

VG-813-2021-185698

Zapata County
Mary Jayne Villarreal-Bonoan
Zapata County Clerk

Instrument Number: 185698

Real Property Recordings
ORDINANCE

Recorded On: June 15, 2021 10:40 AM

Number of Pages: 12

" Examined and Charged as Follows: "

Total Recording: \$0.00

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Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 185698
Receipt Number: 20210615000005
Recorded Date/Time: June 15, 2021 10:40 AM
User: Celica R
Station: cclerk01

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ZAPATA COUNTY



STATE OF TEXAS
COUNTY OF ZAPATA

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED In the Official Records of Zapata County, Texas.

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

AN ORDINANCE TO BE ENTITLED

AMUSEMENT MACHINE REDEMPTION ORDINANCE

relating to the registration 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 REGISTRATION FOR OPERATION OF AMUSEMENT REDEMPTION MACHINES

Sec. 1. APPLICABILITY. The provisions of this ordinance governing registrations 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.

Sec. 3. LOCATION REGISTRATION AND REGISTRATION OF AMUSEMENT REDEMPTION MACHINES. (a) No amusement redemption machine may be operated on a particular premise unless the operator has registered the amusement redemption machine and holds a location registration issued under this ordinance for the premises.

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

(c) An applicant for a location registration 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 registration number of the person who owns the amusement 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;

(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 registration consents to an inspection of the registration 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 or any other ordinance, federal or state law.

(e) The Zapata County Judge may not issue a location registration 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 registration 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 registration holder is being operated in accordance with Section 47.01(4)(B), Penal Code.

(f) The Zapata County Judge may not issue a location registration license to an applicant whose proposed premises are located within 1000 feet of a church, synagogue, mosque or regular place of worship, a public or private elementary primary or secondary school, or the boundary of a public park, a licensed day-care center, an existing child or senior day care center, a neighborhood community center or an existing business

that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption, or another amusement redemption business. For the purpose of administering this section and to determine distance, measurement shall be made in a straight line, without regard to intervening objects or structures from the nearest portion of the building or structure used as part of the premises where an amusement redemption business is conducted, to the nearest property line of the church, synagogue, mosque or regular place of worship, public or private elementary primary or secondary school, the boundary of a public park, licensed day-care center, existing child or senior day care center, neighborhood community center or existing business that is oriented primarily towards children or family entertainment, an adults-only business licensed for on-premise beer or alcohol consumption, or another amusement redemption business.

Sec. 4. ANNUAL REGISTRATION FEES, INITIAL APPLICATION, ANNUAL RENEWALS, AMMENDMENTS TO INITIAL APPLICATION.

(a) The annual registration fee for each location shall be \$1000.00 for each amusement redemption machine registered to be operated by the applicant.

(b) An application for a location registration certificate must be filed with the Office of the County Judge and

accompanied by a nonrefundable application fee to be operated on the registered premises, 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.

(c) The initial application for a registration certificate shall be filed between March 30, and June 30 of each year. The registration certificate issued shall expire one year after the date on which the certificate was issued.

(d) A registration certificate holder may renew an unexpired registration certificate by paying to the Office of the County Judge, before the expiration date of the registration certificate, the required annual registration fee as required by Section 4 of this ordinance. An application for renewal must be made to the Office of the County Judge between March 30 and June 30 of each year.

(e) A renewal application may be filed after May 30 but before the registration or registration expires must be accompanied by a late fee of \$50.

(f) A new application for a registration certificate may be accepted after June 30 but may not be considered and a registration certificate shall not be issued until the March 30 and June 30 application period.

Sec. 5. REQUIRED LOCATION FOR REGISTRATION HOLDER RECORDS.

(a) A location registration certificate holder shall, at all times, prominently display the holder's registration certificate at the registered premises.

(b) A location registration certificate holder shall maintain, on the registered premises, a record of each amusement redemption machine located on the premises to which the location registration certificate 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 registration certificate applies;
- (3) the date of the most recent registration of the machine; and
- (4) if the machine is owned by the registration certificate holder, any change in ownership of the machine.

(c) The location registration holder must allow the Zapata County Judge, representatives of the office of the County Judge or a peace officer to enter and inspect the registered premises at any time during hours of operation to ensure compliance with this ordinance.

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

(a) The Zapata County Judge may not issue a location

registration certificate if the Zapata County Judge finds that the 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 Registration if the applicant fails to comply with Section 5 of this ordinance.

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

Sec. 7. OPERATIONS AT PREMISES

(a) A licensee or operator may open the premises and operate amusement redemption machines only between the hours of 10:00 A. M. and 2:00 A. M.

(b) A licensee or operator shall provide at least one

parking space on its premises for each vehicle whose occupants enter its premises.

Sec. 8. 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.

(3) opens or maintains open the premises in which amusement redemption machines are located or operates or allows the operation of an amusement redemption machine between the hours of 2:00 A. M. and 10:00 A. M.

(4) fails to provide at least one parking space on its premises for each vehicle whose occupants enter its premises.

(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 violation of Section 8 (1) and (2) of this ordinance is as follows:

(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;

(d) The amount of the penalty for any other violation of this section is as follows:

(1) for a first violation, \$1000; and

(2) for a second or subsequent violation, \$5000 for; and

(3) for a third or subsequent violation, \$10,000.

(e) It is presumed that an operator intended to commit a violation under Section 8 (3) and (4) if:

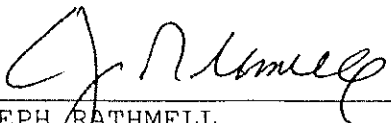
(1) the doors at the premises at which amusement

redemption machines are located are unlocked or persons continue to operate the amusement redemption machines between the hours of 10:00 P. M. and 1:00 P. M.

(2) vehicles owned by persons on the premises at which amusement redemption machines are located are parked other than a parking space provided by the licensee or operator.

SECTION 9. This Ordinance was amended on APRIL 8, 2013, February 13, 2017, JANUARY 28, 2019, APRIL 23, 2019, MAY 4, 2020, NOVEMBER 23, 2020 and MARCH 22, 2021.


APPROVED ON MARCH 22, 2021 BY THE ZAPATA COUNTY COMMISSIONERS COURT AND WILL BECOME EFFECTIVE IMMEDIATELY.



JOSEPH RATHMELL
ZAPATA COUNTY JUDGE


3/22/2021
DATE

ATTEST:



MARY JAYNE VILLARREAL BONOAN
ZAPATA COUNTY CLERK

APPROVED AS TO FORM AND LEGALITY

BY: 

SAID ALFONSO FIGUEROA
COUNTY ATTORNEY