



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, November 19, 2019

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor ProTem Diane Huddleston	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 4642)

Presentation, and discussion, of the City's Stormwater System and related issues.

2. Council Action (ID # 4643)

Consider approval of a policy for Rules of Decorum and Procedures for the conduct of City Council Meetings.

- Agenda Prep & Meeting Decorum Policy(DOCX)

3. Ordinance (ID # 4644)

CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 4, BUSINESS REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 4.11 REGULATING GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES

IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS

4. Ordinance (ID # 4645)

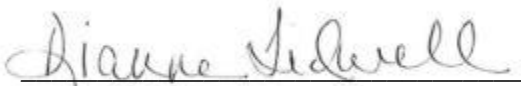
CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR AN INCREASE IN THE GAME ROOM LICENSE FEE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

- MFS Change-Game Room License Fee (DOCX)

IV. ADJOURNMENT

Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 15th day of November, 2019 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.


Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2019.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.1

Meeting: 11/19/19 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM (ID # 4642)

DOC ID: 4642

Department: Administration

Subject: Presentation of the City's Stormwater System

Background: Impervious surfaces (pavement, roofs, etc.) prevent rainfall from soaking into the ground and instead, runs rapidly into storm drains, sewer systems and drainage ditches causing major issues. As a result of the recent flooding, this presentation, made by the City Manager, will educate and inform the public on the ownership, maintenance and responsibilities of the stormwater system in our community.

Funding Source: n/a



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.2

Meeting: 11/19/19 06:00 PM

Department: Administration
Category: Policy Issues

COUNCIL ACTION (ID # 4643)

DOC ID: 4643

Department: Administration

Subject: Rules of Decorum and Procedure for Council Meetings

Background: As a result of the changes to State Law regarding transparency in government, this policy will clarify issues relating to City Council Meetings including agenda preparation and placement of items on the agenda, Public Comment, rules for decorum during a meeting, and other related issues.

Funding Source: n/a

CITY COUNCIL AGENDA PREPARATION & MEETING DECORUM POLICY

1. OPEN GOVERNMENT

All meetings of the City Council (with the exception of confidential, Executive Sessions which are held in accordance with applicable State law), shall be open to the public and the minutes of all such proceedings shall be kept in accordance with the procedures established by State law and the procedures set forth in this policy.

- (1) All Regular, Special, Workshop, Emergency and Executive Session Meetings of the City Council will be called and conducted in accordance with the provisions of the "Texas Open Meetings Act" as provided in the Government Code, Title 5, Chapter 551, Subchapter A, Section 551.001 et seq., and as amended in the future.
- (2) Regular, Special, Workshop and Emergency Meetings of the City are open to the public and to representatives of the press and media.
- (3) Executive sessions of the City Council are not open to the public, the press or the media and only individuals expressly requested or ordered to attend, and only as allowed by State law, may be present or allowed to attend Executive Sessions.
- (4) The City Secretary or designee shall be responsible for posting public notice of all meetings of the City Council, in compliance with all applicable State laws.

2. MEETINGS

As per Section 3.08, of the Liberty City Charter, the City Council shall hold at least one Regular Meeting each month and as many additional meetings as may be necessary for the transaction of City business at a time to be fixed by City Council. Accordingly, the City Council has chosen the second Tuesday of each month as a meeting date for regular council meetings. The Mayor, City Manager, or any two City Council Members may call Special Meetings when it is determined to be needed. Meetings shall be held at City Hall or at such other locations as may be designated by the City Council.

3. MEETING AGENDA, NOTICE AND PREPERATION

The following persons are authorized to request that a matter (or item) be placed on an agenda of an upcoming meeting:

- (1) The Mayor
- (2) Any two city council members
- (3) The City Manager

Additionally, should a member of the City Staff, acting in that member's capacity as a City employee, determine/desire that a matter should be presented to the City Council, then, the staff member may request, through written communication addressed to the City Manager that

the item be placed on the agenda. In cases where the City Staff has made a request, the City Manager shall be responsible for determining whether the requested item is placed upon the agenda, and the City Manager shall direct the City Secretary, accordingly. A member of the public desiring to have an item placed on the agenda may request same, in writing, to the Mayor or City Manager and the Mayor or City Manager may at their discretion elect to have such item placed or not placed on an upcoming agenda.

The City Secretary shall coordinate agenda requests with the City Manager and staff, in a timely manner, to ensure that necessary information is available on requested matters and to provide for sufficient time in preparing the agenda.

4. PUBLIC PARTICIPATION IN OPEN MEETINGS/PUBLIC HEARINGS

The business of the City is conducted by and between the members of the City Council and by those members of City Staff, Elected Officials, Department Heads, Consultants, Experts and /or members of the public requested to be present and participate. While the public is invited to attend all meetings of the City Council (except Executive Sessions) the public's participation therein is limited to that of observers unless a member of the public is specifically requested to address the City Council on a particular issue or unless the member of the public completes a "public comment form" and submits the completed form to the City Secretary at the beginning of the applicable Council Meeting. In accordance with Texas law, members of the public shall be allowed to comment on any item posted on the agenda. However, all public comments are subject to the following rules:

- (1) In order to efficiently manage the time of the Council, each member of the public who requests to appear before the City Council for public comment shall be required to limit their presentation to a maximum of three minutes. Tracking the time utilized by each speaker for public comment shall be maintained by a staff person designated by the presiding officer. Public comment presenters may not designate their time to be used by other presenters.
- (2) Presenters in public comment shall be recognized in order of submission of the "public comment form" to the City Secretary, unless otherwise determined by the presiding officer.
- (3) The presiding officer, in his/her sole discretion, may either shorten or lengthen the time allocated for a particular member of the public, all members of the public and/or the amount of time allocated for all agenda items and/or a specific agenda item.
- (4) It is not the intention of the City Council to provide a public forum for the embarrassment of any individual or group. Neither is it the intention of the City Council to allow a member of the public to slur or slander the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City's Staff. Additionally, any comments that are profane, insulting, threatening, racist or sexist will not be tolerated. Violations of these rules may result in the following sanctions:
 - (a) Cancellation of a speaker's remaining time;
 - (b) Removal from the City Council Chambers;
 - (c) A prohibition against the speaker from speaking in front of Council in the future;
 - (d) A contempt citation; and/or

- (e) Such other civil and/or criminal sanctions as may be authorized under the Constitution, Statutes and Codes of the State of Texas.

The Mayor or in the Mayor's absence the designated Mayor Pro Tem of the City Council, as Presiding Officer of the City Council, is responsible for conducting all meetings. Members of the public who have properly completed a public comment form and submitted same to the City Secretary must wait to be recognized by the mayor or, in the Mayor's absence, by the Presiding Council Member before they will be allowed to speak.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 11/19/19 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4644)

DOC ID: 4644 A

Department: Police

Subject: Game Rooms

Background: During the November 12, 2019 City Council Meeting, a workshop was held to discuss the City's existing game room ordinance. Items discussed included the existing definition of a game room which is any business establishment in which at least 25 percent of the public floor area is devoted to coin-operated machines used for recreation and amusement purposes and requirements not included in the existing ordinance. Those requirements not included in the existing ordinance include the operator and property owner acknowledging the potential penalties for operating an illegal game room, parking space plans, floor plan where machines are to be located, background checks, issuance requirements of permits, administrative suspension and revocation of game room permit, manner of operation of a permitted game room and compliance with this article were also discussed. Based on comments during the workshop, the definition of a game room was amended to any business establishment that has one amusement redemption machine and sections were added to the ordinance regarding parking plans, floor plans, permit requirements, suspension and revocation of permits, operation requirements and compliance with this article. A copy of the proposed ordinance is enclosed.

Funding Source: N/A.

Staff Recommendation: Staff recommends amending Chapter 4.11 of the Code of Ordinances regulating Game Rooms and Amusement Redemption Machines.

**AN ORDINANCE AMENDING CHAPTER 4, BUSINESS REGULATIONS, OF THE
CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 4.11
REGULATING GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES IN
THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH
SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON
TWO SEPARATE OCCASSIONS**

WHEREAS, the City of Liberty is a Texas municipal corporation existing under the laws of the State of Texas; and

WHEREAS, the City of Liberty currently has an ordinance regulating coin-operated machines and game rooms within the city limits; and

WHEREAS, the City of Liberty finds it necessary and desirable to amend its Code of Ordinances relative to coin operated machines and game rooms within the City limits.

NOW THEREFORE, BE IT ORDAINED by the City of Liberty, Liberty County,

SECTION 1. That Article 4.11, Amusements and Entertainments, of the Code of Ordinances of the City of Liberty, Texas shall be amended to read as follows:

CHAPTER 4

BUSINESS REGULATIONS

ARTICLE 4.11 GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES

Division 1: Coin-Operated Machines

Sec. 4.11.001 Definitions.

The terms “owner,” “operator,” “coin-operated machine,” “music,” “skill or pleasure-operated machine,” “service coin-operated machine,” “business operator,” “general business license,” “import license,” and “repair license,” as used in this ordinance shall have the meanings given to them in the Texas Occupations Code.

Sec. 4.11.002 Occupation tax required.

Every owner or operator who owns, controls, possesses, exhibits, imports, displays, or who permits to be exhibited or displayed in this City, any coin-operated machines which are not exempt from payment by section 4.11.003, shall pay the appropriate annual occupation taxes as provided in section 4.11.004.

Sec. 4.11.003 Machines exempt from tax.

Gas meters, pay telephones, pay toilets and cigarette vending machines, which are subject to any other occupation or gross receipts tax, service coin-operated machines, coin-operated amusement rides for children, and machines used exclusively for the amusement of children are expressly exempt from the provisions of this article.

Sec. 4.11.004 Occupation tax levied.

(a) Levied. There is levied an annual occupation tax equal to the maximum amount of money allowed by the state on coin-operated machines used for recreation or amusement purposes. The occupation tax shall be levied upon the owner of such coin-operated machines, save and except local religious, charitable and educational organizations authorized under the laws of the state; and the tax levied in this section shall be paid to the city, who shall issue an occupation tax receipt and, for each machine on which the occupation tax is paid, an occupation tax tag. The occupation tax shall be due and payable on January 1st of each year. Such occupation tax receipt and tax tag shall specify the number of recreation or amusement machines for which it is used and the address of the legal owner. The occupation tax tag shall be affixed to each machine on which the occupation tax is paid. No tax receipt shall be issued for longer than one (1) year.

(b) Substituting machines. In the event the owner of any of the recreation or amusement machines wishes to substitute a different machine for one within the city on which the occupation tax has been paid, the owner will remove the tax tag from the machine to be replaced and place it upon the substitute machine; provided, however, that the machine that is replaced by the substitute machine shall not be operated for profit within the city again until an occupation tax tag is affixed to it. In the event the tax tag is mutilated, the owner will turn in the mutilated occupation tax tag to the permit department and receive a new tag. There shall be a \$6.00 charge for the new tag.

Sec. 4.11.005 Location of machines.

Within each place of business in which recreation or amusement machines are operated for a profit, the machines will be so situated that they will be in full, open public view.

Sec. 4.11.006 Failure to pay occupation tax; liability of damage or removal of seal.

The Chief of Police, or his designee, is authorized to seal any coin-operated machine on which the occupation tax has not been paid. The City is authorized to charge a fee as established in this code for the release of any coin-operated amusement machine that is sealed as provided above for non-payment of the occupation tax. The owner or operator shall be responsible should any seal affixed in the city's name be broken, displaced or removed from the location and be guilty of a class "c" misdemeanor.

Secs. 4.11.007 - 4.11.050 Reserved.

Division 2. Game Rooms

Sec. 4.11.051 Definitions.

For the purpose of this Article, the following terms shall have the meanings respectively ascribed to them:

Amusement Redemption Machine. A recreational machine that provides a single user or multiple users with an opportunity to receive something of value other than the right of replay. A coin-operated amusement machine designed primarily for children is not an Amusement Redemption Machine.

Applicant. A natural person who applies for a Game Room Permit on behalf of a Permittee.

Game Room. A building, facility, or other place that is operated for profit and that contains one or more operational amusement redemption machines.

Operational Machine. A machine that is ready to be played and is accessible to the public.

Permittee. A business entity which has been issued a Game Room Permit or which has been named in a Game Room Permit application as the intended recipient of the Game Room Permit.

Property Owner. The owner of the lot, parcel, tract, or other real estate on which a permittee operates or intends to operate a Game Room.

Scaled Drawing. A drawing that indicates real objects with accurate sizes reduced or enlarged by a certain amount (called the scale). The scale is shown as the length in the drawing,

then a colon (":"), then the matching length on the real thing. By way of example, if a drawing has a scale of "1 inch:10 feet" (alternatively written 1":10'), then anything drawn with the size of 1 inch would have a size of 10 feet in the real world.

Scaled Parking Plan. A scaled drawing that shows a view from above of the entire property, and which indicates the size and distance between streets, compliant parking spaces, driveways, driveway aisles, spaces, sidewalks, ADA compliant handicapped parking spaces, and other elements as required by Section 4.11.002(B) below.

Scaled Floor Plan. A scaled drawing that shows a view from above of entire building, and which indicates the size and distance between rooms, walls, windows, and other elements as required by Section 4.11.002(B) below.

Sec. 4.11.052 Game Room Permit.

A. *Permit required.* It is a misdemeanor offense to operate a Game Room within the City without a currently valid Game Room Permit. Every person desiring to operate any Game Room shall make application to the City Manager, or his designee, on a form provided for that purpose, for a Game Room Permit.

1. Game Room Permits shall be issued only to business entities which have been registered and are currently active with the Texas Secretary of State and to whom the Texas Comptroller of Public Accounts has issued a currently valid Texas Tax Identification Number.
2. Game Room Permits shall not be issued to a Permittee unless the application is signed by an Applicant:
 - a. who is named in public filings with the Texas Secretary of State as either an officer or a managing member of the Permittee;
 - b. who signs the following acknowledgement on the face of the application:
 - (1) I am applying for a Permit on behalf of the Permittee and I have actual knowledge of the operation of a Game Room under this permit; I acknowledge that any person operating a Game Room under this permit will do so under my direction and control, and I further acknowledge that I may be held criminally liable for illegal activity associated with the Game Room under this permit, including gambling, gambling promotion, or keeping a gambling place under Chapter 47 of the Penal Code; operating an unauthorized Game Room under Chapter 4 of the City Code; and other applicable penal statutes.
3. Game Room Permits shall not be issued to a Permittee unless the application is signed by a natural person:
 - a. who is:
 - (1) the Property Owner or,
 - (2) if the Property Owner is a business organization, a natural person who attaches to the application documentary evidence demonstrating that they are authorized to sign the application on behalf of the Property Owner; and
 - b. who signs the following acknowledgement on the face of the application:

- (1) I own the property described in this application, and I have actual knowledge of the proposed or current operation of a Game Room on my property. I acknowledge that I may personally be held criminally liable for illegal activity associated with the Game Room on my property, including keeping a gambling place under Chapter 47 of the Penal Code, operating an unauthorized Game Room under Chapter 4 of the City Code, and other applicable penal statutes.

B. *Contents of permit application.* The application for a Game Room Permit to be issued pursuant to this article shall be sworn and shall contain information required by the City Manager, or his designee, on a form provided for that purpose, including:

1. The full and correct business name of the Permittee, as currently filed with the Texas Secretary of State's office;
2. The trade name of the Permittee, if different from the business name on file with the Texas Secretary of State's office;
3. The Texas Tax ID number of the Permittee, as issued by the Texas Comptroller of Public Accounts;
4. All addresses and telephone numbers of the Permittee;
5. The names and dates of birth of each and every officer, managing member, or person who owns twenty percent (20%) or greater interest in the Permittee.
6. A list of all prior criminal convictions of each and every officer, managing member, or person who owns twenty percent (20%) or greater interest in the Permittee, for all felony offenses, and for misdemeanors involving drug offenses, fraud, theft, gambling, or weapons offenses, or offenses against public administration;
7. Whether alcoholic beverages will be sold or permitted on the premises of the business;
8. The address of the premises where the Permittee will operate the Game Room, and the full and correct name of the property owner of such premises as recorded in the deed records of Liberty County;
9. A Scaled Parking Plan drawn on sheets no smaller than 11- by 17-inches, to a minimum scale of one inch to fifty (50) feet, except where variations are approved by the City Manager, or his designee. The site plan shall consist of, at minimum, the following submittals:
 - a. The name, location, owner, and designer of the proposed development, including the owner's home or business address and telephone number;
 - b. Date, north arrow, and scale;
 - c. The locations and dimensions of all property lines, rights-of-way, and easements; and the existing and proposed topographic characteristics of the site;
 - d. The locations and dimensions of all existing and proposed driveways, parking facilities, maneuvering areas, loading areas, commercial garbage dumpster pads and related screening, sidewalks, curbs, gutters, buildings, structures, screening fences, and other walls and fences, and exterior lighting;
 - e. Information and calculations necessary to verify compliance with the off-street parking and loading regulations, including land use, gross floor area, gross leasable

- area, number of dwelling units, seating capacity, projected number of employees and/or any other appropriate data; and
- f. All information required to comply with the stormwater drainage master plan, Design Manual and Maps, and the location of any property rights to be dedicated to the City pursuant to said documents.
10. A Scaled Floor Plan of each public space of the game room in which Amusement Redemption Machines may be located during the term of the permit, including the following:
 - a. The maximum number of Amusement Redemption Machines in each space;
 - b. The total square footage of the building, and each space within the building;
 - c. Dimensions of each redemption machine;
 - d. Location and measurements of entrances and exits;
 - e. Measured foot traffic pathways/aisles;
 - f. Location and measurements of office, bathrooms;
 - g. Number of fixtures, such as HVAC units, sinks, toilets, windows, and walls; and
 - h. Location and area of any redemption area, snack bar, and/or customer service area.
 11. If the premises where the Permittee will operate the Game Room is located within a multiple tenant structure where tenants share collective parking, a list of all tenants in the structure, the use of each leased space in the structure, and the square footage of the structure used by each tenant in the structure; and
 12. Each Application shall be accompanied by the following:
 - a. The fee required by this chapter or separate ordinance; and
 - b. A copy of a receipt from the Texas Comptroller of Public Accounts showing the total number of Amusement Machines for which the state occupations tax has been paid and for which registration decals have been issued by the Texas Comptroller of Public Accounts for the time period of the relevant permit application.

C. Background check.

1. The Chief of Police, or a duly authorized representative, shall investigate the publicly filed business records of the Permittee and the background of all Applicants and each officer, managing member, or owner of twenty percent (20%) or greater interest in the Permittee. The investigation may be completed by the Liberty Police Department or by a third-party vendor approved in advance by the Chief of Police. Any fees associated with the investigation shall be paid by the Applicant. The investigation shall include fingerprinting the individual and a check of the individual's local, state, and national criminal records in accordance with Texas Government Code, Sections 411.087 and 411.122. The investigation shall include making a permanent record of the identity of all individuals described in this paragraph.
2. The City shall deny issuance of a permit if the application or investigation shows any of the following:

- a. The Applicant or an officer, managing member, or owner of 20% or greater interest in the Permittee has been convicted, within the five (5) years preceding the date of the application, of any crime required to be listed on the permit application and not disclosed thereupon, or of a felony, or for gambling, gambling promotion, keeping a gambling house, fraud, theft, an offense against public administration, or another crime that directly relates to the duties and responsibilities of a permittee pursuant to this article;
 - b. The permit application includes a false statement by the Applicant;
 - c. The City of Liberty has revoked the Applicant's permit of the type requested within the past one (1) year.
 - d. The permit application does not meet all the requirements of this ordinance.
- D. *Issuance of Game Room Permit to Qualified Applicant.* Once an Applicant is approved for a Game Room Permit, a printed permit form shall be issued to the Permittee. The permit form will be signed by the City Manager, or his designee.
 1. The cumulative number of Amusement Redemption Machines allowed to operate or be displayed on the premises of a Permittee shall not exceed the number of off-street parking spaces available to the Permittee on the premises of the permitted Game Room.
 2. The cumulative number of Amusement Redemption Machines allowed to operate or be displayed on the premises of a Permittee shall be stated clearly on the face of each Game Room Permit in both letters and numerals, such as "Eighteen (18)"
 3. A person commits an offense if the person cumulatively operates or displays more Amusement Redemption Machines on any premises than allowed under the valid Game Room Permit for that premises.
 4. For the Purpose of this section, any Amusement Redemption Machine that allows more than one person to play simultaneously shall be counted as multiple machines, based on the maximum number of simultaneous players. For example, a machine that is designed to be simultaneously played by up to four players shall be counted as four Amusement Redemption Machines.
- E. *Administrative Suspension or Revocation of Game Room Permit.*
 1. Suspension. Upon receipt of information tending to show that illegal activities are occurring or have occurred on the premises of a Permittee, the Chief of Police may provisionally suspend a Game Room Permit.
 - a. The Chief of Police or designee shall notify the Permittee, the Applicant, and the Property Owner of the provisional suspension by first class mail sent to the addresses listed in the game room permit application. Such notification shall include the date on which the provisional suspension is to begin, a description of the illegal activity alleged to have occurred on the premises, and the date, time, and location of the hearing described below.
 - b. The provisional suspension shall not begin before the third calendar day after the notice is placed in the mail.

- c. It is a misdemeanor offense for a Permittee to operate a game room, or for an Applicant or Property Owner to allow the operation of a game room during the provisional suspension of a game room permit.
 - d. The Chief of Police, or his designee, shall hold a hearing not earlier than ten (10) days after the notice is placed in the mail, and not later than twenty (20) days after the notice is placed in the mail, at which hearing the Permittee, the Applicant, and the Property Owner may present any relevant information tending to refute the allegations described in the notice. The hearing described in this paragraph is not intended to be a full evidentiary hearing, but rather an opportunity for the Permittee, the Applicant, and the Property Owner to be heard.
 - e. Within five (5) business days after the hearing, if a preponderance of the evidence shows that the illegal activity occurred or is occurring on the premises of the Permittee, the Chief of Police shall suspend the Game Room Permit and notify the Permittee, the Applicant, and the Property owner of the suspension. Such suspension is effective immediately and remains in effect until the expiration of the permit so suspended. A Permittee, Applicant, or Property Owner may not submit a new Game Room Permit application during the term of the suspension. If a preponderance of the evidence shows that the illegal activity did not occur and is not occurring, the Chief of Police shall reinstate the Game Room Permit and notify the Permittee, the Applicant, and the Property owner of the reinstatement.
 - f. The Applicant, Permittee, or Property owner can appeal the Police Chief's decision to the City Manager. The appeal must be filed, in writing to the City Secretary, within five (5) days after receiving the Police Chief's decision. The City Manager shall then hold an appeal hearing within twenty (20) days of said request for an appeal. The City Manager's determination is final.
2. **Revocation.** The Chief of Police may revoke a Game Room permit if the Applicant or an officer, managing member, or owner of twenty percent (20%) or greater interest in the Permittee is convicted of any felony, or of any offense involving gambling, fraud, theft, an offense against public administration, or another crime that directly relates to the duties and responsibilities of a permittee pursuant to this article. A Game Room permit can also be revoked for any violation of this ordinance. The Chief of Police shall notify the Permittee, the Applicant, and the Property Owner of the revocation by first class mail sent to the addresses listed in the game room permit application. Such notification shall include the date on which the revocation is to begin, which shall be no earlier than the third calendar day after the date the notice is placed in the mail.
- F. *Expiration date for permits.* Any Game Room Permit shall expire on December 31st of each year and the Permittee will be required to obtain a new permit to be effective January 1st of each year. The applicant shall pay a permit fee as prescribed by separate ordinance, enacted from time to time, copies of which are on file in the City Secretary's office. Each new permit shall be subject to the rules, regulations, ordinances, and codes applicable during that permit year and as such rules, regulations, ordinances and codes may be amended from time to time; no Game Room Permit shall create any vesting of rights in the privileges established during prior permit years.

Sec. 4.11.053 Manner of operation of a permitted game room.

- A. At all times during which a Permittee holds a valid Game Room Permit, the Permittee shall display a sign which says "Game Room" on the premises of the permitted game room which
 - 1. Is displayed in a conspicuous manner clearly visible to the public from the entrance of the premises,
 - 2. Appears in contrasting colors with block letters at least four (4) inches in height.
- B. At all times during operation of a Game room, a Permittee shall display signs which
 - 1. Are displayed in a conspicuous manner clearly visible to the public,
 - a. at each entrance to the Game Room, and
 - b. at each location within the Game Room where patrons may collect winnings, and
 - 2. Include written language identical to the following, in English and Spanish: "Gambling is a crime. If you win more than \$5.00 per play, you may be arrested and fined \$500.00," and "El juego es un crimen. Si usted gana más de \$5.00 por jugada, es posible que sea arrestado y deba pagar una multa de \$500.00," and
 - 3. Appear in contrasting colors with block letters at least one inch in height.
- C. A Permittee shall not cause or allow the following:
 - 1. Operation of the game room during the following hours:
 - a. For game rooms where no alcoholic beverages are sold, between 1:00 a.m. and 1:00 p.m. on a Sunday, or between 1:00 a.m. and 7:00 a.m. on any other day.
 - b. For game rooms where alcoholic beverages are sold, any time when the sale of alcoholic beverages is prohibited.
 - 2. Permitted game rooms shall have transparent unobstructed windows or open space on at least one (1) side so that the open area is open to view by the general public passing by on a public street or using a corridor, lobby or other room to which the public has access and is admitted without charge. The owner, manager or employee of a game room shall not permit any obstruction of any window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions.
 - a. It is an affirmative defense to prosecution under subsection (C)(2) above that:
 - (1) The game room is located in a structure registered as a historic landmark, or the structure is within a historic district and deemed to have architectural or historic significance which would qualify the structure for registration as a historic landmark; and
 - (2) Compliance with the unobstructed view requirement would require alterations to the structure that would have a substantially detrimental effect on its historic or architectural features.
 - 3. Allowing any person under the age of eighteen (18) years to play on an amusement redemption machine.
 - 4. Allowing any person to consume alcohol on the premises of a game room.
 - 5. Failure to promptly report to the police department any violations of state law or City ordinances committed by employees or patrons on game room premises.

6. Require Game Room memberships for any purpose.
 - a. A Game Room shall not restrict entry to a Game Room and/or prohibit the participation in any activity inside a Game Room by a patron through the requirement of a Game Room membership.
 - b. Game Rooms shall not issue membership cards to any individual for any purpose.
 - c. Game Rooms shall not have, make use of, employ, and/or require check-in procedures of any kind prior to entering or before exiting a Game Room.
 7. A Person who operates a Game Room in violation of any section of this ordinance commits an offense. Each person denied entry is considered a separate offense. Each membership card issued is considered a separate offense. Each individual subjected to any check in procedure prior to entering or before exiting a Game Room is considered a separate offense. Each day a violation occurs or continues to occur is considered a separate offense. Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room permit.
 - D. Inspection. Peace Officers, Fire Safety Officials, and designated City Employees are authorized to inspect any business in the city of Liberty for violations of these Regulations. These Regulations do not authorize a right of entry prohibited by law. Peace Officers, Fire Safety Officials, and designated City Employees may enter a business with consent, whether that consent is implied or express, with a warrant, or under exigent circumstances. A Game Room permit issued pursuant to these Regulations gives Peace Officers, Fire Safety Officials, and designated city employees implied consent to enter and to inspect any Game Room for violations of these Regulations.
 1. Any Peace Officer, Fire Safety Official or designated City employee may inspect a permitted Game Room located within the City to determine whether the Game Room is in compliance with this Section.
 2. A Person who does not allow a Peace Officer, Fire Safety Official, or designated City employee to inspect a Game Room commits an offense. Each Peace Officer, Fire Safety Official, and Designated County Employee denied entry is considered a separate violation. Each denial is considered a separate offense. Each day a violation occurs or continues to occur is considered a separate offense.
 - E. Location of Game Room. Subsequent to the passage of the ordinance from which this article is derived, no game room shall be located within 300 feet of a church, school, or hospital. Any game rooms currently existing within the location restricted areas as of the time of the passage of this article shall be permitted to continue, however, if they should cease operations, or violate any of the provisions of this article or any other applicable city, state or federal law, their permit shall be subject to revocation and such may not be renewed unless they meet all provisions of any applicable law, including the spacing requirements of this section
- Sec. 4.11.054 Compliance with article.**
- A. A person commits an offense if the person:
 1. operates or allows operation of a game room within the City limits without a current, valid Game Room Permit issued by the City;

2. operates a permitted Game Room during the time that the Game Room Permit is provisionally suspended, or revoked;
3. knowingly leases, rents, lets, subleases, or sublets property within the City limits on which a game room operates without a valid Game Room Permit issued by the City;
4. knowingly leases, rents, lets, subleases, or sublets property within the City limits on which a permitted game room operates during the time that the Game Room Permit is provisionally suspended, suspended, or revoked;
5. operates a permitted game room within the City limits without displaying a current Game Room Permit in a conspicuous location within an area of the business accessible to the public;
6. operates a permitted game room within the City limits in any manner that violates the "manner of operation" standards set forth in Section 4.11.053 of this article;
7. forges, alters, or counterfeits a Game Room Permit required by this section; or
8. possesses a forged, altered, or counterfeited Game Room Permit required by this section.
9. allows untaxed and/or unregistered coin-operated machines to be played within the Game Room.
10. violates any section of this article.

B. It is an affirmative defense to prosecution under this section that:

1. The Game Room Owner or Game Room Permit holder is a religious, charitable, or educational organization authorized under state law to operate a game room.

C. An offense under this section is a Class "C" misdemeanor.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given as required by law.

SECTION 5. That this ordinance shall take effect from and after the date of its publication in the newspaper in accordance with Texas law.

SECTION 6. That the requirement that this ordinance be read on two separate occasions is waived in accordance with section 3.10 of the home-rule charter.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Liberty, this _____ day of _____, 2019.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.4

Meeting: 11/19/19 06:00 PM

Department: Administration
Category: Misc. Fees

ORDINANCE (ID # 4645)

DOC ID: 4645 A

Department: Inspections

Subject: Game Room License Fee

Background: On Tuesday, the Liberty City Council will consider an updated game room ordinance. Fees for game rooms are established by amending the Master Fee Schedule, which is handled by a separate ordinance.

Staff is proposing to increase the annual game room license fee to \$750.00 per year.

Funding Source: n/a

Staff Recommendation: Approval of the fee schedule changes

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR AN INCREASE IN THE GAME ROOM LICENSE FEE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City previously adopted a Master Fee Schedule which sets forth all rates and fees charged by the City of Liberty; and

WHEREAS, the City Council finds it more efficient to have the City's fees set in one Ordinance, which can be amended as necessary by Ordinance; and

WHEREAS, the attached "Exhibit A" represents the rates and fees to be charged by the City, providing for an increase in the Game Room License Fee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1.

That all rates or schedules of rates which are in conflict herewith are to the extent of such conflict only, expressly amended, changed and repealed.

Section 2.

That the fee schedule attached hereto as “Exhibit A” amends the previous Master Fee Schedule to include the new rates shown in “Exhibit A” providing for an increase in the Game Room License Fee and is hereby adopted as fully set forth herein.

Section 3.

That the Ordinance containing all current rates and fees charged by the City of Liberty shall take effect November 20, 2019.

Section 4.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED this the 19th day of November, 2019.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



Permit and Inspection Department (Cont.)

All taps made outside the legal boundary of the City shall be assessed a charge of \$50.00 in addition to the tap fee.

Beverage Permit Fees

The City may levy and collect a fee not to exceed one-half (1/2) the State Fee for each permit issued for premises located within the City.

Amusement Machine and Arcade Center Fees

Occupation Tax - 1/4 the amount levied by the State on each coin-operated machine that an owner exhibits or displays, or permits to be exhibited or displayed in this State.

Amusement Center <u>Game Room</u> Annual License Fee	\$750.00 <u>\$50.00</u>
Release of Sealed Coin-Operated Machine	\$5.00
Replacement Tax Tag Fee	\$6.00
Vendor/Solicitor License Fees	
Annual Fee for 1 st person	\$30.00
Each additional person	\$10.00
Junk Dealer/Junkyard Permit Fees	\$50.00
Recreational Vehicle Parks	
Annual License Fee	\$150.00