For Office Use Only

Permit #

Receipt #

CC Approval/Check #

Total Paid:

APPLICATION FOR OPERATOR'S GAME ROOM PERMIT (NON-TRANSFERABLE)

City of Lubbock Code of Ordinances 8.04: The Businesses and Amusements Ordinance requires an operator's permit be obtained for any business which operates six (6) or more skill or pleasure coin-operated machines. The issued Game Room Permit must be posted in a viewable location near the machines. In addition, the owner of the machines must pay an annual occupation tax on all machines in the amount of $25 per machine (Sec. 8.04.031 - $15 decal fee, $10 enforcement fee).

Submit completed application (including attachments, payment, and background checks) via email to OCS@mylubbock.us; or by mail to, Office of the City Secretary, P.O. Box 2000, Lubbock, Texas, 79457

*ALL STATE REGULATIONS AND PERMITS ARE SEPARATE FROM THE CITY'S PERMITS.

Game Room Permit Fee: $750.00
Background Check Fee: $75.00 per person
Late Fee (after December 31st for existing business): $150.00

REQUESTED INFORMATION IS REQUIRED BY CITY ORDINANCE – DO NOT LEAVE BLANKS

LEGAL OWNERSHIP INFORMATION:

Please select your legal business structure:

☐ Individual ☐ Partnership ☐ Corporation ☐ Association ☐ Franchise

Full Name(s) of Applicant & DOB(s):
***See Sec. 8.04.001 for definition of *Applicant*, and Sec. 8.04.062(b)(2-4) if the applicant is a partnership, or if a member of the applicant partnership is not a person.**

_____

_____

List all names/aliases used for each name listed as an applicant_____
***See Section 8.04.062 (b)(2)**

_____

*If Corporation – Corporate Address (city, state, zip) _____

Residential Address of Applicant(s) (city, state, zip) _____

Preferred Mailing Address(s) (city, state, zip) _____

Applicant Phone Number(s) _____

Applicant Email(s) _____

☐ Required Attachment: Copy of Government Issued ID for all Applicants listed

REQUESTED INFORMATION IS REQUIRED BY CITY ORDINANCE – DO NOT LEAVE BLANKS

LOCAL AGENT INFORMATION:

***See Section 8.04.062 (b)(6) If the applicant is a resident of the City of Lubbock, the applicant may serve as the local agent or designate a separate individual as the local agent.**

Full Name of Local Agent _____ DOB_____

Residential Address (city, state, zip) _____

Phone Number _____

Required Attachments: ☐ Copy of Government Issued ID for Local Agent ☐ Background Check

GAME ROOM MANAGER INFORMATION: (If different from local agent)

Full Name of Manager_____ DOB_____

Residential Address (city, state, zip) _____

Phone Number _____

Required Attachments: ☐ Copy of Government Issued ID for Local Agent ☐ Background Check

REQUESTED INFORMATION IS REQUIRED BY CITY ORDINANCE – DO NOT LEAVE BLANKS

GAME ROOM INFORMATION: (location of coin-operated machines)

Name of Game Room _____

Game Room Address _____

Legal Description of Address _____

Name of the Owner of the Property listed above _____

Landline Telephone Number _____

Business Hours (days and times) _____

Business Email _____ Contact Phone (if different than landline) _____

Maximum number of machines at this address for the entire year _____

***Note – Table games are considered per individual player and will be required to have a Coin-Operated decal for each seat. The number of players should be counted as an individual machine.**

☐ SMOKING IS ALLOWED in this establishment. ☐ This is a NON-SMOKING establishment.

Number of striped parking spaces on the property _____
***Sec. 8.04.064 (d)(1)**

Square footage of building or leased space _____
***Sec. 8.04.064 (d)(1)**

Separation Information:

Is a Church or Hospital located within 300 feet of the game room (door to door)? ☐ Yes ☐ No

Is a School (public or private), Day Care, or Child Care facility located within 300 feet of the game room (property line to property line)? ☐ Yes ☐ No

This application will be considered incomplete if the below items have not been completed and initialed. The incompletion of the below items could result in the denial of your permit.

I, _____, on behalf of _____, certify to the following statements:
(Name of Applicant) (Business)

Initial for completion of each item. For inapplicable items, write "N/A".

_____ 1. I, the applicant or local agent, have read, fully understand, and agree to comply with City of Lubbock Code of Ordinances, Article 8.04, regarding the regulation of Game Rooms and Coin-Operated Machines.

_____ 2. I have contacted the **Fire Marshal's Office** at (806)775-2646 to schedule the required inspection for obtaining a Game Room Permit. ***This must be completed prior to submitting your application.**

- Date of Contact FMO: _____ Inspection Payment Made: ☐ Yes ☐ No

_____ 3. The game room phone number listed is a landline phone, and this phone number will be in operation at this location for the duration of this permit. We will notify the Office of the City Secretary if this number changes.

_____ 4. The view into the area of the business (Game Room) is **not** restricted by obscured windows using paint or opaque coverings.

_____ 5. Public access will **not** be restricted to enter the business on entry doors during regular business hours.

_____ 6. I am aware that officers of any law enforcement agency or the City Secretary (or designated agent) may enter during regular business hours for the purpose of inspection or for the preservation of the peace.

_____ 7. This Game Room will maintain, and keep available during business hours, an up-to-date list of current employees that will include their name, home address, and date of birth.

_____ 8. ***For All New Game Room Applicants* -** I affirm that there is NOT currently another Game Room business operating at this facility/location.

REQUIRED ATTACHMENTS:

_____ 9. I have disclosed (or attached) the identity and requested information of all "Owner(s)" according to Sec. 8.04.001 ***Applicant***, and Sec. 8.04.062(b)(2-4). ***If listed as a Corporation, Partnership, Association, or Franchise – must attach Articles of Incorporation disclosing all names related to or associated with the listed applicant.**

_____ 10. A true and correct copy of the registration of the assumed name (name of Game Room) filed in the office of the Lubbock County Clerk is attached.

_____ 11. If the property in which the business is located is leased or rented, a true and correct copy of the lease or rental agreement is attached. I understand that sub-leases are not acceptable as per Sec. 8.04.064 (d)(4).

_____ 12. A completed background check authorization form is signed, notarized, and attached hereto for **each applicant**, **local agent, and manager,** as described by City of Lubbock Code of Ordinances, Article 8.04.

_____ 13. I have attached a list of all felony and misdemeanor convictions (except for Class-C traffic offenses) as well as deferred adjudications of the applicant, and of each person included within the definition of Applicant (including Local Agent and Manager).

☐ **By checking this box, I affirm that I do not have any previous convictions to report.**

_____ 14. A money order/cashier's check or City of Lubbock credit card authorization (only acceptable forms of payment) is included with the correct amount due for the permit, background check(s), and late fee (if sent or postmarked after December 31st).

ACKNOWLEDGEMENT OF OWNER/APPLICANT

I, _____, do affirm that the above information is true and correct to the best of my knowledge.

_____

Signature of Owner

BEFORE ME, the undersigned authority, A Notary Public in and for said Lubbock County, Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing application and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

I have personal knowledge of the statements made in the application. None of the information is misleading or false. I acknowledge that the issuance of the permit does not excuse or approve any violation of city, state, or federal laws and regulations. To the extent that this declaration is made on behalf of a corporation or any other legal entity of persons, I certify that I have fully advised them of the contents of the application and this declaration and that I am authorized to execute this declaration.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20_____.

(seal)

_____

Notary Public, State of Texas

My Commission expires: _____

CITY OF LUBBOCK USE ONLY:

- ☐ Coin-Op application/Name of machine vendor
- ☐ Copy of Lease/Rental Agreement (if applicable)
- ☐ Attached list of owners (if applicable)
- ☐ Copy of DBA (Assumed Name)
- ☐ List of convictions (if applicable)
- ☐ Background check:_____
- ☐ Background check:_____
- ☐ Background check:_____
- ☐ Fire Marshal:_____
- ☐ Police Department:_____
- ☐ Building Safety:_____
- ☐ Planning:_____
- ☐ Environmental Health:_____
- ☐ City Secretary: _____

Office of the City Secretary – Background Check

Authorization Fee - $75.00

P.O. Box 2000

Lubbock, Texas 79457

Office – 806.775.2061

Fax – 806.775.3983

I hereby authorize the release of any and all information pertaining to me, documentary or otherwise, as requested by any employee or agent of the City of Lubbock – Office of the City Secretary. I am the applicant, local agent, or manager, and I have personally supplied the information contained in this application. A color copy of my State issued I.D. is attached.

***A list of all felony and misdemeanor convictions (except for Class-C traffic offenses), and deferred adjudications is attached.** You may also use the back of this form.

☐ By checking this box, I certify that I have no felony convictions, misdemeanor convictions, or deferred adjudications to disclose.

_____ _____

(Print Full Name) (Date of Birth)

_____-_____-_____ _____-_____-_____

(Phone Number) (Social Security Number)

_____

(Address) (City, State, Zip)

_____ _____

Signature of Applicant Date

I certify and affirm that the information appearing on and attached to this statement is true and correct. Subscribed and sworn to, before me, this _____ day of _____, 20_____.

{SEAL}

_____

Notary Public

The following is a list of all felony and misdemeanor convictions (except for Class-C traffic offenses) and deferred adjudications:

I, _____, authorize the Office of the

City Secretary to charge my ☐Credit ☐Debit (check one) _____card for

$ _____, via the card information listed below:

CREDIT CARD NUMBER	
CREDIT CARD TYPE (Visa or Master Card)	
AUTHORIZATION CODE (3-digit number on back of card)	
EXPIRATION DATE (MM/YY)	
CARDHOLDER ADDRESS (Street, City, State and Zip)	
CARDHOLDER SIGNATURE	

City of Lubbock
Office of the City Secretary
PO Box 2000
Lubbock, TX 79457

(806) 775-2061

*** NOTICE * The City of Lubbock charges a $1 service fee on all credit card transactions at or under $40. All credit card transactions over $40 will be charged a 2.49% service fee.**

This form is immediately destroyed via shredding once charge transaction is complete.

ARTICLE 8.04 COIN-OPERATED MACHINES

Division 1. Generally

Sec. 8.04.001 Definitions

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

Applicant. Any person, firm, company, association, franchise, or corporation that applies for an operator's game room permit under this article. The term "applicant" shall include each member of a partnership when the applicant is a partnership. If a member of the applicant partnership is not a person, the applicant shall include those persons holding a ten-percent or greater interest in the entity that constitutes that member of the partnership applicant. The term "applicant" shall include each officer, director, and holder of a ten-percent or greater interest of a corporation, firm or association when the applicant is a corporation, firm, association, or franchise. If the holder of a ten-percent or greater interest in a corporation, firm or association applicant is not a person, the applicant shall include those persons holding a ten-percent or greater interest in the entity which holds a ten-percent or greater interest in the corporation, firm or association which is the applicant. The term "applicant" shall include the franchisee, or holder of a franchise license, when the applicant is a franchised business. If a member of the applicant franchise is not a person, the applicant shall include those persons holding a ten-percent or greater interest in the entity that constitutes that member of the franchise applicant. When a permit is issued under this article, the Applicant becomes the permit holder.

Chief of police. The chief of police of the City of Lubbock or his designated agent.

Coin-operated machine. Every machine or device of any kind or character, which is operated by or with credits or points which have been purchased with anything of value, including coins, slugs, tokens, paper money, checks, credit or debit cards, or stored value cards, whether those points or credits are purchased directly at the machine or at a central station or terminal, or are transferred to the machine by means of an electronic or electromagnetic card. When a machine or device allows more than one person to simultaneously operate the machine or device by or with credits or points which have been purchased with anything of value, including coins, slugs, tokens, paper money, checks, credit or debit cards, or stored value cards, whether those points or credits are purchased directly at the machine or at a central station or terminal, or are transferred to the machine by means of an electronic or electromagnetic card, each station or location on the machine or device where a person can operate the machine or device shall be considered an individual "coin-operated machine." "Music coin-operated machines" and "skill or pleasure coin-operated machines" as those terms are hereinafter defined shall be included in such term.

Music coin-operated machine. Every machine or device of any kind or character that dispenses or vends or that is used for dispensing or vending music and is operated by or with coins, metal slugs, paper money, tokens, checks, or credit or debit cards.

Operator. Any person, firm, company, association, or corporation which exhibits, displays or permits to be exhibited or displayed, in a place of business, any coin-operated machine in the city.

Person. Includes any natural person, association of natural persons, trustee, receiver, partnership, corporation, organization, or the manager, agent, servant, or employee of any of them.

Service coin-operated machine. Every pay toilet, pay telephone, and all other machines which dispense service only and not merchandise, music, skill, or pleasure.

Skill or pleasure coin-operated machine. Every coin-operated machine of any kind or character whatsoever, when such machine or machines dispenses or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure or for any other purpose other than the dispensing or vending of merchandise or music or service exclusively, as those terms are defined in this section.

(1983 Code, sec. 3-105; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 10038, sec. 1, adopted 12/18/1997; Ordinance 2019-O0037 adopted 3/26/2019; Ordinance 2020-O0133 adopted 10/13/2020)

Sec. 8.04.002 Illegal machines

Nothing contained in this article shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table or coin-operated machine, the keeping, exhibition, operation, displaying or maintenance of which is illegal or in violation of any article of the Penal Code of this state or the constitution of this state. (1983 Code, sec. 3-110; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 2019-O0037 adopted 3/26/2019)

Secs. 8.04.003–8.04.030 Reserved

Division 2. Occupation Tax

Sec. 8.04.031 Fees - amount; registration

(a) Every operator who exhibits or displays or who permits to be exhibited or displayed in the city any coin-operated machine shall pay an annual occupation tax on each coin-operated machine. All associated fees shall be set by the current fiscal budget of the city. If no fee is established by budget ordinance, a minimum fee of fifteen dollars ($15.00) occupation tax per machine shall be required.

(b) All occupation taxes for coin-operated machines are payable in advance. Prior to payment of the tax every operator shall register each machine by make, model, and serial number with the city secretary or designated agent.

(c) Every operator shall register each spare circuit board or control module by make, model, and serial number with the city secretary or designated agent, although no additional occupation tax will be levied against circuit boards or control modules which are not actually in service. Every operator shall notify the city secretary or designated agent if and when the circuit board or control module for a coin-operated machine is placed into service.

(1983 Code, sec. 3-106; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 10038, sec. 2, adopted 12/18/1997; Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.032 Exemptions

Gas meters, pay telephones, pay toilets, food vending machines, confection vending machines, beverage vending machines, merchandise vending machines, motor vehicle fuel pumps or recharging stations, and cigarette vending machines which are now subject to an occupation or gross receipts tax, stamp vending machines, and "service coin-operated machines," as that term is defined, are expressly exempt from the tax levied herein, and the other provisions of this article. (1983 Code, sec. 3-107; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.033 Issuance and display of decal as evidence of payment

(a) The decal issued by the city secretary to evidence payment of the tax levied herein shall be securely attached with its own adhesive to a fixed part of the coin-operated machine. The decal shall be affixed to the machine in a manner prescribed by the city secretary.

(b) During the last quarter of each year, operators shall pay the occupation tax, register the machines taxed, and receive a decal for each coin-operated machine to be within the city on January 1st of the following year.

(1983 Code, sec. 3-108; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 10038, sec. 3, adopted 12/18/1997; Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.034 Sealing machine for nonpayment

The chief of police may seal any such machine upon which the tax has not been paid in a manner that will prevent further operation. The city secretary shall charge a fee of five dollars ($5.00) for the release of any machine sealed for nonpayment of tax. The fee shall be paid to the city secretary by cashier's check or money order. It shall be unlawful to break the seal affixed in the name of the city or exhibit, display or remove from location any machine on which the seal has been broken. (1983 Code, sec. 3-109; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 2019-O0037 adopted 3/26/2019)

Secs. 8.04.035–8.04.060 Reserved

Division 3. Operator's Game Room Permit

Sec. 8.04.061 Required; fee; renewal

(a) Any operator whose business operates six (6) or more skill or pleasure coin-operated machines or any operator whose principal business is the operation of skill or pleasure coin-operated machines, without regard to number, shall obtain an operator's game room permit from the city secretary.

(b) All associated fees for obtaining an operator's game room permit shall be set by the current fiscal budget of the city. If no fee is established by budget ordinance, a minimum fee of five hundred dollars ($500.00) for the administrative costs of processing the operator's game room permit shall be required.

(c) Each time the location of a machine is changed, the operator shall notify the city secretary of the change by filing an amendment to the operator's game room permit application within ten (10) days of the change.

(d) An application for the renewal of an operator's game room permit must be made to the city secretary by December 31st of each year.

(1983 Code, sec. 3-115; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 10038, sec. 5, adopted 12/18/1997; Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.062 Application

(a) An operator's game room permit application may be obtained at the city secretary's office.

(b) The applicant shall be required to furnish the following information:

(1) The name of the applicant's business and the address of the location where the machines are to be located.

(2) The date of birth and full legal name, including any and all names by which the person has been known, of the applicant and of each person included within the definition of applicant as set forth at section 8.04.001 of this article.

(3) If the applicant is a corporation, the exact corporate name, state of incorporation and principal place of business for the corporation.

(4) The current residence address and telephone number of the applicant and of each person included within the definition of applicant as set forth at section 8.04.001 of this article.

(5) A copy of the driver's license, state identification card, or other forms of identification acceptable to the city secretary and sufficient to establish the truth and accuracy of the information provided in the application of the applicant and of each

person included within the definition of applicant as set forth at section 8.04.001 of this article.

(6) The name and home address of a local agent if the applicant is not a resident of the City of Lubbock. If the applicant is a resident of the City of Lubbock, the applicant may serve as the local agent or designate a separate individual as the local agent. A copy of the local agent's driver's license, state identification card, or other forms of identification acceptable to the city secretary and sufficient to establish the truth and accuracy of the information provided in the application.

(7) The name and home address of the manager of the applicant's business who will be primarily responsible for the day-to-day operations of the business. A copy of the manager's driver's license, state identification card, or other forms of identification acceptable to the city secretary and sufficient to establish the truth and accuracy of the information provided in the application.

(8) All felony and misdemeanor convictions and deferred adjudications, except for class C traffic offenses, of the applicant and of each person included within the definition of applicant as set forth at section 8.04.001 of this article, and of the local agent and manager, including, but not limited to, any of the offenses as described at section 8.04.064(d)(5) of this article, except for deferred adjudications when a court has issued an order of nondisclosure.

(9) The maximum number of skill or pleasure coin-operated machines to be located at the business.

(10) The landline telephone number for the address of the location where the machines are to be located.

(11) The application shall be signed under penalty of perjury by the applicant, attesting to the truth and accuracy of the information provided, including each document attached to the application.

(c) Only one operator's game room permit may be issued for a single location and each operator's game room permit is non-transferable to any other location or address or to any person, firm, company, association, franchise, or corporation that was not originally the applicant as set forth at section 8.04.001 of this article.

(d) The operator shall have a continuing duty, during the term of any operator's game room permit or renewal thereof, to notify the city secretary of any change in the information required to be submitted on the application for the operator's game room permit.

(e) Issuance of an operator's game room permit by the city secretary is contingent on the verification of the application information with assistance of other city departments as appropriate, including, without limitation, the police, planning and zoning, code enforcement, fire marshal, environmental health, and building inspection departments.

(1983 Code, sec. 3-116; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 10038, sec. 6, adopted 12/18/1997; Ordinance 2019-O0037 adopted 3/26/2019; Ordinance 2020-O0133 adopted 10/13/2020)

Sec. 8.04.063 Inspections

An applicant or permit holder shall permit representatives of the police department, building inspection department, fire department, code enforcement department and environmental health department of the city to inspect the premises of the game room business for the purpose of ensuring compliance with the law and this division at any time that the premises are occupied by one or more persons. (Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.064 Issuance or denial

(a) The chief of police shall investigate said application and the background of the applicant. At his or her discretion, the chief of police shall be assisted in his investigation by the building official, environmental health officer, code enforcement officer, and/or the fire marshal. Within forty-five (45) days after receipt by the city secretary of the fully completed application for the permit, including all attachments or submissions as may be required, the chief of police shall report the results of the investigation to the city secretary.

(b) Within sixty (60) days after receipt by the city secretary of the fully completed application for the permit, including all attachments or submissions as may be required, the city secretary shall inform the applicant by certified mail, return receipt requested, or by email if elected by the applicant, as to the approval or denial of said permit.

(c) The city secretary shall issue a permit to the Applicant which shall be valid only as to the game room activities described in the application and approved on the face of the permit, unless one or more of the following conditions exists:

(1) The location of the game room business or enterprise is or would be in violation of chapter 40 of the Code of Ordinances of the City of Lubbock, Texas.

(2) The applicant has failed to make full disclosure, or to supply all of the information requested on the application, or the application is otherwise incomplete.

(3) The applicant has provided false, fraudulent or untruthful information on the application, or is attempting to acquire the permit under false pretenses.

(4) The application or the establishment or the venture does not meet one or more of the requirements of this article.

(5) The correct permit fee has not been tendered to the city and, in the case of a check or bank draft, honored with payment upon presentation.

(6) The structure, configuration or layout of the premises, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city building, zoning, fire prevention and protection, and health ordinances and regulations.

(7) The applicant or the manager or any other person principally in charge of the operation of the business is under eighteen (18) years of age, or is under twenty-one (21) years of age and the sale or consumption of alcoholic beverages would be an aspect of the venture.

(8) The applicant has not demonstrated that the applicant owns, leases or otherwise has or continues to have the lawful right to occupy and use the premises for the purpose stated in the application.

(9) The applicant has been a permit holder, owner, manager, local agent, or an employee with managerial responsibilities for a game room business when the permit for such business has been denied or revoked, within two (2) years preceding the date of the application.

(d) The city secretary shall not issue a permit to the applicant which shall be valid only as to the game room activities described in the application and approved on the face of the permit, unless:

(1) The parking ratio of one parking space per fifty (50) square feet of gross floor area is provided on the development lot.

(2) The legal description of the property of the business where the machines will be located is provided.

(3) The name of the owner of the property where the business is located is provided.

(4) A copy of the lease or rental agreement is provided, if the property is leased or rented. A sublease, agreement, or contract with a person or entity other than the person or entity listed with the Lubbock County Central Appraisal District as the property owner for the address where the business will be located shall not be sufficient to satisfy this requirement.

(5) The applicant and of each person included within the definition of applicant as set forth at section 8.04.001 of this article, the manager, and the local agent, has not been convicted or received a deferred adjudication for any offense set forth in chapter 47 of the Texas Penal Code (gambling); chapter 34 of the Texas Penal Code (money laundering); chapter 71 of the Texas Penal Code (organized crime); any offense involving the manufacture, possession or delivery of a controlled substance in penalty groups 1, 1A, 2, 3, or 4, or the delivery of marihuana, as more fully described in chapter 481 of the Texas Health & Safety Code; or any crime of moral turpitude.

(e) A business that existed on or before November 3, 1982, and has remained in continuous operation shall be permitted to obtain an operator's game room permit under this division without complying with subsection (d)(1), provided that no structural alterations are made except those required by law or ordinance. Compliance with subsection (d)(1) of this section shall be required when an exempted business is added to or enlarged. This requirement may be satisfied upon the granting of a variance by the zoning board of adjustment.

(f) When a permit is issued to the applicant, each person included within the definition of applicant as set forth at section 8.04.001 of this article shall be considered to be a permit holder.

(Ordinance 2019-O0037 adopted 3/26/2019; Ordinance 2020-O0133 adopted 10/13/2020)

Sec. 8.04.065 Suspension

(a) The chief of police may suspend a permit for a period not to exceed thirty (30) days if he determines that a permit holder or any employee of a permit holder has violated or is not in compliance with this article; or that a condition exists which would be grounds for denial of an application for a permit under this article.

(b) The chief of police shall inform the permit holder by certified mail, return receipt requested, of the suspension of a permit and of the permit holder's right to appeal as set forth at section 8.04.067 of this article. Written notice of the suspension of a permit shall be posted in a conspicuous place on the business premises. The chief of police shall inform the city secretary of the suspension.

(Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.066 Revocation

(a) Any operator's game room permit issued under this division shall be subject to revocation by the city secretary for the following reasons:

(1) The correct operator's game room permit fee has not been tendered to the city secretary, in the case of a check or bank draft, honored with payment upon presentation.

(2) Failure to comply with the requirements of this article.

(3) Operation of the coin-operated machines in a manner which violates the law.

(4) Any condition which would make the applicant, operator or local agent ineligible to receive an operator's game room permit, including, without limitation, conviction of any offense set forth in chapter 47 of the Texas Penal Code (gambling); chapter 34 of the Texas Penal Code (money laundering); chapter 71 of the Texas Penal Code (organized crime); any offense involving the manufacture, possession or delivery of a controlled substance in penalty groups 1, 1A, 2, 3, or 4, or the delivery of marihuana,

as more fully described in chapter 481 of the Texas Health & Safety Code; or any crime of moral turpitude.

(b) The chief of police or any other representatives of the police department, building inspection department, fire department, code enforcement department and environmental health department of the city shall inform the city secretary of an applicant's or operator's failure to comply with the requirements of this article.

(1983 Code, sec. 3-117; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.067 Appeal of denial or revocation or suspension

Any applicant or operator whose operator's game room permit is denied or revoked pursuant to the provisions of this division shall have ten (10) business days following receipt of the notice of such denial or revocation to appeal the denial or revocation to the City of Lubbock permit and license appeal board in accordance with chapter 2, article 2.03, division 3, section 2.03.071 et seq., of the Lubbock Code of Ordinances. (1983 Code, sec. 3-118; Ordinance 8372, sec. 2, adopted 11/18/1982; Ordinance 10038, sec. 7, adopted 12/18/1997; Ordinance 2019-O0037 adopted 3/26/2019; Ordinance 2020-O0133 adopted 10/13/2020)

Secs. 8.04.068–8.04.070 Reserved

Division 4. Additional Requirements for Operators of Skill or Pleasure Coin-Operated Machines

Sec. 8.04.071 Restrictions on prizes

(a) Any operator who operates skill or pleasure coin-operated machines or any business whose principal business is the operation of skill or pleasure coin-operated machines, if such business awards any prizes or things of value, shall not:

(1) Operate the machines in violation of the law.

(2) Award any prize which includes cash.

(b) Any operator who operates skill or pleasure coin-operated machines or any business whose principal business is the operation of skill or pleasure coin-operated machines, if such business awards any prizes or things of value, shall:

(1) Maintain for public inspection a contemporaneous list of any prizes to be awarded which includes the wholesale value of each prize or prize category.

(Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.072 Premises and operational requirements

(a) The operator shall not restrict the view into the area of the business in which the skill or pleasure coin-operated machines are located by obscuring any windows opening into the area with paint or opaque coverings.

(b) The operator shall not restrict public access to enter the business through the use of locking mechanisms on the entry doors during regular business hours.

(c) The operator shall permit the city secretary or designated agent, and officers of any law enforcement agency, to enter during regular business hours, for the purpose of inspection or for the preservation of the peace.

(d) The operator shall maintain a list of current employees, including each employee's name, home address, and date of birth. The list is to be made available during regular business hours for inspection by the city secretary or designee, and law enforcement officers.

(e) The operator shall maintain a working telephone landline on the premises where the machines are to be located.

(Ordinance 2019-O0037 adopted 3/26/2019)

Sec. 8.04.073 Prohibited locations

No business exhibiting skill or pleasure coin-operated machines shall be located within 300 feet of a school, church, or hospital. (Ordinance 2019-O0037 adopted 3/26/2019)