

COUNTY OF BEE RESOLUTION AND ORDER

AN ORDER OF COUNTY OF BEE, TEXAS ESTABLISHING THE REQUIREMENTS OF A PERMIT FOR ALL ESTABLISHMENTS OPERATING CERTAIN GAME AND AMUSEMENT DEVICES; REQUIRING PAYMENT OF AN ESTABLISHED FEE PRIOR TO ISSUANCE OF PERMIT; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY AS OUTLINED IN THE "REVOCATION OF PERMIT" UPON CONVICTION OF VIOLATION OF THIS ORDER.

WHEREAS, this order is necessary to protect and monitor the public safety, health, and welfare of the County of Bee and is adopted pursuant to the regulatory authority set forth in Commissioner's Court of the County of Bee.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONER'S COURT OF THE COUNTY OF BEE, TEXAS:

SECTION 1:

- **REQUIREMENT OF PERMIT.**

There is hereby established a requirement of a permit for all establishments in the unincorporated areas of County of Bee and operating certain game and amusement devices and operating only in compliance with any and all applicable State of Texas statutes controlling the operation of these machines.

- Payment of an established fee prior to issuance of permit is hereby required.

SECTION 2: DEFINITIONS

A. DEFINITIONS

(1) "Amusement Redemption Machine" - An amusement redemption machine is a skill or pleasure coin-operated machine that is designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of a value redeemable for those items.

(2) "Coin Operated Machine" - A coin-operated machine includes a machine or devices operated by the payment or insertion of paper currency or any other consideration.

(3) "Middle of the Operating Year" – The middle of the operating year being July 1st or any date thereafter of the year in which the permit application has occurred.

B. EXCLUDED MACHINES.

- An amusement redemption machine does not include:

(1) a machine that awards the user non-cash merchandise prizes, toys, or novelties solely and directly from the machine, including claw, crane, or similar machines; nor

(2) a machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varied depending upon the user's ability to throw, roll; flip, toss, hit, or drop a ball or other physical object into the machine or a part thereof, including basketball, skeet ball, golf, bowling, pushers, or similar machines.

SECTION 3: LOCAL PERMIT FEE FOR AMUSEMENT REDEMPTION

MACHINE PREMISES PERMIT

A. FEE.

An owner, operator, or lessee of premises on which an amusement redemption machine is made available to others shall be required to secure a permit by paying to the County of Bee an annual amusement redemption machine premises permit fee based on the following:

\$500.00 per machine registered with the Bee County Tax Assessor Collector's Department.

B. EXPIRATION AND RENEWAL.

Permits issued under Section 1 shall automatically expire on the last working day of December of issuance. Such permit shall also automatically expire if the holder thereof sells, transfers equity, or otherwise disposes of such devices. The County of Bee shall not refund any portion of an amusement redemption machine premises permit fee after the permit has been issued, nor shall it prorate or reduce in amount any fee due to the County of Bee.

Machines Placed In The Establishment After Annual Permit Is Obtained.

The total fee applicable for the number of machines located on premises with the addition of new machines after the annual permit is obtained and/or renewed shall be the total fee due upon addition of added machines in one establishment and shall hence force be the fee due on the last working day of February of the year. (Fees will not be prorated.)

Machines "placed in the establishment" shall be defined as physically located in the establishment whether operating or not and SHALL NOT be located within 1000 feet of any School District Owned Property or Church Owned Property. As to the owner, operator, or lessee of premises currently in operation as of March 24, 2014 at 10:30 am are not subject to the distance restriction in this order.

C. LATE PENALTY.

Upon the expiration of a permit, and within thirty (30) days thereafter, the owner, operator, or lessee of premises making the devices available to others shall obtain a renewal thereof in the same manner as an original permit if he/she wishes to continue operating premises on which an amusement redemption machine is made available to others. Failure by an owner, operator, or lessee of premises to pay this fee within thirty (30) days will require each owner, operator, or lessee of premises to pay an additional late fee in an amount equal to twenty-five percent (25%) per machine of the fee actually due or twenty-five percent (25%) per machine of the previous year's fee, whichever is greater.

D. SEALING.

The County of Bee shall have the authority to seal any coin-operated machine located at an establishment for which an amusement redemption machine premises permit fee has not been secured. A \$25.00 fee per machine will be charged for the release of any machine sealed for a non-payment of said amusement redemption machine premises permit fee upon payment of the normal fee plus the added twenty-five percent (25%) per machine penalty.

E.POSTING OF PERMIT.

The permit shall be visibly displayed on each machine inside the building where these machines are registered with the Bee County Tax Office. A permit holder shall post a permit at each location where the holder owns or exhibits a coin-operated machine.

SECTION 4:

• REVOCATION OF PERMIT.

The Commissioner's Court may revoke any permit to maintain and operate premises on which an amusement redemption machine is made available to others when the licensee has been found guilty by a court of competent jurisdiction of violating any provisions of this order or any applicable State Statute. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the premises are being maintained and operated in full compliance with the law and this order. Provided, however, that an owner, operator, or lessee of premises on which an amusement redemption machine is made available to others, who is found to be in violation of this order based on a finding that the number of amusement redemption machines exceeds the number for which the premises is permitted shall be required to pay an amount equal to twice the difference of the original permit and the permit fee required for the number of machines actually on the premises.

SECTION 5: SEVERABILITY CLAUSE.

All orders or parts of orders in conflict with this order are repealed to the extent of such conflict only. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this order shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this order, for it is the definite intent of this Commissioner's Court that every section, paragraph, subdivision, clause, phrase, word or provisions hereof be given full force and effect for its purpose.

SECTION 6: EFFECTIVE DATE.

This order shall become effective on and after June 1, 2014.

SECTION 7: PENALTY CLAUSE

Any person who shall violate any of the provision of this order shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars (\$200.00)

PASSED AND APPROVED on this the 24 day of March, 2014.

COUNTY OF BEE

DAVID SILVA

Bee County Judge

CARLOS SALAZAR JR.
Commissioner Precinct 1

ELOY RODRIGUEZ
Commissioner Precinct 3

DENNIS DEWITT
Commissioner Precinct 2

KENNETH HAGGARD
Commissioner Precinct 4

ATTEST: *Mirella E. Davis* MIRELLA DAVIS, County Clerk