



NUECES COUNTY GAME ROOM REGULATIONS

Date Adopted by Commissioners: May 25, 2022

Effective date: January 2, 2023

SECTION 1. GENERALLY

WHEREAS, The Legislature of the State of Texas has amended Chapter 234 of the Local Government Code, authorizing counties to regulate Game Rooms; and

WHEREAS, Nueces County, Texas, desires to provide a safe environment for lawful Game Rooms to lawfully operate within Nueces County.

THEREFORE, NUECES COUNTY COMMISSIONERS COURT FINDS:

1. In order to provide a safe environment for lawful Game Rooms and the people of Nueces County, these regulations must be enacted.

SECTION 1. AUTHORITY

1.1 Authority to Regulate

- (a) These Regulations are promulgated according to and in conformity with Chapter 234 of the Local Government Code, titled County Regulation of Businesses and Occupations. The commissioners court of a county may regulate the operation of Game Rooms to promote public health, safety, and welfare, according to Section 234.133 of the Local Government Code. A commissioners court may: (1) restrict the location of Game Rooms to specific areas of the County, including the unincorporated area of the County; (2) prohibit a Game Room located within a certain distance to a school, regular place of religious worship or residential neighborhood; and (3) restrict the number of Game Rooms that may operate in a specified area of the County.
- (b) It is the purpose of the Nueces County Commissioners Court to exercise its police power, established under Chapter 234 of the Local Government Code, to establish reasonable and uniform regulation of Game Rooms, to promote the public health, safety, and welfare of Nueces County, and to prohibit business activities that merely serve as a front for criminal activities, including but not limited to gambling and tax evasion.

- (c) These Regulations do not legalize anything prohibited under the Texas Constitution, the Texas Penal Code or any other law(s) or regulation(s).

1.2 Administration

- (a) The Nueces County Commissioners Court hereby designates and authorizes any law enforcement agency to investigate violations of these Regulations. Any Peace Officers certified by the State of Texas may enforce these Regulations and exercise the inspection authority described in Texas Local Government Code Section 234.136.
- (b) Under Section 234.138 of the Local Government Code, as amended, a Person commits an offense if the person intentionally or knowingly operates a Game Room in violation of a regulation adopted under Section 234.133. An offense under this Section is a Class A misdemeanor, also allowing prosecution under Section 234.140 and other statutes that would be applicable.
- (c) In accordance with Section 234.133 of the Local Government Code, the State of Texas has granted the Nueces County Commissioners Court authority to promote the public safety and welfare.
- (d) The Commissioners Court designates the Nueces County Sheriff as the Game Room Permit Administrator for Nueces County. The Nueces County Sheriff shall supervise, control, and operate the Game Room Permit Office. The Nueces County Sheriff shall investigate, deny, issue, attach conditions to, administratively suspend, or revoke Game Room permits pursuant to these Regulations and any applicable state law(s).

1.3 Area Covered by these Regulations

According to Section 234.133 of the Texas Local Government Code, the Regulations apply to Nueces County, Texas, including the incorporated and unincorporated areas of Nueces County, Texas.

1.4 Definitions

As used in these Regulations:

- (a) “**Applicant**” means an individual, proprietorship, corporation, association, or other legal entity required to obtain a Game Room Permit or someone who has applied for a Game Room Permit.
- (b) “**Amusement Redemption Machine**” means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash merchandise, prizes, toys, or novelties,

or a representation of value redeemable for those items, with a wholesale value available from a single play of the game or device in an amount not more than 10 times the amount charged to play the game or device once or \$5, whichever amount is less.

- (c) “**Commissioners Court**” means the Commissioners Court of Nueces County, Texas.
- (d) “**County**” means Nueces County, Texas.
- (e) “**County Employee**” means any individual authorized by Nueces County to inspect any Game Room for compliance with these Regulations.
- (f) “**Current Annual Fire Inspection Report**” means a fire inspection report issued by the Fire Marshal having jurisdiction over the Game Room location, or a similar inspection by the department having competent jurisdiction within the incorporated area of the County within ninety (90) days immediately preceding the date of any application for the operation of a Game Room or renewal of a Game Room permit.
- (g) “**Fire Safety Official**” means a Fire Marshal or the department official having competent jurisdiction within the incorporated area of the County to conduct a fire and life safety inspection.
- (h) “**Gambling Device**” means any electronic, electromechanical, or mechanical contrivance not excluded under Paragraph (B) that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term:
 - A. includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, or mechanical games, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games, and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits; and
 - B. does not include any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less.
- (i) “**Game Machine**” means
 - A. amusement redemption machine; or
 - B. electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes; or
 - C. “sweepstakes machines” or other devices that afford a player a chance to win a prize for consideration (either payment, purchase, or donation) even if some

chances are afforded to players without making any purchase or donation.

- (j) **“Game Room”** means a for-profit business located in a building or place that contains six or more:
 - A. amusement redemption machines; or
 - B. electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes; or
 - C. “sweepstakes machines” or other devices that afford a player a chance to win a prize for consideration (either payment, purchase, or donation) even if some chances are afforded to players without making any purchase or donation.
- (k) **“Game Room Owner”** means a person who
 - A. has an ownership interest in, or receives the profits from, a Game Room or an amusement redemption machine located in a Game Room;
 - B. is a partner, director, or officer of a business, including a company or corporation, that has an ownership interest in a Game Room or in an amusement redemption machine located in a Game Room;
 - C. is a shareholder that holds more than 10 percent of the outstanding shares of a business, including a company or corporation, that has an ownership interest in a Game Room or in an amusement redemption machine located in a Game Room;
 - D. has been issued by the county clerk an assumed name certificate for a business that owns a Game Room or an amusement redemption machine located in a Game Room;
 - E. signs a lease for a Game Room;
 - F. opens an account for utilities for a Game Room;
 - G. receives a certificate of occupancy or certificate of compliance for a Game Room;
 - H. pays for advertising for a Game Room; or
 - I. signs an alarm permit for a Game Room.
- (l) **“Game Room Permit Administrator”** means the Nueces County Sheriff or the Sheriff’s designee.
- (m) **“Operate(s) a Game Room”** means to:
 - 1. be an Owner or Operator of a Game Room are those terms as defined by Subsection 1.4(k) and 1.4(n) of the Regulations;
 - 2. engage in the business of operating a Game Room, including as a Game Room Owner;
 - 3. cause the operation of a Game Room, including as an Operator;
 - 4. be a part of the operation of a Game Room, including as an Operator;
 - 5. fund the operation of a Game Room, including as a Game Room Owner;
 - 6. have a financial interest in a Game Room, including as a Game Room Owner;
 - 7. receive any profit from a Game Room, including as a Game Room Owner;
 - 8. receive any payment from a Game Machine described in Subsection 1.4(i) in a Game Room;

9. receive any profit from a Game Machine described in 1.4(i) in a Game Room; or
 10. have Game Machines described in Subsection 1.4(i) registered in Nueces County or a Game Room licensed in Nueces County.
- (n) **“Operator”** means an individual who:
1. operates a cash register, cash drawer, or other depository on the premises of a Game Room or of a business where the money earned, or the records of credit card transactions or other credit transactions generated in any manner by the operation of a Game Room or activities conducted in a Game Room are kept;
 2. displays, delivers, or provides to a customer of a Game Room merchandise, goods, entertainment, or other services offered on the premises of a Game Room;
 3. takes orders from a customer of a Game Room for merchandise, goods, entertainment, or other services offered on the premises of a Game Room;
 4. acts as a door attendant to regulate entry of customers or other persons into a Game Room; or
 5. supervises or manages other persons at a Game Room in the performance of an activity listed in this subdivision.
- (o) **“Notice”** is deemed effective on the date of such notice to an Applicant, permit holder, or agent thereof is hand-delivered or posted on the front exterior door of the Game Room or upon receipt by certified mail. If the certified letter is not signed for and not picked up from the post office, after notice has been posted at the establishment, lack of due diligence shall be considered notice of the letter's contents.
- (p) **“Peace Officer”** means an individual as described in Article 2.12 of the Texas Code of Criminal Procedure.
- (q) **“Person”** means an Owner, Operator, individual, employee, agent, proprietorship, corporation, association, or other legal entity.
- (r) **“Public Building”** means a building used by Federal, State, or local government that is open to the public.
- (s) **“Regulations”** means these Regulations of Nueces County, Texas, for the operation of Game Rooms.
- (t) **“School”** means a facility, including all attached playgrounds, dormitories, stadiums, and other appurtenances that are part of the facility, used for the primary purpose of instruction or education, including primary and secondary schools, colleges, and universities, both public and private.
- (u) **“Fire Marshal”** means a Fire Marshal with competent jurisdiction or the department official having competent jurisdiction within the incorporated area of the County to conduct a fire and life safety inspection, or their agents.

SECTION 2. GAME ROOM PERMITS

2.1 Application

- (a) It shall be unlawful for a Person to Operate a Game Room or maintain a Game Room as a Game Room Owner or Operator in Nueces County without a permit pursuant to these

Regulations.

- (b) A complete application shall be filed with the Game Room Permit Administrator. The application shall be filed on the form provided by the Game Room Permit Administrator. A copy of the application may be obtained from the Nueces County website. Completion of the application and payment of the application fee are the sole responsibility of the Applicant.
- (1) The applicant shall be an Owner of the Game Room and shall submit their application in person. The Game Room Permit Administrator shall establish the hours when an application can be submitted.
 - (2) The Game Room Permit Administrator shall provide the fee schedule on any Permit Office website with the application form. This fee shall not exceed the annual permit fee limit of \$1,000.00 as established by the Commissioners Court. The application fee shall be attached to the application form. Other fees will still be due, as appropriate.
 - (3) If an incomplete application is filed, the Game Room Permit Administrator will notify the applicant. A permit will not be issued until the Game Room Permit Administrator determines that the applicant qualifies for the permit.
 - (4) The Game Room Permit Administrator shall provide a receipt at the time of application and payment of the application fee. A receipt for application and payment is NOT a Game Room permit, but there shall be an exception from January 2, 2023, through and including April 3, 2023, during which this receipt shall serve as a conditional permit pending the review by the Game Room Permit Administrator. Regardless of permit status, Game Rooms that operate in violation of this regulation or Texas Law are subject to closure, civil liability, and prosecution at any time. For those Game Rooms showing proof of operation before May 25, 2022, the receipt for application and payment shall entitle the holder to operate the Game Room during the inspection and verification period. All other applicants will need to await approval from the Game Room Permit Administrator before beginning operation. No County permit entitles a Game Room to operate in a manner contrary to Texas Law.
 - (5) Once a complete application has been received, the Game Room Permit Administrator will conduct up to three (3) inspections of the applicant's proposed Game Room to ensure compliance with these Regulations. The applicant must be present in person during these inspections. Furthermore, it shall be the applicant's responsibility to provide an interpreter, if necessary, during these inspection(s).
 - i. Before the initial inspection, the Game Room Permit Administrator will notify the applicant whether the Application is sufficient to proceed. When, in the sole discretion of the Administrator, the application is

complete, inspections will proceed.

- ii. After the initial inspection, the applicant will be informed of what corrections must be made to the proposed Game Room to comply with these Regulations.
 - iii. A re-inspection will be performed, and the applicant will again be informed of what corrections must be made to the proposed Game Room to comply with these Regulations.
 - iv. If the applicant's proposed Game Room fails to comply with these Regulations after the third and final inspection, the Game Room Permit Administrator shall deny the application. The application fee is non-refundable.
 - v. If the proposed Game Room passes the final inspection, the Game Room Permit Administrator shall approve the application.
- (6) The applicant has ninety (90) days from the initial inspection to complete the inspection process. An applicant shall request an inspection conducted at the convenience of the Permit Administrator. Failure to complete the inspection process within these ninety (90) days shall result in the denial of the application. The applicant must complete the process in the requisite ninety (90) days.
- (7) Failure to provide any information required by this Section shall be grounds for denial of the application. If the Game Room Permit Administrator determines that inaccurate, erroneous, or incomplete information has been submitted, such a filing shall be grounds for denial of the application.

(c) Each complete application shall be accompanied by:

- (1) a Current Annual Fire Inspection Report from a Fire Safety Official having competent jurisdiction showing compliance with all applicable Fire Safety Codes and with all corrections ordered in those locations where a Fire Safety Official has competent jurisdiction;
- (2) a copy of the certification of occupancy or certificate of compliance issued by the appropriate entity for the proposed Game Room;
- (3) diagram or floor plan to include designed occupancy load prepared by a licensed architect or engineer as well as a scaled drawing that shows the view from above of the entire property, and which indicates the size and distance between streets, compliant parking spaces, driveways, driveway aisles, spaces, sidewalks, and ADA compliant parking spaces;
- (4) a true and correct copy of the assumed name certificate filed in the office of the

Nueces County Clerk, bearing the file mark or stamp that evidences its filing, if the Game Room will be operating under an assumed name;

- (5) a copy of the formative legal documents for the applicable legal entity- e.g., the Articles of incorporation, including proof that applicant is authorized to do business in the state, if the applicant is a foreign business organization;
- (6) a **non-refundable** application fee of \$1,000.00 - if the applicant holds a current license issued by the Texas Lottery Commission that included a criminal background check, the fee is waived, and the Game Room Administrator may rely upon the Lottery Commission license in lieu of a criminal background check;
- (7) a photocopy of the applicant's driver's license or government-issued photo identification;
- (8) proof as required in Subsection 3.16 that the proposed Game Room is exempt from the requirements set forth by Subsection 3.2 (Distancing) of these Regulations;
- (9) the name, mailing and physical address and telephone number of the Game Room's single financial institution of record, as required by Subsection 4.1, which will handle all deposits and withdrawals for proceeds and expenses of the operation of the Game Room;
- (10) the intended hours of operation of the Game Room and the name, residence addresses, and telephone numbers of the Manager or other individual to be principally in charge of the Game Room operation;
- (11) proof as required in Subsection 3.3 that the proposed Game Room is exempt from, or will be in compliance with, the requirements set forth by Subsection 3.3(c) of these Regulations;
- (12) If the Game Room Owner leases the property, the application shall also be signed by the Property Owner or, if the Property Owner is a business organization, signed by someone authorized to sign the application on behalf of the Property Owner. Further, the Property Owner must sign the following:

“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.”

- (13) a list of all Owner(s), Operator(s), employee(s), agent(s), and any other individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) acting for, or acting on behalf of the Game Room along with a photocopy of their driver's license(s) or government-issued identification and incorporation papers as applicable, and a brief description of the amusement, gaming or similar business history and experience five (5) years before the date of application for each Game Room Owner, including, but not limited to, whether or not such individual has previously operated in this or another County or State, whether such operation

was under a license or permit, and whether the applicant has ever had such license or permit denied, revoked, or suspended and the reasons therefor;

- (14) a copy of the State of Texas coin-operated machine occupation tax records, the State of Texas coin-operated machine license or registration certificate, and the Nueces County coin-operated machine occupation tax records for each machine exhibited or displayed or permitted to be exhibited or displayed in the Game Room in a spreadsheet format. Records shall include information detailing each machine found on the premises of the Game Room by identifying the machine by:
 - i. the name of the manufacturer;
 - ii. the serial number;
 - iii. the type of machine;
 - iv. the State of Texas Tax stamp including the year of expiration of each tax stamp required;
 - v. the Nueces County Tax Stamp including the year of expiration of each tax stamp required; and
 - vi. the name of the individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) that owns, receives profits from and has registered the machine in their name with Nueces County and the Texas Comptroller and a description of their ownership and financial interest in the machine.
- (15) a copy of the most recently filed tax return for the Game Room Owner. If no such return exists, such as Owner being a recently formed entity, then Owner must provide why the most recently filed tax return cannot be provided;
- (16) the Game Room Applicant's Federal Employer Identification Number (EIN);
- (17) a certification that none of the Owner(s), Operator(s), employee(s), agent(s), or any other individual(s) acting for, or acting on behalf of the Game Room has been convicted of any offenses listed in Subsection 2.2 (b) (1) of these Regulations; and
- (18) a certification that all the contents of the application and the above-presented materials are true and correct under the penalty of Perjury as defined under Section 37.02 of the Texas Penal Code. In addition, any misrepresentation on the application is a third-degree felony offense as defined under Section 37.10 of the Texas Penal Code.
- (19) Proof of insurance as stated in Subsection 4.2.

(d) A Game Room application shall be rejected upon failure to produce all documents required in Subsections 2.1 (c), except for the exemptions listed in Subsections 2.1 (c)(8) and (11), failure to provide the proof required by Subsection 2.1 (c) (7)-(10) will result in denial of the specific exemption described in that Subsection.

(e) A GAME ROOM SHALL NOT OPERATE DURING THE PENDENCY OF THE

APPLICATION AND UNTIL THE GAME ROOM APPLICATION IS APPROVED AND THE PERMIT ISSUED. Game Rooms existing upon the effective date of this regulation will be given no more than 30 days to apply for the necessary permit to continue operating. Game Rooms that fail to make the required application within 30 days will be prohibited from further operation until such permit is issued.

- (f) A Game Room permit, per these Regulations, is not transferable, assignable, or divisible, and it is a violation of these Regulations for any Person to attempt to do so. If the ownership of a Game Room changes, the Game Room shall be deemed unpermitted, and the new Owner(s) must reapply and do so before the Game Room may operate.
- (g) An Applicant who applies under these Regulations must swear and affirm the truth of the contents therein under the penalty of Perjury as defined under Section 37.02 of the Texas Penal Code. In addition, any misrepresentation on the application is a third-degree felony offense as defined under Section 37.10 of the Texas Penal Code.

2.2 Grounds for Denial, Revocation, or Suspension of a Game Room Permit

- (a) Any violation of any Section or Subsection of these Regulations or failure to meet all requirements of any Section or Subsection of these Regulations, where applicable, shall be grounds for denial, revocation, or suspension of a Game Room permit. If a Game room's permit has been revoked, denied, or suspended, the Game Room shall not operate during the pendency of any appeal to the hearing examiner from the revocation, denial, or suspension of a Game Room permit.
- (b) **Denial of a Game Room Permit.** A Game Room permit shall be denied upon a finding by the Game Room Permit Administrator of any of the following facts:
 - 1. An Applicant, Owner, or Operator has previously violated or been convicted or placed on deferred adjudication for the following crimes:
 - i. gambling, gambling promotion, keeping a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia as described in Chapter 47 of the Texas Penal Code;
 - ii. forgery, credit card abuse, or commercial bribery as described in Chapter 32 of the Texas Penal Code;
 - iii. a criminal offense as described in Chapter 34 of the Texas Penal Code;
 - iv. any felony or state jail felony;

- v. any misdemeanor involving moral turpitude¹; or
 - vi. listed as a gang member in the Texas Department of Public Safety's TXGANG Index.
2. an Applicant makes a misleading statement in the application for the Game Room permit, provides false, fraudulent, or untruthful information in the application for Game Room permit, or withholds pertinent information in the application for a Game Room permit;
 3. an Applicant has had a Game Room or other similar license or permits revoked or suspended by any state or local agency outside this County within two (2) years immediately before the date of the application;
 4. an Applicant is under eighteen (18) years of age;
 5. an Applicant, Owner, or Operator has had a Game Room permit denied within the one hundred and eighty (180) day period immediately preceding the date the application was filed, or revoked within the one year immediately preceding the date the application was filed;
 6. an Applicant, Owner, or Operator is delinquent in the payment to Nueces County of taxes, fees, fines, or penalties assessed or imposed regarding the operation of a Game Room;
 7. an application or renewal fee required by these Regulations has not been paid;
 8. an Applicant fails to complete the inspection process within the ninety (90) day period described in Subsection 2.1;
 9. an offense described in Subsection 2.2(b)(1), or Subsection 3.12 of these Regulations was committed at the Game Room or another Game Room at the same location within one (1) year before the application; or
 10. any violation of Sections 2 or 3 of these Regulations.
- (c) If the Game Room Permit Administrator denies a Game Room permit, the Administrator must notify the rejection to Applicant within twenty-one (21) days of said date. The denial letter shall provide the reason(s) for the action.
- (d) Revocation or suspension of a Game Room Permit, The Game Room Permit Administrator shall have the authority and power to initiate a proceeding to revoke or suspend a Game Room permit if one (1) or more of the following events or conditions has occurred:
- (1) any violation of any of the offenses described in Subsection 2.2(b) (1) or Subsection 3.12 of these Regulations has occurred on the premises of the Game

^{1 1} Crimes Involving Moral Turpitude (both felony and misdemeanor) are considered: Aggravated promotion of prostitution, Assault by man against woman, Assault or aggravated assault on wife, Bail jumping and failure to appear, Bigamy, Communicating a false alarm, Conspiring to defraud US, Disorderly conduct by exposing oneself with intent to arouse or gratify, Failure to identify by providing fictitious name, Failure to register as sex offender, Failure to stop and render aid, Fraud by check, Indecent exposure with intent to arouse sexual desire of offender or another, Making false report to police, Making false statements in affidavit, Possession of drugs with intent to distribute, Possession of heroin, Receiving and concealing stolen property, Sexual assault of child, Solicitation of prostitute, Tax evasion, Tax fraud, Theft, Violations of protective order involving family violence or threat of family violence.

Room;

- (2) the applicant made a misleading statement in the application for the Game Room permit, provided false, fraudulent, or untruthful information in the application for a Game Room permit, or withheld pertinent information in the application for a Game Room permit;
 - (3) the Game Room permit should not have been issued pursuant to these Regulations;
 - (4) an Applicant, Game Room Owner, or Operator has had a Game Room, or other similar license or permit revoked or suspended by any Federal, State, or local agency;
 - (5) an Applicant, Game Room Owner, or Operator has failed to make corrections ordered by a Game Room Permit Administrator;
 - (6) a Game Room Owner, Operator, employee, agent, or any other individual acting for, or acting on behalf of the Game Room has violated any of the offenses contained in Subsection 2.2(b)(1) or Subsection 3.12) of these Regulations; or
 - (7) any violation(s) of Section 2 or 3 of these Regulations.
- (e) If any of the stated events or conditions providing a basis for revocation or suspension of a Game Room permit under Subsection 2.2(d) has occurred, the Game Room Permit Administrator shall document the violation and provide Notice to Applicant or permit holder of revocation or suspension within twenty-one (21) days of the date on which the Game Room Permit Administrator documented the violation. The revocation letter shall provide the reason(s) for the action. The revocation shall become final on the seventh (7th) day after Notice.
- (f) A revocation shall take immediate effect upon Notice by the Game Room Permit Administrator if:
- (1) an Owner, Operator, employee, agent, or any other individual acting for, or acting on behalf of Game Room has violated any offense described Subsection 2.2(b)(1) or Subsection 3.12 of these Regulations;
 - (2) a violation of any offense described in Subsection 2.2(b)(1), or Subsection 3.12 of these Regulations has occurred on the premises of the Game Room;
 - (3) there is a necessity for immediate action to protect the public from injury or imminent danger; or
 - (4) a Game Room permit was issued based on a misrepresentation in the application, but the Game Room permit would not have been issued for the misrepresentation.

2.3 Appeal

- (a) If the Game Room Permit Administrator denies a Game Room permit application or suspends or revokes a Game Room permit, the applicant or permit holder shall have the opportunity to make a written request for a hearing before a hearing examiner appointed by the Commissioners Court. The hearing examiner shall not have participated in any investigation of the alleged grounds for the denial,

suspension, or revocation.

- (b) All requests for hearings must be in writing and delivered to the Nueces County Game Room Permit Administrator within fourteen (14) days upon Notice to Applicant or permit holder. The applicant waives the right to a hearing if the Game Room Permit Administrator does not timely receive the request.
- (c) The hearing shall be held within twenty-one (21) days of receiving a request for a hearing.
- (d) The Applicant or permit holder and the Game Room Permit Administrator shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel. The formal rules of evidence do not apply.
- (e) It shall be the responsibility of the applicant or permit holder to provide a court reporter and an interpreter, if necessary, for the hearing before the hearing examiner.
- (f) The Applicant or permit holder shall be present in person at the hearing. If the Applicant or permit holder is not present in person at the hearing, their Game Room permit shall automatically be denied or revoked.
- (g) The hearing examiner has the power to uphold or reverse the denial, suspension, or revocation of a Game Room permit. The hearing examiner shall issue a written order based on their determination within twenty-one (21) days of the hearing.
- (h) If the hearing examiner determines, based upon the nature of the violations, that a suspension in place of revocation is appropriate, the operation of the Game Room shall be suspended for a period not to exceed one hundred and eighty (180) days. If applicable, the hearing examiner shall issue a written order suspending the Game Room permit and attaching conditions. The suspension shall become effective on the date the hearing examiner issues their order.
- (i) Upon a finding by the hearing examiner that Subsection 2.2(d)(1), 2.2(d)(2), 2.2(d)(3), 2.2(d)(4), or 2.2(d)(5) of the Regulations has been violated, revocation of the Game Room permit shall be mandatory.
- (j) The decision of the hearing examiner shall be final. On the final decision of the hearing examiner, the losing party may appeal the decision by filing a petition in a District Court in the County with jurisdiction within thirty (30) days after the date of the decision. Appeals to the District Court shall be governed by the substantial evidence rule described in Section 2001.174 of the Texas Government Code.

2.4 Game Room Operation During Pendency of Appeals to District Court

- (a) If the Applicant's or permit holder's appeal to the hearing examiner for revocation or suspension is unsuccessful, the Game Room shall not operate during the pendency of the appeal to the district court.
- (b) If the Applicant's or permit holder's appeal to the hearing examiner for revocation or

suspension is successful, the Game Room may resume operation and may operate during the pendency of the appeal to the district court.

- (c) No Game Room may operate pending an appeal for denial of a Game Room permit to the district court.

2.5 Reapplication

- (a) After a hearing examiner's final ruling of the permit denial, an Applicant may reapply for a Game Room permit after the expiration of one hundred and eighty days (180) from the date of the final ruling. After a hearing examiner's final ruling of revocation, an Applicant may reapply for a Game Room permit after the expiration of one year from the date of the final judgment,
- (b) The timeline for reapplication shall be the same as if it were the first application for all purposes, including but not limited to fees and distancing requirements.

2.6 Permit Renewal Permit Fee – Levied; Amount; Payment

- (a) A permit may be renewed for the following year starting sixty (60) days before the current permit's expiration by filing a completed application with the Game Room Permit Administrator and paying the applicable fee outlined in these Regulations. A renewal application shall be subject to the exact requirements in these Regulations as are required for a permit application. If the completed renewal application was submitted within this sixty (60) day period, the previous permit will remain in effect until the Game Room Permit Administrator determines according to these Regulations as to whether the permit will be renewed.
- (b) **An Owner shall pay a non-refundable annual permit fee of \$1,000.00.** The permit fees shall be paid in person to the Game Room Permit Administrator upon application renewal. A receipt of payment and renewal will be tendered in the same manner as on the first application.

2.7 Contents of a Game Room Permit

When the application process is complete, and the proposed Game Room has met all the requirements outlined in these Regulations, the Game Room Permit Administrator shall give the applicant a signed certificate. The certificate constitutes a permit to operate the Game Room for one (1) year from the date the permit is issued.

The permit shall list:

1. the identity of the issuing Game Room Permit Administrator
2. the date of issue and the date of expiration
3. the name of the permit holder
4. the name of the Game Room, and
5. the physical address of the Game Room

6. If the permit holder is a corporation or legal entity, then the permit shall also list the person(s) asserting control over the legal entity.
7. The permit shall list any applicable exemptions to the requirements of Section 3 for which the permit holder qualified.

The Game Room Permit Administrator shall keep an original signed copy of the permit for the Administrator's records.

2.8 Civil Remedies and Penalties

- (a) Any violation of these Regulations is grounds for denial, suspension, or revocation of a Game Room permit.
- (b) Any violation of these Regulations is subject to a civil penalty of \$10,000.00 for each violation, plus all reasonable attorney's fees, court costs, and investigatory costs, pursuant to Texas Local Government Code Section 234.137(c). Such penalty is to be forfeited to Nueces County, Texas. Each day that a violation continues constitutes a separate ground for recovery.
- (c) The Commissioners Court of Nueces County, Texas, may bring a legal action to enjoin violations of these Regulations and seek judgment for any civil penalties.

2.9 Criminal Penalty

- (a) Operating a Game Room in violation of these Regulations constitutes a Class A misdemeanor.
- (b) Each day that a violation continues, a separate offense under these Regulations.

2.10 Game Room Operation Pending Civil Litigation

No Game Room shall operate once an Owner, Operator, or other agent of the Game Room files a civil lawsuit against Nueces County or the Nueces County Sheriff's Office so long as the subject matter of the lawsuit concerns the applicability of these regulations to the Game Room. The Game Room shall not operate during the pendency of the lawsuit.

2.11 Effect

Each Applicant, Owner, Operator, employee, agent, or any other individual acting for or acting on behalf of a Game Room must meet and comply with all requirements of all applicable State and local law(s). **The issuance of a permit under these Regulations shall not excuse any Owner, Operator, employee, agent, or any other individual acting for or acting on behalf of a Game Room or any patrons of such premises from compliance with such law(s) or regulation(s).**

SECTION 3. GAME ROOMS

3.1 Inspection by a Peace Officer

- (a) **Inspection.** Peace Officers, Fire Safety Officials, and/or designated County Employees are authorized to inspect any business in Nueces County during its hours of operation for violations of these Regulations pursuant to Texas Local Government Code Section 234.136. These Regulations do not authorize a right of entry prohibited by law. Peace Officers, Fire Safety Officials, and/or designated County Employees may enter a business outside of hours of operation with consent, with a warrant, or under exigent circumstances. A Game Room permit issued pursuant to these Regulations gives Peace Officers, Fire Safety Officials, and designated County Employees implied consent to enter and inspect any Game Room for violations of these Regulations.
- (b) **Unpermitted Game Rooms.** An unpermitted business that holds itself out as a Game Room by sign, advertisement, word-of-mouth, by offering memberships, by offering for play or displaying six (6) or more machines described in Subsection 1.4(i) located in the Game Room or by any other means is subject to inspection by any Peace Officer, Fire Safety Official, and/or designated County Employee pursuant to Texas Local Government Code Section 234.136 and is a Game Room under these Regulations.
 - i. Refusal to allow any Peace Officer, Fire Safety Official, and designated County Employee entry to inspect such unpermitted Game Rooms may be considered in establishing probable cause for the issuance of a search warrant to inspect for violations of these Regulations.
 - ii. An unpermitted Game Room is subject to these Regulations and may be held liable for all civil and criminal penalties listed herein.
- (c) **Compliance Inspection.** Any Peace Officer, Fire Safety Official, and/or designated County Employee may inspect a permitted Game Rooms located within their jurisdiction to determine whether the Game Room complies with these Regulations pursuant to Texas Local Government Code Section 234.136.
- (d) **Consent to Entry.** A Person who does not allow a Peace Officer, Fire Safety Official, or designated County Employee to inspect a Game Room commits an offense and may be assessed a civil penalty not to exceed \$10,000 per violation. Each Peace Officer, Fire Safety Official, and Designated County Employee denied entry is considered a separate violation. Each day a refusal of access occurs or continues to occur is considered a separate violation.

3.2 Distancing Restrictions

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room in operation shall not be located:
 - i. within 1,500 feet from any existing or planned school, regular place of religious worship, or residential neighborhood. "Planned" means that steps have been taken toward the facility's or structure's development, including but not limited to a permit received, a plan approved, design work started, a bond received, or an

- order approved by a governmental entity's governing body; or
 - ii. within 2,000 feet from where two (2) or more other Game Rooms are located.
- (c) For the purposes of this Subsection, measurements shall be made in a straight line from the nearest portion of the building or appurtenances used by the Game Room to the nearest portion of the building or appurtenances that are used for the purposes identified in Subsection (b) above.
- (d) Once a Game Room Permit has been issued for a particular location, it shall not be a ground for non-renewal that a school, regular place of worship, or residential neighborhood is constructed or moved within 1,500 feet of the pre-existing Game Room Permitted location.

3.3 Game Room Sign and Name Tags Required

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall have each outside door marked with a sign that:
- i. reads "GAME ROOM" in four (4) inch or larger block lettering; and
 - ii. is always legible and visible from twenty-five (25) feet from the outside door.
- (c) Each employee must wear a clearly displayed name tag affixed to the upper left chest area of the employee's clothing. The name tag shall be at least 3"x 5" in size and shall state the employee's correct legal first name and last name, and shall state their position(i.e., Manager) on a separate line. The lettering shall be clearly visible, in a font size of at least 36. A Texas Lottery Commission registration badge worn by an employee in a licensed Charitable Bingo Hall satisfies this name tag requirement.

3.4 Fire and Life Safety

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall provide doors that are readily accessible without the use of a key, special knowledge, or effort during business hours or any other hours of operation.
- (c) A Game Room shall comply with all construction and fire codes and shall pay any court-approved fee(s) associated with a fire and life safety inspection, plan review, occupancy load calculation, or complaint.
- (d) All construction and fire code regulations will be strictly enforced, and a Game Room shall always provide any Fire Safety Official with immediate access to the premises.
- (e) A Game Room shall not use electronic locks to prevent entry during business hours.
- (f) A Game Room shall have the number of exits required by the fire safety inspection.

1.5 Transparent and Uncovered Windows and Doors Required

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall provide at least one (1) window in the front of the building and at least one (1) other window on one (1) other side meeting the criteria set forth in Subsection (c), allowing a clear and unobstructed view of all machines described in Subsection 1.4(i) located in the Game Room.
- (c) It shall be unlawful for a Person to exhibit or display, or to permit to be exhibited or displayed, for commercial use, any machine described in Subsection 1.4(i) in a Game Room unless the required transparent walls or windows of the Game Room:
 - 1. are located on at least two (2) sides of the Game Room, and each machine described in Subsection 1.4(i) located therein is visible through such walls or windows; and
 - 2. at the lowest point are not more than four (4) feet above the adjacent sidewalk or ground level; and
 - 3. at the highest point are at least eight (8) feet higher than the adjacent sidewalk or ground level; and
 - 4. are at least four (4) feet wide.
- (d) A Game Room shall provide transparent uncovered glass in each exterior Game Room window or door.
- (e) It shall be unlawful for a Person to cover or tint a Game Room window or door, or otherwise block a window or door to obscure the view of any machine described in Subsection 1.4(i) located in a Game Room or the interior of the location from a sidewalk through a Game Room window or door.

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3.6 Hours of Operation

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall operate only between the following hours:

12:00 p.m. (noon) and 12:00 a.m. (midnight) on Sundays through Thursdays;

12:00 p.m. to 2:00 a.m. on Fridays and Saturdays.

3.7 Display of a Game Room Permit

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall post or display a current Game Room permit in plain sight in a common area accessible to the public without having to enter a controlled area of the business, along with a list of all Game Room owners connected with the Game Room.

3.8 Recordkeeping

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall maintain onsite and produce to any peace officer, Fire Safety Official, or designated County Employee for inspection:
 - 1. A record for each employee that contains the name, address, date of birth, state identification number or social security number, job function, W-2 or W-4 form, a copy of an application for work with the Game Room, a copy of the I-9 filed as part of Employment Eligibility Verification for the Department of Homeland Security, and a photograph of the employee;
 - 2. A daily register that contains the name, date of birth, state identification number or social security number, and job function of each employee present at the establishment that day. Every Owner, Operator, employee, agent, or any other individual acting for or acting on behalf of the Game Room is required to sign the daily register with the information required above immediately upon entering the Game Room;
 - 3. A daily prize register that contains a list of all cash prizes awarded or non-cash merchandise prizes over \$50 in value redeemed each day and the name, date of birth, state identification number, or social security number of each prize winner; and
 - 4. A copy of the Nueces County and State of Texas tax record forms detailing each machine found on the premises of the Game Room by identifying the machine by the name of the manufacturer, serial number, type of machine, the serial number of the State of Texas Tax stamp to include the year of expiration of each tax stamp required, the Nueces County Tax Stamp to include the year of expiration of each tax stamp required, and the name of the individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) that owns, receive profits from and has registered the machine in their name with the Texas Comptroller with a brief description of their ownership and financial interest in the machine in a spreadsheet format.

- (c) A Game Room shall preserve the daily register required by Subsection (b)(2) for ninety (90) days after the date the register was made. The register must be maintained at the Game Room. It must be accessible by any person on duty at the Game Room. It must be made available to any Peace Officer, Fire Safety Official, or designated County Employee upon request.

3.9 Prohibited Employment

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) It shall be unlawful for any Owner, Operator, employee, agent, or any other individual acting for, or acting on behalf of a Game Room to have been previously convicted of, entered a plea of nolo contendere or guilty, or received deferred adjudication for any offense set forth in Subsection 2.2(b)(1).
- (c) It is the responsibility of any Owner or Operator to conduct a criminal background check on every Owner, Operator, employee, or any other individual acting for or acting on behalf of a Game Room.

3.10 Game Room Memberships

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) Game Room memberships are prohibited for any purpose.
- (c) A Game Room shall not restrict entry to a Game Room or prohibit any activity inside a Game Room by a patron through a Game Room membership requirement.
- (d) A Game Room shall not issue membership cards to any individual for any purpose.
- (e) A Game Room shall not have, make use of, employ, or require check-in procedures of any kind prior to entering or before exiting a Game Room.

3.11 Machines Located in a Game Room

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall obtain an occupation tax permit from the Nueces County and State of Texas Tax Assessor-Collector for each machine described in Subsection 1.4(i) located in the Game Room.
 1. The annual fee to be paid to the Nueces County Tax Assessor-Collector will be twenty-five (25) percent of the State's annual fee per machine.
 2. All Machine tax permit applications are required to indicate the location on the application where the Machines described in Subsection 1.4(i) are physically located.
 3. Whenever a machine described in Subsection 1.4(i) is found not to be in compliance as to tax permits, it shall be locked by the Tax Assessor-Collector's Office or any Peace Officer and cannot be used until the Owner purchases a tax permit for the machine at the cost of \$100, regardless of which quarter of the year the unlock fee is paid, and then pays an "unlock fee" of \$5 per machine.

3.12 Maximum Number of Machines

No Game Room in this County may operate more than **200 (two hundred)** Game Machines. It shall be a violation of these Regulations for a Game Room to keep, exhibit, operate, display, or maintain any gambling device that is prohibited by the

constitution of this state or Chapter 47 of the Texas Penal Code, GAMBLING. Each machine and each day it is kept, exhibited, operated, displayed, or maintained is a separate violation.

3.13 Posting of Rules

At least one poster per 800 square feet must be posted in a prominent location in any room where Game Machines are being operated. Each poster must display, in legible type in both English and Spanish,

- the complete rules of any games in operation,
- the prizes available,
- the odds of winning,
- the Game Room license number issued by the County, and
- the telephone number designated by the Nueces County Sheriff to refer complaints about the operation of the Game Room.

3.14 Requirements to Qualify for Food and Beverage Sales or Charitable Bingo Exemptions

A Game Room permit holder may apply for multiple exemptions.

- (a) Any exemption granted must be clearly stated on the Game Room permit.
- (b) **Charitable Bingo Exemption.** An Applicant is qualified for a charitable bingo exemption from the Regulations in Subsections 3.2, 3.3, 3.5, 3.6, and 3.7 if the applicant can show a valid and current Texas Lottery Commission Charitable Bingo License as described in Chapter 2001 of the Texas Occupations Code Chapter, and that bingo sessions have been conducted at the location on at least a weekly basis prior to both the effective date of the *Nueces County Game Room Regulations* herein, and the Charitable Bingo's filing of an application hereunder. An original certificate or copy of this license and a copy of the Lottery Commission Quarterly Bingo Reports presented with the complete Game Room permit application at the time of application, or permit renewal is sufficient to make this showing. A Game Room with a Charitable Bingo Exception herein may only operate a Game Room, pursuant to state law, and when a bingo occasion, as defined by section 2001.002 (6) of the Texas Occupations Code, is being conducted.
- (c) **Food and Beverage Sales Exemption.** An Applicant is qualified for a Food and Beverage Sales exemption from Regulations in Subsections 3.2, 3.3, 3.5, 3.6, and 3.7 if the applicant meets all requirements of Subsections (1)-(7) below:
 1. The following words and terms, when used in this Subsection, shall have the following meaning unless the context indicates otherwise:

- i. Food or Beverage Service - cooking or assembling food on-premises, primarily for on-premises consumption. Commercially pre-packaged items which require no heating, cooking, or assembly and which may be purchased off-premises do not constitute food or beverage service under this Section;
 - ii. Entree - main dish of a meal;
 - iii. Multiple Entrees - no fewer than eight different entrees per meal period must be available to customers; and
 - iv. Food Service Facilities - a portion of the licensed premises where food is stored and prepared primarily for on-premises consumption.
2. An Applicant is qualified for a Food and Beverage Sale exemption if the following conditions are satisfied:
 - i. With respect to the operation of a Game Room, the applicant's primary business is Food or Beverage Service;
 - ii. Multiple entrees are available to customers;
 - iii. Food Service Facilities are maintained on the premises;
 - iv. The Game Room does not operate outside the hours of operation for sale and Food or Beverage Service; and
 - v. At least 51 percent of the Game Room's total net income is derived from the sale of food or beverages.
3. An Applicant for a Food and Beverage Sale Exemption shall submit a sworn statement attesting that Food or Beverage Service is maintained on the premises and is the primary business on the premises. The applicant shall furnish the following:
 - i. The menu or, if no menu is available, a listing of the food and beverage items;
 - ii. Hours of operation of Food or Beverage Service;
 - iii. Sales data or, if not available, projection of sales. The projection or data should include a sufficient breakdown of revenues of food, alcoholic beverages, and Game Room operation proceeds;
 - iv. Listing of equipment used in the preparation of Food or Beverage Service versus the equipment used in the operation of a Game Room;
 - v. Copies of floor plans of the licensed premises indicating areas devoted primarily to the preparation of Food and Beverage Service and those primarily dedicated to the operation of a Game Room;
 - vi. If alcoholic beverages are served, the TABC license or permit as applicable with the TABC food and beverage certificate is applicable; and
 - vii. The Food Service permit from the appropriate entity.
4. Applicants for renewal of Food and Beverage Sales Exemptions shall resubmit the information required in Subsection 3.14(c) (3) (i)-(vii) above.
5. Failure to meet all requirements of this Subsection or accurately maintain required records is grounds for denial or revocation of a Food and Beverage Sales Exemption.
6. In verifying that the exemption holder is maintaining Food or Beverage Service as the primary business on the premises, the Game Room Permit Administrator may examine all the exemption holder's books, papers, records, documents,

supplies, and equipment.

7. Recordkeeping requirements for holders of food and beverage sales exemptions include:
 - i. Each holder of a food and beverage sales exemption shall maintain records to reflect separate totals for beverage sales, food sales, and other major sales categories at the location, including proceeds from machines described in Subsection 1.4(i) located in the Game Room. Purchase invoices must be maintained to reflect the total purchases of beverages, food, and other major purchase categories;
 - ii. Complimentary food and beverages, including alcoholic beverages, shall not be calculated in determining whether the premises meet the 51 percent or more food or beverage sales threshold;
 - iii. All records are required to be maintained for four years and made available to authorized representatives of the Game Room Permit Administrator upon reasonable request; and
 - iv. In examining the food or beverage sales, the Game Room Permit Administrator may compute and determine the percentage of food and beverage sales upon the basis of information filed with the Game Room Permit Administrator or held by the permit holder, but if such information is insufficient, the computation and determination of the percentage of sales may be based upon any records or information which is available.

3.15 Owners of an Illegal Game Room

It is not a defense to prosecution under these Regulations if an individual does not have the DBAs in their name and/or does not lease the property in his or her name.

3.16 Exemption from Location Restrictions and Distancing Restrictions

Game Rooms are exempt from the location restrictions (*see* Section 3.2) upon proof that the applicant, including the Game Room owner(s), continuously owned and operated the Game Room at the same location and under the same name prior to the signing of the regulations herein. If the Game Room changes its name, its Owner, and/or adds another owner after the effective date, or if its permit was suspended or revoked, or its permit was denied renewal, or if the permit is allowed to lapse, then the Game Room will be considered a new Game Room and not exempt from the location restrictions and distancing restrictions. If a Game room consists of a group of owners, then at least two (2) of the original owners must remain in order for the Game Room not to be deemed a new Game Room. All applications claiming a distance exemption under this Section must be submitted with the initial application.

3.17 Required Security Personnel and Procedures

- a) A Game Room shall provide security on its premises.

- b) A Game Room's security personnel shall consist of either:
 - i. A Peace Officer certified by the State of Texas who is armed with a firearm;
or
 - ii. A Security Guard licensed by the State of Texas who is armed with a firearm.
- c) A Game Room shall implement a metal wand or other metal detecting device on all patrons and other guests.

3.18 Maximum Number of Game Rooms in Nueces County

The maximum number of **Game Rooms** in Nueces County shall be 130.

SECTION 4. FINANCIAL & INSURANCE REQUIREMENTS

4.1 Records

- a) A Game Room must have only one financial institution of record. All outgoing payments must be by check from its bank of choice. All revenue must be deposited into their bank of choice.
- b) Any change of financial institution of record must be reported to Nueces County within fifteen business days.
- c) A Game Room is only allowed to have one bank of choice at any given time.
 - 1. Exception: If both banking institutions are listed during the transfer period, there may be a one hundred twenty-day period to close one banking institution while the new bank of choice is being opened.

4.2. Insurance

- a) A Game Room Owner shall provide proof of, and maintain during the Term of their permit, or longer, a Commercial General Liability Insurance Policy that provides at least the following minimum coverage:
 - \$1,000,000 per occurrence.**
 - \$2,000,000 aggregate.**
- b) All coverage shall be underwritten by companies authorized to do business in the State of Texas and currently rated A- or better by A.M. Best Company or otherwise acceptable to Nueces County.

- c) By requiring such minimum insurance coverage, Nueces County shall not be deemed or construed to have assessed the risk that may be applicable to a Game Room Owner, and such Game Room Owner shall assess its own risks and if it deems appropriate and/or prudent, may maintain higher limits and/or broader coverage. A Game Room Owner is not relieved of any liability or other obligations assumed by reason of its failure to obtain or maintain insurance in sufficient amounts, duration, or types.
- d) A Game Room Owner shall provide to the Game Room Permit Administrator a certificate of insurance attesting to the existence of a policy or policies providing coverage described in the preceding paragraph as part of the permit application.
- e) A Game Room Owner shall provide to the Game Room Permit Administrator a certified copy of said policy or policies upon request. Failure to comply with these requirements may result in suspension or revocation of said permit.

SECTION 5. CUMULATIVE EFFECT OF REGULATIONS; SEVERABILITY

5.1 Cumulative Effect

Authority under these Regulations is cumulative of other authority that Nueces County and its incorporated municipalities have to regulate Game Rooms and does not limit that authority.

5.2 Severability Clause

If a Section or Subsection of these Regulations, or certain applications of a Section or Subsection, is found unconstitutional, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.

Adopted by Nueces County Commissioners Court this ____ day of ____, 2022.

Barbara Canales
Nueces County Judge

Attest:

Nueces County Clerk