

ORDINANCE NO. 93

AN ORDINANCE
REGULATING GAMING ESTABLISHMENTS WITHIN
THE CITY OF BAYSIDE, TX; REGULATING AMUSEMENT REDEMPTION
MACHINES: PROVIDING A PENALTY; SPECIFICALLY NEGATING A
REQUIREMENT OF A CULPABLE MENTAL STATE; REPEALING ORDINANCES IN
CONFLICT; PROVIDING FOR SEVERANCE; PROVIDING FOR PUBLICATION

WHEREAS, the State of Texas has historically proscribed gambling; and

WHEREAS, gambling is destructive of families and family life and leads to assorted criminal activity; and

WHEREAS, Chapter 47, Texas Penal Code regulates gambling within the State of Texas and the Town of Bayside; and

WHEREAS, the installation and use of amusement redemption machines creates public interest and may lead increase in crime and to the destruction of families and family life and threatens to cause material and substantial disruption to the community or an invasion of the rights of others;

WHEREAS, the Town of Bayside desires to protect the public safety, health, morals, and general welfare of all the citizens by enacting rules and regulations concerning the installation and use of amusement redemption machines.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAYSIDE:

I. Gambling prohibited

Section 1. Gambling places and/or establishments are hereby prohibited within the Town of Bayside as defined by Chapter 47, Texas Penal Code. The possession of any gambling device, equipment or gambling paraphernalia is prohibited within the Town of Bayside as defined by Chapter 47, Texas Penal Code. Gambling promotion is hereby prohibited within the Town of Bayside as defined by Chapter 47, Texas Penal Code. Gambling is hereby prohibited within the Town of Bayside as defined by Chapter 47, Texas Penal Code.

II. Amusement redemption machines

Section 2. Definitions

The following words, terms and phrases as used in this Ordinance are hereby defined as follows:

(a) "Game room" means a for-profit business located in a building or place that contains one or more amusement redemption machines.

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(b) "Amusement redemption machine" (to include the term "8-liner") means any electronic, electromechanical, or mechanical contrivance 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.

(c) "Coin Operated or Slot Machine" as used herein shall mean and include every machine or device of any kind of character which is operated by or with coins, metal slugs, tokens, checks, currency, debit or credit cards; including but not limited to "merchandise, music, skill, pleasure, amusement or service coin operated machines" as these terms are hereinafter defined

(d) "Music Coin Operated or Slot Machine" as used herein shall mean and include every coin and slot operated machines of any kind or character, which dispenses or vends music and which is operated by or with coins or metal slugs, tokens or checks, debit or credit cards. The following are expressly included within said term; but enumeration shall not be considered to exclude any other machine subject to the effect and intent of this ordinance; phonographs, piano, graph phones, and all other coin and slot operated machines which dispense or vend music.

(e) "Service Coin Operated Machines" as herein used shall mean and include every pay toilet, pay telephone and all other machines or devices, which dispense services and merchandise.

(f) "Tag" as a uniquely identified label which is issued by the Town of Bayside and shall be affixed to each registered amusement redemption machine, may also be referred to as "permit" in this ordinance.

(g) "Game Room Owner" means a person who:

- (1) has an ownership interest in, or receives the profits from, a game room or an amusement redemption machine located in 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 or in an amusement redemption machine located in a game room;
- (3) is a shareholder that holds more than ten (10) percent of the outstanding shares of a business, company, or corporation that has an ownership interest in a game room or in an amusement redemption machine located in a game room;
- (4) has been issued by the county clerk an assumed name certificate for a business that owns a game room or an amusement redemption machine located in 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.

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(h) "Operator" means an individual who:

- (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.

(i) "Applicant" means a person, owner, corporation, partnership, or other business entity required to submit a game room application.

(j) "Current annual fire inspection report" means a fire inspection report issued by a Fire Inspector within sixty (60) days immediately preceding the date of any application for operation of a game room or renewal of a game room permit.

(k) "Peace officer" means an individual as described in Article 2.12 of the Texas Code of Criminal Procedure.

(l) "Person" means an individual, partnership, corporation, association or other legal entity.

(m) "Public Building" means a building used by Federal, State, or local government that is open to the general public.

(n) "Regulation" means regulations of the Town of Bayside, Texas Ordinances for the operation of game rooms.

(o) "School" means 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.

(p) "Gambling device" means a device described in Article 47.01(4)(a) of the Texas Penal Code as follows:

"Gambling device" means any electronic, electromechanical, or mechanical contrivance not excluded under Section 2, Paragraphs (p) (b) and (q) that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term;

- (a) Includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, or mechanical games, or 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; and

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(b) Does not include any electronic, electromechanical or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with non-cash merchandise prizes, toys, or novelties, or a presentation 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 \$5.00, whichever is less.

(q) "Excluded Machines":

- (1) Machines that award the user no-cash merchandise prizes, toys or novelties solely and directly from the machine, including claw, crane, or similar machines;
- (2) Machines from which the opportunity to receive non-cash merchandise prizes, toys, or novelties or a representation of value redeemable for those items varies depending upon the user's ability, including, but not limited to "Marble Machine," "Marble Shooting Machines," "Miniature Football Machines," "Miniature Race Track Machines," "Miniature Football Machines," "Miniature Golf Machines," and "Miniature Bowling Machines"

Section 3: Requirements, local permit fees, Expirations and Renewals, Restrictions and Exceptions for Amusement Redemption Machine Premises Permit

(A) Requirements:

A permit issued for amusement redemption machines under this ordinance:

1. Is required for each location and is personal to the applicant and may not be sold, bargained, conveyed, transferred or assigned to any other individual; with the exemptions as noted in Section 6 #5 of this ordinance.
2. May only be issued to a single individual, to be referred to herein as "business owner;"
3. Does not vest any property or right in the licensee, except for the right to conduct the license business;
4. No firms, clubs, corporations, or other legal entities including private clubs or associations shall be allowed to obtain a permit to operate a coin operated eight liner business.
5. Information provided for records will be updated on a monthly basis by the Business Owner. If there is a change in any type of information that is observed and/or completed by the permit holder, property owner and/or manager, the information will be immediately advised and/or relayed to the Town of Bayside City Secretary for review by the City Council of the Town of Bayside, Texas.

(1) All persons, owning, possessing, maintaining, or operating one or more Amusement Redemption Machines for use by the general public, clubs, associations, fraternities or orders shall apply for a permit and registration from the Town of Bayside.

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(2)The permit application for a Game Room must contain a complete statement about the identity of the owner of the Amusement Redemption Machine (8-liner business): to include:

name, date of birth, social security number, business name, Doing Business As (DBA) information, comptroller tax I.D. number, mailing address of owner, address of residence; address of business; the location where the Game Room business will operate; the number of Amusement Redemption Machines at the location; a list of serial numbers assigned to each Amusement Redemption Machine; the nature of any business being operated at the location; the date when each Amusement Redemption Machine was placed at the location; the owner of the location where the Amusement Redemption Machine will operate; and any other pertinent information that may be required by the Town of Bayside in the permitting and registration of Amusement Redemption Machines.

Other documents necessary to be attached to the permit application:

- 1) A current annual fire inspection report showing compliance;
- 2) A certificate of occupancy or certificate of compliance issued by the building official as appropriate for the proposed game room;
- 3) A diagram or floor plan to include designated occupancy load, prepared by licensed architect or engineer and reviewed by Town Council of the Town of Bayside. This requirement pertains to all existing structures as well as new structures;
- 4) A diagram prepared by a licensed architect or engineer showing the dimensions and locations of parking spaces allotted for the Game Room which complies with requirements set forth by Section 3 subsection (6) of this Ordinance;
- 5) A diagram prepared by a licensed architect or engineer showing the specifications as required and set forth by Section 3 subsection (5) of this ordinance. This requirement pertains to all existing structures as well as new structures;
- 6) A true and correct copy of the assumed name certificate filed in the office of the Town of Bayside City Secretary, bearing the file mark or stamp that evidences its filing, if the game room will be operating under an assumed name;
- 7) A non-refundable fee, the amount of which shall be established by the City Council of the Town of Bayside.
- 8) A copy of the applicant's government-issued photo id;
- 9) A plat certification that the proposed enterprise will be located in compliance with the distance requirements set forth by Section 3 subsection (12) of this Ordinance.

Any failure to provide the information required by this section or a determination by the Town of Bayside that inaccurate, erroneous, or incomplete information has been submitted will provide grounds for denial or revocation of the application.

(3)Grounds for denial, revocation, or suspension:

(a)Any violation of this regulation or failure to meet all requirements of this regulation, if applicable, will be a ground for denial, revocation, or suspension of a permit to operate a game room. If a game room's permit has been revoked, denied, or suspended, the game room shall not operate during the pendency of any appeal from the revocation, denial, or suspension.

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(b)The game room premise permit shall be denied by the Town of Bayside upon the finding by the Town of Bayside of any of the following facts:

(1)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) forgery, credit card abuse or commercial bribery as described in Chapter 32 of the Texas Penal Code;

(iii) a criminal offense as described in Chapter 34 of the Texas Penal Code;

(iv)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

(v)a criminal offense as described in Chapter 352, Subchapter B of the Texas Local Government Code; and

(aa) 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

(bb) 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.

(2)The applicant makes a misleading statement in the application for the game room permit

(3)The applicant is under eighteen (18) years of age;

(4)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;

(5)An applicant is delinquent in the payment to the Town of Bayside of taxes, fees, fines or penalties assessed or imposed regarding the operation of a game room;

(6)The application or renewal fee required by these regulations has not been paid; or

(7)The applicant has not had the required fire and life safety inspection by a Fire Department within the 60-day period immediately preceding the date the application was filed.

SECTION 4: Limit of Permits Allowed

To regulate the amount of locations of Amusement Redemption Machine businesses within the Town of Bayside, a Game Room is restricted from locating within 1,700 feet of another Game Room and Game Rooms will be limited specifically to the West side of Highway 136 in business zoned areas. Further, a Game Room cannot be within 2,000 feet of a residential neighborhood nor adjacent to a residential property nor within 2,000 feet of a public or private school, church, public building or park.

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SECTION 5: Fees

A fee is imposed upon each amusement redemption machine in an amount calculated in accordance with Sec. 2153.401 and Sec. 2143.451, Occupations Code.

SECTION 6: Expiration and Renewal: Permits issued at any point of the calendar year shall automatically expire upon the following:

- (1) On December 31 of each calendar year; or
- (2) On the change of ownership of the building where an amusement redemption 8-liner machines are located; or
- (3) Upon revocation of license by the Town of Bayside or its designees; or
- (4) Upon surrender of license by registered owner; or
- (5) Upon the death of the applicant.

All permits shall be up for renewal by December 31st of each calendar year. All businesses in operation in accordance with this ordinance are required to have the renewal permit paid in full prior to December 31st of each year. The Town of Bayside shall not refund any portion of a coin operated machine premises permit fee after the permit has been issued, nor shall it prorate or reduce in the amount any fee due to the Town of Bayside. If in the event, fees are not paid by December 31st of each calendar year, the permit holder, business owner, manager or lessee shall be allowed 10 business days, not including official holidays, to pay in full at a rate 1 ½ times the original amount. If fees are not paid within time allotted, permit will be revoked.

SECTION 7: Restrictions:

(1) **Persons under 21 Prohibited:** The presence of persons under 21 years of age on premises subject to coin operated machine premises permits, is prohibited. It is an affirmative defense to prosecution under this ordinance that the person 21 years of age or 18 years of age or older was bona fide employee of the establishment subject to an amusement redemption machine premises permit. A sign notice informing the public of said violation shall be placed at the entrance of the location.

(2) **Alcoholic Beverages Prohibited:** The presence of any alcoholic beverages on premise of an amusement redemption machine businesses is prohibited. No individual, person, owner or manger shall allow or be allowed to consume any alcoholic beverage on premise of an amusement redemption machine business location. No individual, person, owner or manager shall give, sell, bring to or allow the bringing of any alcoholic beverage on said premises of an amusement redemption machine business.

(3) **Game Room Permit:**

a) It shall be the duty of any owner or operator 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 into a controlled area of the business a current game room permit.

b) Failure to post or display the original current game room permit may result in the cancellation of the permit at the sole discretion of the Town of Bayside.

c) An owner or operator commits a Class C misdemeanor offense if the owner or operator intentionally or knowingly operates a game room in violation of this subsection.

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(4) **Premise Permit limitation:** Solely one premise permit shall be issued to any one person or sole individual. Multiple permits shall not be issued to any one individual.

(5) **Transparent, uncovered windows and doors required:**

(a) Any building, facility, or other place that contains one or more amusement redemption machines must have at least one window in the front of the building meeting the criteria set forth in subsection

(b), allowing a clear and unobstructed view of all amusement redemption machines.

(c) It shall be unlawful for any person to exhibit or display, or to permit to be exhibited or displayed, for commercial use any amusement redemption machine in a game room unless the required transparent walls or windows of the game room:

1) Are located on at least two sides of the game room, and each amusement redemption machine located therein is visible through such walls or windows; and

2) At the lowest point are not more than four feet above the adjacent sidewalk or ground level; and

3) At the highest point are at least eight feet higher than the adjacent sidewalk or ground level; and

4) Are at least four feet wide.

(d) It shall be the duty of any owner or operator of a game room to provide transparent glass in each exterior game room window or door.

(e) It shall be unlawful for any owner or operator or any other person with permission of or at the direction of an owner or operator to cover or tint a game room window or door, or otherwise block or obscure the view of any amusement redemption machine from a sidewalk through a game room window or door.

(f) If an owner or operator violates this subsection then the permit may be cancelled at the sole discretion of the Town of Bayside.

(g) An owner or operator commits a Class C misdemeanor offense if the owner or operator intentionally or knowingly operates a game room in violation of this subsection.

(6) **Parking spaces:** The Game Room owner or operator shall plan for and provide two parking spaces for each amusement redemption machine located within the facility. Each parking space will be clearly identified.

(7) **Sign Requirement:** All signs for advertisement shall comply with The Town of Bayside Ordinances. No unauthorized signs shall be placed or allowed to be placed on the permitted business property without prior approval from the town of Bayside. Any signs deemed to be out of compliance shall be grounds for revocation of business permit.

(8) **Alarm Monitoring:** All holders of a Game Room permit shall have in operation an alarm monitoring system that is serviced by an alarm company that notifies emergency personnel. This system will provide the ability of the owner, manager or other designees to notify emergency personnel by phone, computer, wire or wireless communication or by a simple one touch notification i.e...."panic button".

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(9) Fire and life safety:

(a) It shall be the duty of any owner or operator of a game room to provide doors that are readily accessible without the use of a key, private membership code, special knowledge, or effort during business hours or any other hours of operation.

(b) It shall be the duty of the owner or operator of a game room, or commercial establishment, to comply with all construction or fire codes, and to pay any court-approved fee associated with a fire and life safety inspection, plan review, occupancy load calculation, or complaint.

(c) All construction and fire code regulations will be strictly enforced with available access to any Fire Department at all times.

(d) No game room shall use electronic locks to prevent entry during business hours.

(e) If an owner or operator violates this subsection then the permit may be cancelled at the sole discretion of the Town of Bayside.

(f) An owner or operator commits a Class C misdemeanor offense if the owner or operator intentionally or knowingly operates a game room in violation of this subsection.

(10) Prohibited employment:

(a) It shall be unlawful for any person owning or operating a game room to knowingly employ any person who has been previously convicted of, entered a plea of nolo contendere or guilty, or received deferred adjudication for an offense involving any gambling violations set forth in the Chapter 47 of the Texas Penal Code.

(b) It is the responsibility of the owner or operator to conduct a criminal background check on each potential employee.

(c) Failure to comply with any of the requirements of this section then the permit may be cancelled at the sole discretion of the Town of Bayside.

(d) Each day a violation continues or occurs constitutes a separate violation for purposes of imposing a penalty.

(11) Photo Identification: Employees must wear a government-issued photo ID while at work.

(12) Distancing restrictions:

(a) A game room in operation shall be located:

(1) only on the West side of Highway 136 in the business zoned areas, and

(2) not within a distance of one thousand seven hundred (1,700) feet from where another game rooms is located, and

(3) not within two thousand (2,000) feet from any existing or planned school, regular place of religious worship, or residential neighborhood, or child day care facility, or hospitals, or places where medical attention is received, or where pharmaceuticals are dispensed, (including pharmacies, clinics, night clinics, adult care, veteran hospitals, major trauma units or where ambulatory services are stationed), or playgrounds, parks, city maintained swimming pools, public buildings or restaurants or eateries that facilitate a playground for children; "planned" means that steps have been taken toward the facility's or structure's development including but not limited to a permit received,

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a plat approved, design work started, a bond received, or an order approved by a governmental entity's governing body; and

(b) For the purposes of this subsection, measurements shall be made in a straight line from the nearest portion of the building or appurtenances used by the enterprise to the nearest portion of the building or appurtenances that is used for the purposes identified in subsection (a) above.

(13) Inspection by law enforcement officer or anyone authorized by the Town of Bayside :

(a) **INSPECTION:** A law enforcement officer is authorized to inspect any business in the Town of Bayside for violations of these game room regulations. This regulation does not authorize a right of entry prohibited by law. Law enforcement officers or anyone authorized by the Town of Bayside may enter a business with consent, with a warrant, or under exigent circumstances. A game room permit granted under these regulations gives law enforcement officers or anyone authorized by the Town of Bayside implied consent to enter to inspect.

(b) **UNPERMITTED GAME ROOMS:** An unpermitted business that holds itself out as a "game room," by sign, advertisement, word-of-mouth, by offering memberships – or by any other means is subject to inspection by any law enforcement officer or anyone authorized by the Town of Bayside. Refusal to allow law enforcement entry to inspect such unpermitted "game rooms" may be considered as establishing probable cause for the issuance of a search warrant to inspect for violations of these game room regulations.

(c) **COMPLIANCE INSPECTION.** A law enforcement officer or anyone authorized by the Town of Bayside may inspect a permitted game room located within his agency's jurisdiction to determine whether the game room, amusement redemption machines, or records required to be kept under Record keeping Section 7 subsection (20), comply with these regulations.

(d) **CONSENT TO ENTRY.** Any owner or operator of a game room or other person who does not allow a law enforcement officer or anyone authorized by the Town of Bayside to inspect a game room, an amusement redemption machine, or records mandated to be kept under Section 7 subsection (20) of these regulations, thus commits an offense. If a person violates this section, then the permit may be cancelled at the sole discretion of the Town of Bayside

(e) An owner or operator commits a Class C misdemeanor offense if the owner or operator intentionally or knowingly operates a game room in violation of this subsection.

(14) **Town of Bayside requirements:** A game room owner or operator must meet all Town of Bayside requirements such as building permits, occupancy permit, inspections, Americans with Disabilities Act and all and any other Town requirements.

(15) **Infrastructure requirements:** The Game Room structure shall be required to be hooked into the Town of Bayside Infrastructure. Business owner or operator will bear full expense if infrastructure is not already in place.

(16) **Services:** No services will be turned on until all requirements are met.

(17) Game room memberships

(a) A game room owner or operator shall not restrict entry to a game room or prohibit the use of an amusement redemption machine by a patron through the requirement of a game room membership.

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(b) If an owner or operator violates this subsection then the permit may be cancelled at the sole discretion of the Town of Bayside.

(c) An owner or operator commits a Class C misdemeanor offense if the owner or operator intentionally or knowingly operates a game room in violation of this subsection.

(18) **Registration/Tagging Amusement Redemption Machines**

Each amusement redemption machine shall be registered with Town of Bayside by make, type and serial number. An official tag issued by the Town of Bayside shall be affixed to each such registered machine. Each amusement redemption machine shall have a serial number which is clearly visible on the outside surface of the machine. If an amusement redemption machine is manufactured without a serial number, an owner shall assign a serial number to the machine and either stamp or engrave the assigned number on the machine. An amusement redemption machine tag shall be securely affixed to any permanent surface of a machine in such a manner that the tag may be clearly seen by the public and that will require continued application of steam to remove the permit. A tag issued for a certain amusement redemption operated machine shall not be transferred to another amusement redemption machine.

If any amusement redemption machine is found not tagged, then the permit may be cancelled at the sole discretion of the Town of Bayside and all machines will be impounded at the owners expense.

(19) **Hours of Operation**

(a) A game room may operate only between the hours of 10 a.m. and 10pm and not be open for business on Sundays

(b) Should any violation the hours of operation occur then the permit may be cancelled at the sole discretion of the Town of Bayside.

(c) An owner or operator commits a Class C misdemeanor offense if the owner or operator intentionally or knowingly operates a game room in violation of this subsection.

(20) **Record keeping**

(a) It shall be the duty of any owner or operator of a game room to maintain on the premises:

1) a record for each employee that contains the name, address, date of birth, state identification number or social security number, job function, W-2 or W-4 form, a copy of application for work with the game room, a copy of the 1-9 filed as part of Employment Eligibility Verification for OHS, and a photograph of the employee;

2) a daily register that contains the name, date of birth, state identification number or social security number, and job function of each employee present at the establishment that day; and

3) a copy of the Town of Bayside and State of Texas tax record forms detailing each machine found on the premises by identifying the machine by name of manufacturer, serial number, type of machine and the serial number of the State of Texas Tax stamp to include the year of expiration of each tax stamp required.

(b) If an owner or operator who violates subsection (a), above, then the permit may be cancelled at the sole discretion of the Town of Bayside.

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(c) The game room shall preserve the daily register required by subsection (a) (2) for 90 days after the date the register was made. If an owner or operator violates this regulation then the permit may be cancelled in the sole discretion of the Town of Bayside.

(d) An owner or operator commits a Class C misdemeanor offense if the owner or operator intentionally or knowingly operates a game room in violation of this subsection.

(21) Illegal Machines

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, GAMBLING.

22) Owners of an Illegal gaming facility: It is not a defense to prosecution under this section if an owner does not have the DBAs in his/her name, and/or the leases or property in their names, but solely that each party has an ownership interest in the business.

23) Injunction and Civil Penalty: The Town of Bayside is authorized to sue in district court for an injunction to prohibit the violation or threatened violation of these game room regulations. The Town of Bayside is entitled to recover reasonable attorney fees, court costs, and investigative costs.

Section 8. Any business or building housing amusement redemption machines, also known as "8-liners", or any similar machine, or any game room are prohibited within two thousand (2,000') feet of any residential structure, public or private school, park, governmental building or church. Such businesses or buildings are specifically limited to the West side of Highway 136, and must be in a business zoned area.

Section 9. The Town Council specifically finds that the operation of businesses or use of buildings housing amusement redemption machines directly increases crimes such as assaults, robberies, homicides and illegal drug use. Any such business shall be limited to hours of operation between 10:00 a.m. to 10:00 p.m. each week day and Saturday. Such business shall be closed for business on Sundays.

Section 10. Any person found guilty of violating any provision of this shall be guilty of a misdemeanor and fined not to exceed \$500.00. Each day of violation shall constitute a separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

Section 11. Any and all Ordinances in conflict with this Ordinance is hereby repealed.

Section 12. If any phrase, section or parts of this Ordinance is found to be invalid or unenforceable, the remaining phrases, sections or parts of this Ordinance shall be of full force and effect, it being the intention of the City Council to pass each phrase, section or part independently of any other phrase, section or part.

Section 13. This Ordinance shall be effective upon the publication of the caption hereof in the official newspaper in accordance with law.


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Passed and approved the 9th day of September, 2014.



Tom Van Buren
Mayor

ATTEST:



Megan Schrade
City Secretary

