Adopted by the Houston City Council 1948; Revised 1968, 2007, 2008, 2009, 2010 and 2011

CITY OF HOUSTON
APPLICATION FOR PERMIT TO OPERATE A GAME ROOM

Applicant: Submit application, in person, to ARA - Commercial Permitting & Enforcement at the H.P.C. Building, 1002 Washington Ave., Houston, TX, 77002. A background check will be conducted.

☐ $381.95 / with 4 or less Amusement Redemption Machines
☐ $464.53 / with 5 or more Amusement Redemption Machines

Requires $25.80 Administrative Fee

LEGAL OWNER(S) INFORMATION

Application Date: _____ / _____ / _____

Print full name(s) of legal owner(s): _____

hereby make application to operate a GAME ROOM doing business as:

Name of business | Street Address | ZIP

Owner's Phone Number (24 hour access) | Driver's License or Identification Number | Owner's E-mail Address

Owner's Home Street Address | City | State | Zip Code

In full compliance with the ordinance provision of the City of Houston Code of Ordinances, Chapter 5 which is cited below regulating the conduct of such places, I hereby certify that I fully understand and agree that such permit may be revoked in the event this facility is not operated in accordance with city and state law.

I am applying for the game room permit and certify that all information submitted in this application is true and correct.

Signature(s)

MANAGER/OPERATOR INFORMATION

Print full name(s) of manager/operator(s) if different than owner:

Phone number (24 hour access) | Driver's License or Identification Number

Signature(s)

CITY OF HOUSTON USE ONLY

The applicant is in compliance with the ordinance for the following items:

☐ Background Check (Article VI, Division 2, Sec. 5-173)

Approved by

Signature of HPD Representative | **Date** | **Printed Name of HPD Representative**

☐ In the case of a game room to be operated under an assumed name, a true and correct copy of the registration of the assumed name filed in the office of the Harris County Clerk, bearing the file mark or stamp that evidences its filing in that office. (Article VI, Division 2, Sec. 5-171 d)

☐ Copy of a Certificate of Occupancy issued by the city building official as appropriate for the proposed location. (Article VI, Division 2, Sec. 5-171 d)

☐ Game Rooms with Amusement Redemption Machines - meets the building requirements of Article VI, Division 3, Sec. 5-186 (a), (b), (c) and (d). (Inspection worksheet attached).

Approved by

Signature of ARA Official | **Date** | **Printed Name of ARA official**

Article VI. City code of Ordinance, Houston, Texas, GAME ROOMS

Chapter 5 – Division 2. LICENSE

Sec. 5-171. REQUIRED. (a) It shall be unlawful to operate, use or maintain any room or place in the city where persons are permitted to play at any game of dominoes cards or other games, and for the use of which, or privilege of playing therein or there at, any money or its equivalent, or any check or counter in lieu of money shall be paid or received, or where memberships are sold for anything of value for the privilege of playing therein or there at, without first securing a license therefor. (b) The application for a license shall be in the form prescribed by the director of Administration and Regulatory Affairs or designee and shall contain such information as he shall require. Any failure to provide the information required by this section or a determination by the director that inaccurate, erroneous or incomplete information has been submitted shall be grounds for denial of the application by the director. (c) The proposed game room must comply with this chapter 5 and chapter 44 of this code if applicable, at the time of the submission of the application for a license. (d) each application shall also be accompanied by (i) a copy of a certificate of occupancy issued by the building official as appropriate for the proposed game room, and (ii) in the case of a game room to be operated under an assumed name, a true and correct copy of the registration of the assumed name filed in the office of the Harris county Clerk, bearing the file mark or stamp that evidences its filing in that office. Any failure to provide the documents required by this subsection shall be grounds for denial by the director of the application to which it applies. (e) A license may be renewed for the following calendar year beginning October 1 of each year by filing a completed application for each license and paying the applicable fee set forth in section 5-172 or 5-188 of this code. A renewal application shall be subject to the same requirements in this section for a license application.

Sec. 5-172. LICENSE FEE - LEVIED; AMOUNT. There shall be levied and collected from every person operating, maintaining or managing, or causing to be operated, maintained or managed, any room or place in the city for the purpose set out in Section 5-171 of this Code an annual license fee of $381.95 per annum for each separate establishment used or maintained; provided, licenses fees for licenses issued for game rooms as defined in Section 5-181 of this code shall be levied and collected as provided in Section 5-188 of this Code.

Sec. 5-173. GROUNDS FOR DENIAL, REVOCATION OR SUSPENSION. (a) The Director of Administration and Regulatory Affairs shall forward each application received under this division to the Chief of Police for an investigation as to whether the applicant has been convicted of an applicable offense as specified in Section 1-10 of this Code. If it appears that the applicant has been convicted of such an offense, the director of Administration and Regulatory Affairs shall follow the procedures set forth in Section 1-9 of this Code. (b) A license issued under this division shall be subject to revocation by the director of Administration and Regulatory Affairs pursuant to the applicable provisions of Section 19 and 1-10 of this code. (c) Any failure of a proposed game room to meet all requirements of this chapter 5 and chapter 44 of this code is applicable, shall be grounds or denial of a game room license.

Sec 5-174. SAME-PAYMENT; RECEIPT CONSTITUTES LICENSE. The license fees provided for in Section 5-172 and Section 5-188 of this Code shall be paid to the director of Administration and Regulatory Affairs, who, upon receipt of such fees and subject to the following terms hereof, shall give a receipt to the taxpayer therefor in the name of the city, signed by the director, which receipt shall be a license for the operation of the game rooms set out in this division and division 3 of this chapter 5 until the thirty-first day of December of the year for which the license was issued.

Sec. 5-175. VIOLATIONS. Any person operating, using or maintaining ANY ROOM OR SPACE for which a license is required by this division without first paying the fee and securing a license therefore, or who operates, uses or maintains such place after the license therefore has been revoked, shall upon conviction, be fined as provided in Section 1-6 of this Code for each day that such room or place is so operated.

Sec. 5-176. EXEMPTIONS. This division shall not be constructed to embrace bona fide fraternal organizations and lodges, social clubs or social gatherings in private residences for the sole purpose of sociability and amusement.

Sec. 5-177. EFFECT. Each license under this article must meet and comply with all requirements of law applicable to the premises or any activity conducted thereon and the issuance of a license under this article shall not excuse the licensee, his agents or employees or any patrons of such premises from.

Sec. 5-178. HEARINGS. Any applicant desiring to contest the denial of a game room license under section 5-173 (c) of this code may request a hearing before a hearing officer designated by the director of the Administration and Regulatory Affairs department or his designee in accordance with the following procedures: (1) A request for hearing must be in writing and delivered to the director within ten days of the denial. The applicant waives the right to hearing if the request is not timely received by the director. (2) The only issue before the hearing officer shall be whether or not the proposed game room complies with the requirements of section 5-173 (c) of this code. (3) If the hearing officer determines that a proposed game room does not comply with section 5-173 (c) of this Code, the application for a game room license shall be denied. The applicant may re-apply for a game room license if changes are made to bring the proposed game room into compliance with section 5-173 (c). (4) The decision of the hearing officer shall be final.

Chapter 5 – Division 3, GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES

Sec. 5-181. DEFINITIONS. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement redemption machine means a recreational machine that provides the user with an opportunity to receive something of value other than a right to replay and in which credits, or the equivalent thereof, are accumulated when: a particular configuration of like symbols is displayed in a random fashion by the machine: symbols or numbers are matched to a randomly selected symbol or number determined by the machine: a combination of cards is arrived at and valued in a traditional hierarchy for purposes of poker: or a combination of cards is arrived at and points assigned for the purposed of blackjack.

Game Room means a building, facility or other place that contains more than four amusement redemption machines.

Game room owner means an individual who has an ownership interest in a game room

Sec. 5-182. UNRESTRICTED ACCESS BY LAW ENFORCEMENT OFFICER. It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of the game room, or an amusement redemption machine, to provide a law enforcement officer with immediate unrestricted access during business hours to all areas of the game room and to all amusement redemption machines.

Sec. 5-183. INSPECTION BY LAW ENFORCEMENT OFFICER. (a) Any law enforcement officer may inspect a game room or an amusement redemption machine located in the city to determine whether the game room or amusement redemption machine complies with this division and state law. (b) An owner, manager, or employee of a game room or other person who does not allow a law enforcement officer to inspect a game room or amusement redemption machine commits an offense.

Sec. 5-184. GAME ROOM SIGN REQUIRED. (a) A game room owner shall mark each entrance to a game room with a sign that: (1) States "GAME ROOM" in four inch or larger block letters and (2) Is legible and visible at all times from a distance of 25 feet. (b) Any signage required by this section shall be in conformance with the *Sign Code*.

Sec. 5-185. EGRESS DOORS. It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over game room or a portion of a game room, or over a building, facility, or other place that contains amusement redemption machines to provide during business hours egress doors that are easily openable from the egress side without the use of a key or special knowledge or effort, in conformance with the *Construction Code* and *Fire Code.*

Sec. 5-186. TRANSPARENT, UNCOVERED WINDOWS REQUIRED. (a) Any building, facility, or other place that contains *four or fewer* amusement redemption machines must have at least one window in front of the building meeting the criteria set forth in sections 5-186(e)(2), 5-186 (e)(3), and 5-186(e)(4) allowing a clear and unobstructed view of all amusement redemption machines. (b) It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room to provide transparent glass in each game room window. (c) It shall be unlawful for any person to cover or obstruct a game room window. (d) It shall be unlawful for any person to exhibit or display, or to permit to be exhibited or displayed, for commercial use five or more amusement redemption machines unless such machines are located in a game room building or structure with not fewer than two windows or transparent walls or panels of glass or other material that permits a clear, unobstructed view of both the interior of the game room and each amusement redemption machine located therein, by a person outside the building or structure standing in an area open to and accessible by a member of the public at all times the game room is in operation. (e) It shall be unlawful for any person to exhibit or display or 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 there in is visible through such walls or windows; and (2) At the lowest point are no more then 4 feet above the adjacent sidewalk or ground level: and (3) At the highest point are at least 8 feet higher then the adjacent sidewalk or ground level; and (4) Are at least 4 feet wide.

Sec. 5-187. ILLEGAL MACHINES. This division shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code.

Sec. 5-188. LICENSE FEE - LEVIED; AMOUNT. There shall be levied and collected from every person operating, maintaining or managing, or causing to be operated, maintained or managed, any game room as defined in Section5-181 of this code an annual fee of $464.53 per annum for each separate game room used or maintained. Licenses shall be issued in accordance with divisions 2 and 3 of this chapter 5.