

ZAPATA COUNTY
Mary Jayne Villarreal-Bonoan
COUNTY CLERK
Zapata, Tx 78076



70 2011 00161193

Instrument Number: 2011-00161193

As

Recorded On: January 12, 2011

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Parties: ZAPATA COUNTY

To PUBLIC AMUSEMENT MACHINE REDEMPTION ORDINAN

Number of Pages: 6

00161193

Comment: AMUSEMENT ORDINANCE

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recording Fee: 0.00
Total Recording: 0.00

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200 E 7TH AVE
ZAPATA TX 78076



State of Texas |
County of Zapata

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Zapata County, Texas.

Mary Jayne Villarreal Bonoan
Mary Jayne Villarreal-Bonoan, County Clerk

By: Joseph Rathmell, Zapata County Judge

00141193

AN ORDINANCE TO BE ENTITLED

AMUSEMENT MACHINE REDEMPTION ORDINANCE

relating to the licensing and regulation of amusement redemption machines at certain locations; providing penalties.

BE IT ORDERED BY THE COMMISSIONERS COURT OF THE COUNTY OF ZAPATA TEXAS:

ORDINANCE LOCATION LICENSE FOR OPERATION OF AMUSEMENT REDEMPTION MACHINES

Sec. 1. APPLICABILITY. The provisions of this ordinance governing licenses and registration certificates, including penalties and enforcement provisions, apply to all locations operating or seeking to operate an amusement redemption machine and to all amusement redemption machines operated in the County of Zapata.

Sec. 2. DEFINITIONS. For purposes of this ordinance:

(1) "Amusement redemption machine" means a contrivance described by Section 47.01(4) (B), of the Texas Penal Code.

(2) "Device" or "contrivance" means all or part of an electronic, electromechanical, or mechanical contrivance, machine, or apparatus.

(3) "Operate" includes displaying, exhibiting, or placing in service.

(4) "Operator" means a person who owns or, if the premises are rented or leased, the person who rents or leases the premises at which an amusement redemption machine is operated.

(5) "Premises" means the area under a common roof or over a common foundation.

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Sec. 3. LOCATION LICENSE AND REGISTRATION OF AMUSEMENT REDEMPTION MACHINES 00161193

MACHINES.

(a) No amusement redemption machine may be operated on a particular premises unless the operator has registered the amusement redemption machine and holds a location license issued under this ordinance for the premises.

(b) An operator must also hold any other license or registration certificate the operator is required to hold under state or federal law.

(c) An applicant for a location license must file with the Zapata County Judge an application that includes:

(1) The name and address of the applicant;

(2) The physical address, including the county, of the premises at which the amusement redemption machines will be operated;

(3) The name and address of the owner of the premises at which the amusement redemption machines will be operated;

(4) The name and address of the person who rents or leases the premises to the applicant, if applicable;

(5) The amount of rent paid or other consideration given, directly or indirectly, to the owner, lessor, or landlord of the premises, if applicable;

(6) The number of amusement redemption machines to be operated on the premises and their respective serial numbers;

(7) A statement indicating whether the amusement redemption machines to be operated on the premises will be owned, leased, or rented by the applicant;

(8) If the amusement redemption machines will be leased or rented, the name, address, and general business license number of the person who owns the amusement

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redemption machines;

(9) A written certification that the amusement redemption machines to be operated on the premises will be operated in accordance with Section 47.01(4)(B), of the Texas Penal Code Penal Code;

00161193

(10) A financial interest statement that includes the name and residence address of any person, other than a person disclosed under Subdivision (8) of this ordinance, who has a financial interest in the operation of the machines on the premises, including the nature, type, and extent of the financial interest; and

(11) A statement that the information contained in the application is true and correct.

(d) A person who submits an application for a location license consents to an inspection of the licensed premises by the Zapata County Judge or a peace officer at any time during the location's hours of operation to ensure compliance with this ordinance.

(e) The Zapata County Judge may not issue a location license to an applicant unless the applicant certifies in writing that the amusement redemption machines to be operated on the premises will be operated in accordance with Section 47.01(4)(B), Penal Code. The issuance of a location license by the Zapata County Judge does not constitute an official opinion or judgment by the Zapata County Judge that an amusement redemption machine operated on the premises of a location license holder is being operated in accordance with Section 47.01(4)(B), Penal Code.

Sec. 4. ANNUAL FEES AND ANNUAL RENEWALS.

(a) The annual license fee for each location shall be \$500 for each amusement redemption machine registered to be operated by the applicant.

(b) An application for a location license must be accompanied by a nonrefundable

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application fee, license fee payable to the Zapata County Treasurer, in the form of a cashier's check, money order, personal check, or other method of payment authorized by the Zapata County Judge in an amount equal to the annual location fee.

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(c) The license issued shall expire one year after the date on which the license was issued.

(d) A license or registration certificate holder may renew an unexpired license or registration by paying to the Office of the County Judge, before the expiration date of the license or registration, the required annual license or registration fee as required by Section 4 of this ordinance. An application for renewal must be made to the Office of the County Judge before July 1. A renewal application filed on or after July 1 but before the license or registration expires must be accompanied by a late fee of \$50.

Sec. 5. REQUIRED LOCATION FOR LICENSE HOLDER RECORDS.

(a) A location license holder shall, at all times, prominently display the holder's license at the licensed premises.

(b) A location license holder shall maintain, on the licensed premises, a record of each amusement redemption machine located on the premises to which the location license applies, including:

- (1) The make, type, and serial number of the machine;
- (2) The date the machine was placed in operation on the premises to which the location license applies;
- (3) The date of the most recent registration of the machine; and
- (4) If the machine is owned by the license holder, any change in ownership of the machine.

(c) The location license holder must allow the Zapata County Judge, representatives of

the office of the County Judge or a peace officer to enter and inspect the licensed premises at any time during hours of operation to ensure compliance with this ordinance.

Sec. 6. MANDATORY DENIAL OR REVOCATION OF LOCATION LICENSE.

00161193

(a) The Zapata County Judge may not issue a location license if the Zapata County Judge finds that the license applicant or any person required to be listed on the financial interest statement under Section 3(c)(10) of this ordinance:

(1) Is prohibited from holding a general business license under Section 2153.302 of the Texas Occupations Code; or

(2) Has been convicted of an offense under Section 47.06, of the Texas Penal Code.

(b) The Zapata County Judge may not issue or renew a location license if the applicant fails to comply with Section 5 of this ordinance.

(c) The Zapata County Judge shall revoke the location license of a license holder who refuses to allow the Zapata County, the representatives of the County Judge or a peace officer to enter or inspect the licensed premises as required by this ordinance. The Zapata County Judge may not issue a location license to a person who has had a location license revoked under this subsection.

Sec. 7. CIVIL PENALTY.

(a) A person commits a violation if the person:

(1) knowingly operates or allows the operation of an amusement redemption machine or machines on premises for which a location license is not in effect or operates an amusement redemption machine that the applicant has failed to register; or

(2) Fails to display a location license or maintain the records as required by Section 2153.505 of the Texas Occupations Code.

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(b) The Zapata County Judge may assess a civil penalty against a person who violates this ordinance. The amount of the penalty for each unregistered amusement redemption machine in excess of an unregistered machine in violation of this ordinance is as follows:

00161193

- (1) For a first violation, \$250 for each unregistered machine; and
- (2) For a second or subsequent violation, \$500 for each unregistered machine.

(c) It is presumed that an operator intended to commit a violation under this section if:

(1) An amusement redemption machine is operated on premises for which a location license is not prominently displayed;

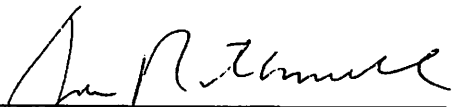
(2) An amusement redemption machine operated on the premises is not included in the records maintained under Section 5(b) of this ordinance; or

(3) The records required under Section 5(b) are not available for inspection by the Zapata County Judge, a representative of the office of the County Judge or a peace officer during the hours of operation of the premises.

SEC. 8. EFFECTIVE DATE.

This Ordinance shall take effect February 1, 2011.

APPROVED ON JANUARY 10, 2011 BY THE ZAPATA COUNTY COMMISSIONERS COURT AND WILL BECOME EFFECTIVE ON FEBRUARY 1, 2011.

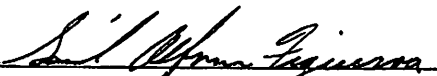


 Joseph Rathmell
 Zapata County Judge

1/10/2011

 Date

APPROVED AS TO FORM AND LEGALITY

By: 

 Said Alfonso Figueroa County Attorney

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