeping a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia as described in Chapter 47 of the Texas Penal Code;
 - ii. a criminal offense as described in Chapter 34 of the Texas Penal Code; or
 - iii. criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses, or any other offense to the laws of another state or of the United States that, if committed in this state, would have been punishable as one or more of the aforementioned offenses; and
 - 2) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date if the conviction is of a misdemeanor offense; or
 - 3) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
 - 4) the applicant made a misleading statement in the application for the game room permit;
 - 5) the applicant is a minor;
 - 6) the applicant has had a game room permit revoked within the one-

hundred eighty (180) day period immediately preceding the date the application was filed;

- 7) the applicant is delinquent in the payment to Lubbock County of taxes, fees, fines or penalties assessed or imposed pursuant to these regulations; or
- 8) the application or renewal fee required by these regulations has not been paid;
- 9) the application is incomplete or fails to provide all required documentation; or
- 10) the location of the proposed game room is one for which a game room permit previously has been revoked.

c) **Grounds for revocation or suspension of game room permit.** The Permit Office shall have the authority and power to initiate a proceeding to revoke or suspend a game room permit if the Game Room Inspector or Permit Office concludes that one or more of the following events or conditions have occurred:

- 1) Any of the following offenses have occurred on the premises:
 - i. gambling, gambling promotion, keeping a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia as described in Chapter 47 of the Texas Penal Code;
 - ii. a criminal offense as described in Chapter 34 of the Texas Penal Code; or
 - iii. criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses, or any other offense to the laws of another state or of the United States that, if committed in this state, would have been punishable as one or more of the aforementioned offenses;
- 2) the applicant provided false, fraudulent or untruthful information on the original or renewal application form for a game room permit;
- 3) the game room permit should not have been issued pursuant to these regulations;
- 4) the owner is convicted of any of the following criminal offenses:
 - i. gambling, gambling promotion, keeping a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia as described in Chapter 47 of the Texas Penal Code;

- ii. a criminal offense as described in Chapter 34 of the Texas Penal Code; or
 - iii. criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses, or any other offense to the laws of another state or of the United States that, if committed in this state, would have been punishable as one or more of the aforementioned offenses; or
- 5) there has been a change in the ownership of the game room from that disclosed in the application upon which the current permit was issued.

d) **Mandatory denial of game room employee permit.** A game room employee permit shall be denied upon the finding by the Permit Office that:

- 1) An applicant has been previously convicted a class B misdemeanor or higher criminal offense;
- 2) the applicant is a minor;
- 3) the applicant has had a game room employee permit revoked within the one-hundred eighty (180) day period immediately preceding the date the application was filed;
- 4) the applicant is delinquent in the payment to Lubbock County of taxes, fees, fines or penalties assessed or imposed pursuant to these regulations; or
- 5) the application or renewal fee required by these regulations has not been paid; or
- 6) the application is incomplete or fails to provide all required documentation.

e) **Grounds for revocation or suspension of game room employee permit.** The Permit Office shall have the authority and power to initiate a proceeding to revoke or suspend a game room employee permit if one or more of the following events or conditions have occurred:

- 1) The game room employee was a party to any of the following offenses:
 - i. gambling, gambling promotion, keeping a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia as described in Chapter 47 of the Texas Penal Code;
 - ii. a criminal offense as described in Chapter 34 of the Texas Penal Code; or

- iii. criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses, or any other offense to the laws of another state or of the United States that, if committed in this state, would have been punishable as one or more of the aforementioned offenses;
- 2) the game room employee provided false, fraudulent or untruthful information on the original or renewal application form for a game room employee permit;
- 3) the game room employee permit should not have been issued pursuant to these regulations; or
- 4) the game room employee is convicted of a class B misdemeanor or higher criminal offense.

2.3 Issuance or denial

- a) The Permit Office shall not issue a game room permit or game room employee permit until final disposition of any criminal case, other than a class C misdemeanor, that is pending or that arises during the investigation period. No game room permit or game room employee permit shall be issued before there is a final determination of the criminal charge.
- b) If the Permit Office denies a game room permit or game room employee permit, he will give the applicant written notice of the basis for denial.

2.4 Revocation or Suspension

- a) If any of the stated events or conditions providing a basis for revocation or suspension of a permit has occurred, the Permit Office shall forward to the permit holder or its designated agent a written notice of revocation or suspension. The notice shall set out the reasons for the action. The revocation or suspension shall become final on the fifth (5th) day after issuance of notice.
- b) A permit holder shall have the opportunity to appear before a hearing examiner appointed by the Commissioners Court upon written request submitted to the Permit Office within ten (10) business days of service of the notice of revocation or suspension. The hearing examiner shall not have participated in any investigation of the alleged grounds for the revocation or suspension. The hearing shall be held within fourteen (14) business days of the request for hearing and the enterprise and the

Permit Office shall be provided an opportunity to present evidence, cross-examine witnesses and be represented by legal counsel.

- c) Upon finding that the facts presented at the hearing support a finding that grounds exist for revoking or suspending the permit, the hearing examiner may request that the parties present relevant evidence to show whether suspension or revocation of the permit is more appropriate. Reasonable conditions may be attached to a permit by the hearing examiner based on the evidence presented at the hearing.
- d) If the hearing examiner determines that a permit should be revoked, the hearing examiner shall issue a written order revoking the permit, effective immediately.
- e) If the hearing examiner determines, based upon the nature of the violations, that a suspension in lieu of revocation is appropriate, the permit may be suspended for a period not to exceed six (6) months. The hearing examiner shall issue a written order suspending the permit and attaching conditions, if applicable, effective upon notice to the permit holder.
- f) Upon the finding that any of the conditions listed subsection 2.2(b) of these regulations has occurred or exists, revocation of a game room permit shall be mandatory. Upon the finding that any of the conditions listed subsection 2.2(d) of these regulations has occurred or exists, revocation of a game room employee permit shall be mandatory.
- g) Revocation or suspension shall take immediate effect upon notice by the Permit Office, subject to reinstatement resulting from an appeal, when:
 - 1) there is a necessity for immediate action to protect the public from injury or imminent danger; or
 - 2) a game room permit was issued based on a misrepresentation in the application and but for the misrepresentation, the game room permit would not have been issued.

2.5 Hearings

- a) A request for hearing must be in writing and delivered to the Permit Office within ten (10) business days of service of the notice of revocation, suspension, or denial. The applicant or permit holder waives the right to hearing if the request is not timely filed with the Permit Office.

- b) The applicant may re-apply for a game room permit if changes are made to bring the proposed game room or application into compliance with these regulations.
- c) The decision of the hearing officer shall be final.
- d) On final decision of the hearing examiner, the losing party may appeal the decision by filing a petition in a Lubbock County district court within 30 days after the date of the decision.
- e) An appeal under this section is under the substantial evidence rule, and the judgment of the district court is appealable as in other civil cases.

2.6 Application fees; amount

- (a) **Game room permit.** There shall be levied and collected from an applicant for a game room permit an application fee of \$1,000.00 per application for initial permit or a renewal thereof, as authorized by Section 234.135 of the Local Government Code. The game room permit application fee shall be paid to the Permit Office.
- (b) **Game room employee permit.** There shall be levied and collected from an applicant for a game room employee permit an application fee of \$50.00 per application for initial permit or a renewal thereof, as authorized by Section 234.1342 of the Local Government Code. The game room employee permit application fee shall be paid to the Permit Office.

2.7 Application fee payment; permit

- (a) **Game room permit.** The application fee provided for in subsection 2.6 of this Ordinance shall be paid to the Permit Office. If the application is approved, the Permit Office shall give the applicant a signed permit. A game room permit authorizes the applicant to operate the game room for one year from the date the permit is issued, subject to these regulations.
- (b) **Game room employee permit.** A game room employee permit

authorizes the applicant to be employed at a game room for one year from the date the permit is issued, subject to these regulations.

2.8 Violations

- a) Any owner or employee occupying, using, operating, or maintaining any place for which a game room permit is required without first paying the fee and securing a permit therefor, or who operates, uses, or maintains such place after the permit therefor has been revoked or suspended, shall be assessed a civil penalty of \$10,000.00 payable to the Permit Office per violation, with each day a violation occurs or continues to occur being considered a separate violation.
- b) Pursuant to Texas Local Government Code section 234.138, an owner or employee of a Game Room commits a Class A misdemeanor criminal offense if the owner or employee intentionally or knowingly operates a game room in violation of any provision of this Ordinance.

2.9 Effect

Each permittee under these regulations must meet and comply with all other requirements of any law or regulation applicable to the premises or any activity conducted thereon, including, but not limited to the Texas Penal Code, and the issuance of a permit under this article shall not excuse the permittee, their agents, employees, or patrons for any violation of law.

Section 3. Operation of Game Rooms

3.1 Inspection

- a) **INSPECTION:** The Game Room Inspector is authorized to inspect any business in Lubbock County for violations of these game room regulations, and any Game Room employee or owner, or employee or agent thereof, shall permit such an inspection.
- b) **CONSENT TO ENTRY.** A game room permit granted under these regulations gives the Game Room Inspector implied consent to enter to inspect the game room, its records, and machines, to determine compliance with this Ordinance, in addition to the written consent required in the application process. Any owner or employee of a game room or other person who does not allow a law enforcement officer to inspect a game room or an amusement redemption machine as required

under the Texas Local Government Code Section 234.136 commits an offense. If a person violates Section 3 of this Ordinance, then that person shall be assessed a civil penalty of \$10,000.00 per violation, payable to the Permit Office, with each day a violation occurs or continues to occur being considered a separate violation.

- c) Pursuant to Texas Local Government Code section 234.138, an owner or employee of a Game Room commits a Class A misdemeanor criminal offense if the owner or employee intentionally or knowingly operates a game room in violation of this Ordinance, including, but not limited to, inspection requirements.

3.2 Hours of operation

- a) A game room may operate between the hours of 10:00 a.m. and 11:00 p.m., Sunday through Thursday, and between the hours of 10:00 a.m. and 2:00 a.m., Friday through Sunday morning.
- b) The owner or employee of a game room shall be assessed a civil penalty of \$10,000.00 payable to the Permit Office for each violation of this regulation. Each day a violation occurs or continues to occur shall be considered a separate violation.
- d) Pursuant to Texas Local Government Code section 234.138, an owner or employee of a Game Room commits a Class A misdemeanor criminal offense if the owner or employee intentionally or knowingly operates a game room in violation of this Ordinance, including, but not limited to, hours of operations regulations.

3.3 Prominent Display of game room permit

- a) Game Room permits must be prominently displayed. It shall be the duty of any owner or employee of a game room to keep posted or displayed within the game room in plain sight in a common area accessible to the public without having to enter a controlled area of the business a current game room permit.
- b) Failure to post or display the original current game room permit will result in the owner or employee of the game room being assessed a civil penalty of \$10,000.00 payable to the Permit Office for each violation of this regulation.

- c) Pursuant to Texas Local Government Code section 234.138, an owner or employee of a Game Room commits a Class A misdemeanor criminal offense if the owner or employee intentionally or knowingly operates a game room in violation of this Ordinance, including, but not limited to, the requirement to prominently display a permit.

3.4 Number of Game Rooms; Distancing and location restrictions

- a) Except for Game Rooms in operation before the passage of this Ordinance, the number of game rooms permits shall limited to one permit per 30,000 unincorporated county residents, according to the most recent decennial census, as published by the US Census Bureau.
- b) Game Rooms may only be located:
 - 1) at least 1,000 feet from the premises of a school, the premises of a public or private youth center, or a playground;
 - 2) at least 300 feet from the premises of a public swimming pool or video arcade facility;
 - 3) at least 1,000 feet from any premises owned, rented, or leased by a general residential operation operating as a residential treatment center;
 - 4) at least 1,000 feet from a residential neighborhood;
 - 5) at least 1,000 feet from any school;
 - 6) at least 1,000 feet from any playground;
 - 7) on property having frontage to a state highway or interstate highway and/or direct access to a state highway or interstate highway;
 - 8) within the boundary of Lubbock County Commissioner Precinct 2; and
 - 9) at least 1,000 feet from a regular place of worship.
- c) For the purposes of this subsection, measurements shall be made in a straight line from the points on each exterior property line nearest each other.
- d) Game rooms in operation before the passage of this Ordinance are exempted from the requirements imposed by subparagraphs (a) and (b) of Section 3.4 of this Ordinance, so long as the game room remains in continuous operation at the same location. Additionally, a game room in operation at a particular location before the establishment of a

residence, school, public or private youth center, or a playground, public swimming pool or video arcade facility, general residential operation operating as a residential treatment center at a nearby location are exempted from the requirements imposed by Section 3.4(b) of this Ordinance so long as the game room remains in continuous operation at the same location.

- e) If an owner or employee violates this subsection then that person shall be assessed a civil penalty of \$10,000.00 per violation, with each day a violation occurs or continues to occur being considered a separate violation, payable to the Permit Office.
- f) Pursuant to Texas Local Government Code section 234.138, an owner or employee of a Game Room commits a Class A misdemeanor criminal offense if the owner or employee intentionally or knowingly operates a game room in violation of this Ordinance, including, but not limited to, the location restrictions.

3.6 Commissioned Security Officer Requirement

- a) A commissioned security officer must be physically present on the premises of a game room during its hours of operation.
- b) If an owner violates this subsection then that person shall be assessed a civil penalty of \$10,000.00 per violation, with each day a violation occurs or continues to occur being considered a separate violation, payable to the Permit Office.
- c) Pursuant to Texas Local Government Code section 234.138, an owner or employee of a Game Room commits a Class A misdemeanor criminal offense if the owner or employee intentionally or knowingly operates a game room in violation of this Ordinance, including, but not limited to, the commissioned security officer requirements.

3.6 Regulation of amusement redemption machines

- d) It shall be the duty of any owner or employee of a game room when applying for a game room permit from the Permit Office to specify the number of amusement redemption machines to be on the game room

premises.

- e) All game room permit applications are required to indicate the location on the game room premises where the amusement redemption machines are physically located.
- f) It shall be a violation of this regulation for any owner or employee of a game room to have a different number of amusement redemption machines located in the game room premises than that number specified on the application upon which the current permit was issued.
- g) If an owner or employee of a game room violates this subsection then that person shall be assessed a civil penalty of \$10,000.00 per violation, with each day a violation occurs or continues to occur being considered a separate violation, payable to the Permit Office.
- h) Pursuant to Texas Local Government Code section 234.138, an owner or employee of a Game Room commits a Class A misdemeanor criminal offense if the owner or employee intentionally or knowingly operates a game room in violation of this Ordinance, including, but not limited to, the amusement redemption machine regulations.

3.7 Illegal machines

- a) These regulations shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any gambling device that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code. The keeping, exhibition, operation, display, or maintenance of any gambling device that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code by any permit applicant or permit holder remains illegal and shall be grounds for denial, revocation, or suspension of a game room permit.
- b) A civil penalty of \$10,000.00 shall be assessed against the owner or employee of a game room for any machine used for illegal gambling, payable to the Permit Office.
- c) If it is determined that a game room has kept, exhibited, operated,

displayed, or maintained an illegal gambling device in violation of Texas Penal Code Chapter 47, then the Permit Office shall immediately revoke the game room's permit.

3.8 Owners of real property operated as illegal gaming facility

It is not a defense to prosecution under this section that an owner of real property is leasing the property to an employee of a game room who operates it as an illegal gaming facility; both shall have civil liability for violation of this Ordinance.

3.9 Injunction and Civil Penalty

The District Attorney is authorized to sue in district court for an injunction to prohibit the violation or threatened violation of these game room regulations adopted under Texas Local Government Code § 234.133. The County is entitled to recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, including reasonable attorney's fees, court costs, and investigatory costs.

Section 4. Miscellaneous

4.1 Publication of Notice

The Commissioners Court shall cause a notice of the passage of this Ordinance to be published twice within thirty (30) days of the passage of the Ordinance in a newspaper of general circulation within Lubbock County. The notice shall announce the passage of the Ordinance and the availability of additional information from the Lubbock County Commissioners Court.

4.2 Special provisions for currently existing game rooms

- a) A game room that was not in continuous operation since March 1, 2025 shall not operate during the pendency of the application and until the game room application is approved and the permit issued. A game room that has been in continuous operation since March 1, 2025 is permitted to continue operating during the pendency of the application as long as the application is filed on or before May 1, 2025.
- b) Any person who continues with the operation of a game room without complying with this requirement shall be in violation of this Ordinance and shall be assessed a civil penalty of \$10,000.00 per violation, with

each day a violation occurs or continues to occur being considered a separate violation, payable to the Permit Office.

4.3 Miscellaneous

Should any conflict between the Texas Local Government Code, Chapter 234 E 'Game Rooms' and this ordinance exist, the Texas Local Government Code shall control.

4.4 Effective Date

This Ordinance shall become effective May 1, 2025.

BE IT SO ORDERED.

Amended on this 23rd day of December, 2024.

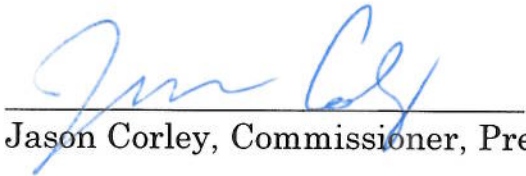
LUBBOCK COUNTY, TEXAS



Curtis Parrish, County Judge



Terence Kovar, Commissioner, Precinct 1



Jason Corley, Commissioner, Precinct 2



Gilbert Flores, Commissioner, Precinct 3

Jordan R

Jordan Rackler, Commissioner, Precinct 4

ATTEST:

Kelly Pinion

Kelly Pinion, County Clerk

REVIEWED AS TO FORM:

R Neal Burt
CIVIL DIVISION
LUBBOCK COUNTY CDA