

ORDINANCE 2021 - 33

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, AMENDING CHAPTER 14, "AMUSEMENTS AND ENTERTAINMENTS", BY ADDING ARTICLE V "GAME ROOMS"; PROVIDING FOR ADMINISTRATION; PROVIDING DEFINITIONS; PROVIDING A PERMIT REQUIREMENT, PROVIDING APPLICATION REQUIREMENTS; PROVIDING GROUNDS FOR SUSPENSION, REVOCATION OR DENIAL OF THE PERMIT; PROVIDING PERMIT APPEAL HEARINGS; PROVIDING FOR OPERATION DURING AN APPEAL; PROVIDING FOR REAPPLICATIONS; PROVIDING A FEE; PROVIDING FOR CONTENTS OF PERMIT; PROVIDING FOR INSPECTIONS; PROVIDING FOR FIRE SAFETY; PROVIDING FOR SIGNS; PROVIDING FOR TRANSPARENT WINDOWS AND DOORS; PROVIDING FOR DISTANCE REQUIREMENTS; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR DISPLAY OF PERMIT; PROVIDING FOR RECORD KEEPING; PROVIDING FOR PROHIBITED EMPLOYMENT; PROVIDING FOR MEMBERSHIPS; PROVIDING FOR EXEMPTIONS FOR FOOD AND BEVERAGE SALES AND BINGO OPERATIONS; PROVIDING FOR ILLEGAL MACHINES; PROVIDING FOR BANNING PORTABLE STRUCTURES; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A REPEALER, SEVERABILITY, AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City of Commerce, Texas desires to reduce the adverse secondary effects of illicit Game Rooms, which were presented in hearings and reports and made available to the City of Commerce City Council.

WHEREAS, Illicit Game Rooms, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including but not limited to, personal and property crimes, gambling offenses, weapon offenses, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, and litter.

WHEREAS, Game Rooms should be separated from sensitive land uses to minimize the impact of their adverse secondary effects upon such uses, and should be separated from other Game Rooms, to minimize the adverse secondary effects associated with such uses and to prevent an unnecessary concentration of Game Rooms in one area.

WHEREAS, Game Rooms should have restricted hours of operation due to the considerations set forth above, to limit when Game Rooms may operate to 8:00 a.m.

to 10:00 p.m. Mondays through Saturdays, and 1:00 p.m. to 8:00 p.m. on Sundays, or otherwise authorized in writing in the Game Room Permit issued by the Game Room Permit Administrator pursuant to Subsection 3.5 of these Regulations.

WHEREAS, Each of the foregoing adverse secondary effects constitutes a harm, which City of Commerce, Texas has a substantial government interest in preventing and abating. The substantial government interest in preventing adverse secondary effects, which is City of Commerce, Texas' rationale for the Regulations, exists independent of any comparative analysis between legal Game Rooms and illicit Game Rooms. City of Commerce, Texas' interests in regulating Game Rooms extends to preventing future adverse secondary effects of either current or future Game Rooms that may locate in City of Commerce, Texas.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT OF THE CODE OF ORDINANCES. The Code of Ordinances for the City of Commerce, Texas, is hereby amended by adding a new Article V, Game Rooms, to Chapter 14, Amusements and Entertainments, to read as follows:

ARTICLE V. GAME ROOMS

Section 14-125 Administration.

- (a) The City of Commerce City Council designates the Commerce Director of Public Safety/Police Chief as Game Room Permit Administrator for the City of Commerce, Texas. The Director of Public Safety/Chief of Police shall supervise, control, and operate the Permit Office. The City of Commerce Director of Public Safety/Police Chief shall investigate, deny, issue, attach conditions to, administratively suspend, and/or revoke Game Room Permits pursuant to the Regulations and any applicable state law(s).
- (b) The Game Room Permit Administrator shall supervise, control, and operate the Permit Office. The Game Room Permit Administrator shall investigate, deny, issue, attach conditions to, administratively suspend, or revoke Game Room Permits pursuant to the Regulations and any applicable state law(s).

Section 14-126 Definitions.

As used in the Regulations:

- (a) **"Game Room"** means a for-profit business located in a building or place that

contains two (2) or more:

- (1) Amusement Redemption Machines, or
 - (2) electronic, electromechanical, or mechanical contrivances that, for a donation or any other consideration, affords 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.
- (b) ***"Amusement Redemption Machine"*** means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes whether it rewards the player with cash, any other sort of credits or with non-cash 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 more than 10 times the amount charged to play the game or device once, or \$5, whichever amount is less.
- (c) ***"Owner"*** means a Person who:
- (1) has an ownership interest in, or receives the profits from a Game Room or an Amusement Redemption Machine located in a Game Room;
 - (2) is a partner, director, or officer of a business, company, or corporation that has an ownership interest in a Game Room or in an Amusement Redemption Machine located in a Game Room;
 - (3) is a shareholder that holds more than ten (10) percent of the outstanding shares of a business, company, or corporation that has an ownership interest in a Game Room or in an Amusement Redemption Machine located in a Game Room;
 - (4) has been issued by the County Clerk or the City of Commerce an assumed name certificate or CO for a business that owns a Game Room or an Amusement Redemption Machine located in a Game Room;
 - (5) signs a lease for a Game Room;
 - (6) opens an account for utilities for a Game Room or other business that operates two or more games described in Section 14-126;
 - (7) receives a certificate of occupancy or certificate of compliance for a Game Room;

- (8) pays for advertising for a Game Room; or,
 - (9) signs an alarm permit for a Game Room.
- (d) **"Interlocal Agreement"** means a cooperative agreement between Hunt County, Texas and the City of Commerce.
- (e) To **"Operate a Game Room"** means to:
- (1) be an Owner or Operator of a Game Room as those terms are defined by Section 14-126(c) and 14-126(f) of the Regulations;
 - (2) perform security services for a Game Room, including but not limited to, screening Game Room customers, regulating entry of customers into a Game Room, monitoring Game Room customers, and locking and/or unlocking a Game Room's door(s) during business hours;
 - (3) fund the operation of a Game Room;
 - (4) have a financial interest in a Game Room;
 - (5) receive any profit from a Game Room;
 - (6) supply machines described in Section 14-126(b) or Section 14-126(o) to a Game Room;
 - (7) own machines described in Section 14-126(b) or Section 14-126(o) located in a Game Room;
 - (8) receive any profit from a machine described in Section 14-126(b) or Section 14-126(o) located in a Game Room; or,
 - (9) have machines described in Section 14-126(b) or Section 14-126(o) registered in your name, or any operator's name, with City of Commerce, Texas, and/or the Texas Comptroller located in a Game Room.
- (f) **"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 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 GameRoom; or,
- (5) supervises or manages other persons at a Game Room in the performance of an activity listed in this Subsection.
- (g) **"Applicant"** means an individual, proprietorship, corporation, association, and/or other legal entity required to obtain a Game Room Permit and/or an individual, proprietorship, corporation, association, and/or other legal entity that has applied for a Game Room Permit.
- (h) **"Chief"** means the Director of Public Safety/Chief of Police of the City of Commerce, Texas, or the Director/Chief's designated agent.
- (i) **"Game Permit Administrator"** means the Director of Public Safety/Chief, the Director/Chief's designated agent or official.
- G) **"Current Annual Fire Inspection Report"** means a fire inspection report issued by the City of Commerce Fire Marshal 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 operation of a Game Room or renewal of a Game Room Permit.
- (k) **"Peace Officer"** means an individual described in Article 2.12 of the Texas Code of Criminal Procedure.
 - (1) **"Person"** means an Owner, Operator, individual, employee, independent contractor, agent, proprietorship, corporation, association, or other legal entity.
- (l) **"Public Building"** means a building used by Federal, State, or local government that is open to the general public.
- (m) **"Regulations"** and/or **"the Regulation"** means this Ordinance, and any amendments thereto, of City of Commerce, Texas for the operation of Game Rooms.

- (n) **"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.
- (o) **"Gambling Device"** means a device described in Article 47.01(4)(A) of the Texas Penal Code.
- (p) **"Fire Safety Official"** means the City of Commerce Fire Marshal or the department official having competent jurisdiction within the incorporated area of the county to conduct a fire and life safety inspection.
- (q) **"Notice"** is deemed effective on the date written 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.
- (r) **"City Employee"** means any individual authorized by City of Commerce, Texas to inspect a Game Room for compliance with the Regulations.
- (s) **"Residence"** means any house, apartment, or other structure where one or more persons live or reside, and includes any yard or curtilage associated with any such structure occupied as a residence. The term "residence" also includes any lot, tract or parcel of land zoned as residential by any municipal authority within City of Commerce, Texas.
- (t) **"Place of Worship"** means any building, structure or any other fixture to real property is exempt from taxation and which is used primarily for religious worship and instruction. The term *"place of worship"* includes but is not limited to any building, structure, or other improvement to real property used as a place of worship and includes any curtilage to any of said structures.
- (u) **"Game Room Appeal Officer"** means the person or persons appointed by the City of Commerce City Council to hear and determine appeals from any Game Room Application denial, or the suspension or revocation of any Game Room Permit.
- (v) **"Revocation"** of a Game Room Permit means the complete loss of a Game Room Permit for all purposes requiring an entirely new Game Room Application process not sooner than 180 days from the date of revocation, pursuant to proceedings initiated under Subsection 14-128(e) of these Regulations.
- (w) **"Suspension"** or **"Administrative Suspension"** means an immediate shut down or closure of a Game Room by the determination of the Game Room Administrator, pending the decision of the Game Room Appeal Officer, pursuant to the provisions of Section 14-128(d) these Regulations.
- (x) **"Motor Vehicle"** means a passenger car, pickup truck, or truck, other than a

motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the driver.

- (y) **"Parking Space"** means a designated area to park a motor vehicle which is not less than 8 feet wide and 19 feet long.

Section 14-127 Application for Permit

It shall be unlawful for a Person to Operate a Game Room, use a Game Room, or maintain a Game Room in City of Commerce, Texas that has not been issued a Game Room Permit pursuant to these City of Commerce Game Room Regulations.

- (a) 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 or on an accurate and legible copy of that form. A copy of the application can be obtained from the City of Commerce website or from another source as determined by the Game Room Permit Administrator.
- (1) The Applicant shall apply in person. The Applicant shall be an Owner of the Game Room. 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 the Game Room Permit Office website with the application form. The fee shall not exceed the annual Game Room Permit fee limit of \$1,500 as established by the City of Commerce City Council. The application fee shall be attached to the application form.
 - (3) Incomplete applications shall not be accepted. Once a complete application has been submitted, the application process will begin.
 - (4) A receipt shall be hand delivered or sent by certified mail to the Applicant within fourteen (14) days of submission of a complete application and payment of the application fee to the Game Room Permit Administrator. A receipt showing payment of the application fee is not a Game Room Permit.
 - (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 the Regulations. The Applicant must be present in person during these inspections. Furthermore, it shall be the responsibility of the Applicant to provide an interpreter if necessary, during the inspection(s).

- i. After the initial inspection, the Applicant will be informed in writing of what corrections must be made to the proposed Game Room in order to comply with the Regulations.
- ii. A re-inspection will be performed, and the Applicant will again be informed in writing of what corrections must be made to the proposed Game Room in order to comply with the Regulations.
- iii. If after a third and final inspection, the Applicant's proposed Game Room fails to comply with the Regulations, the Game Room Permit Administrator shall deny the application.

If the proposed Game Room passes inspection, the Game Room Permit Administrator shall approve the application.

- (6) The Applicant has sixty (60) days from the initial inspection to complete the inspection process. Failure to complete the inspection process within these sixty (60) days shall result in denial of the application. It is the duty of the Applicant to ensure that the process is completed in the requisite sixty (60) days.
 - (7) Failure to provide any information required by this Section, or a determination by the Game Room Permit Administrator that inaccurate, erroneous, and/or incomplete information has been submitted, the Game Room Permit application shall be denied.
- (b) When and if the City of Commerce City Council has approved an Interlocal Agreement between the municipality and Hunt County, Texas, the City of Commerce shall designate an entity to receive and process Game Room applications. The City of Commerce shall continue to utilize its adopted operating procedure with requirements and processes reasonably set out by these regulations. The City of Commerce shall provide the application along with a description of the application and inspection process on the municipality's website.
- (c) Each application shall be accompanied by:
- (1) a Current Annual Fire Inspection Report from a Fire Safety Official showing compliance with all applicable Fire Safety Codes and showing all corrections have been made that were ordered by the Fire Safety Official;
 - (2) a copy of the certificate of occupancy and/or certificate of compliance issued by the appropriate entity for the proposed Game Room;
 - (3) a copy of the diagram and/or floor plan to include the designed occupancy load approved by the Fire Safety Official with competent jurisdiction;

- (4) a true and correct copy of any assumed name certificate or CO filed in the office of the Hunt County Clerk or with the City of Commerce, 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(s), if any, (e.g., the Articles of incorporation);
- (6) a nonrefundable application fee of \$1,500 (or such other amount established by the City of Commerce City Council by ordinance or resolution);
- (7) a photocopy of the Applicant's driver's license or government-issued photo identification;
- (8) proof as required by Section 14-147 that the proposed Game Room is exempt from the requirements set forth in that section, if that exemption is claimed;
- (9) a copy of the current and valid lease agreement between the owner of the real property where the proposed Game Room is planning to operate from, and the Applicant, with the Applicant listed as an Owner of the Game Room, or proof that the Applicant owns the real property where the proposed Game Room is planning to operate from;
- (10) a complete and accurate list of all Owner(s), Operator(s), employee(s), independent contractor(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 the individual(s) driver's license or government-issued identification or incorporation papers as applicable;
- (11) a written itemization or list in a spread sheet format, records which 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. copies of all Game Room Permit identification stamps which correlate with each machine or device listed;
 - v. the name of the individual(s), proprietorship(s), corporation(s), association(s), and/or other legal entity(s) that own, receive profits from, and has registered the machine in their name with City of Commerce, Texas and the Texas Comptroller along with

a description of their ownership and financial interest in the machine; and

- vi. the name of the individual(s), proprietorship(s), corporation(s), association(s), and/or other legal entity(s) that own, receive profits from, and has registered the machine in their name with City of Commerce, Texas and the Texas Comptroller along with a description of their ownership and financial interest in the machine.

(12) the Game Room Applicant's Federal Employer Identification Number (EIN) if one has been issued. At such time as a Federal Employer Identification Number (EIN) is issued, a copy of the document assigning the number shall be delivered to the Game Room Permit Administrator within ten (10) days of receipt by the Game Room Operator;

(13) a certification that none of the Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or acting on behalf of the Game Room have been convicted of any level of any of the offenses listed in Section 14-128(b)(1) of the Regulations; and,

(14) a certification that all of the contents of the application, and the material presented above, are true and correct under the penalty of Perjury as defined by Section 37.02 of the Texas Penal Code. Additionally, any misrepresentation by the Applicant on his/her application is a third-degree felony offense as defined by Section 37.10 of the Texas Penal Code.

- (d) A Game Room application shall be rejected upon failure to produce all documents required in Section 14-127(c), except for the exemptions listed in Section 14-127(c)(8)-(11). Failure to provide proof required by Section 14-127(c) (d) (8)-(11) will result in denial of the specific exemption described in those particular Subsections.
- (e) A GAME ROOM SHALL NOT OPERATE DURING THE PENDENCY OF THE APPLICATION AND SHALL NOT OPERATE UNTIL THE GAME ROOM APPLICATION HAS BEEN APPROVED AND THE GAME ROOM PERMIT ISSUED. THIS PROHIBITION WILL NOT APPLY WITHIN THE 60 DAY GRACE PERIOD ALLOWED AN OPERATOR UNDER SECTION 14-143(d) OF THIS ARTICLE.
- (f) A Game Room Permit, in accordance with the Regulations, is not transferable, assignable, or divisible, and it is a violation of the Regulations for any Person to attempt to do so. If ownership of a Game Room changes, the Game Room shall be deemed unpermitted and the new Owner(s) must reapply and must do so before the Game Room may operate.
- (g) A Person commits an offense if they intentionally or knowingly transfer, assign, or divide a Game Room Permit issued pursuant to the Regulations, or attempt to do so..

Each Game Room Permit transferred, assigned, or divided or attempted to transfer, assign, or divide is a separate violation.

- (h) An Applicant who submits an application, under the Regulations must swear and affirm the truth of the contents therein under the penalty of Perjury as defined by Section 37.02 of the Texas Penal Code. Additionally, any misrepresentation on the application is a third-degree felony offense as defined by Section 37.10 of the Texas Penal Code.

Section 14-128 Grounds for Denial, Revocation, or Suspension of a Game Room Permit.

- (a) Any violation of any Section or Subsection of this Ordinance, or failure to meet all requirements of any Section or Subsection of this Ordinance, where applicable; shall be grounds for denial, revocation, or suspension of a Game Room Permit. If a Game Room's Permit has been denied, revoked, or suspended, the Game Room shall not operate during the pendency of any appeal to the hearing examiner from the denial, revocation, 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(s), Operator(s), employee(s), independent contractor(s), agent(s): and any other individual(s), acting for, or acting on behalf of the Game Room, has previously violated, or been convicted of, any level of offense 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 by Chapter 47 of the Texas Penal Code;
 - ii. forgery, credit card abuse, or commercial bribery as described by Chapter 32 of the Texas Penal Code;
 - iii. any criminal offense described by Chapter 34 of the Texas Penal Code; or
 - iv. criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses; or any other offense to the laws of another state or of the United States that, if committed in this State, would have been punishable as one or more of the aforementioned offenses; and
 - A. less than two (2) years has elapsed since the date of the violation,

or of the conviction, or of the date of release from confinement imposed by the conviction, whichever is the later date, if the violation or conviction was a misdemeanor offense; or

B. less than five (5) years has elapsed since the date of the violation, or conviction, or the date of release from confinement imposed by the conviction, whichever is the later date, if the violation or conviction was a felony offense; or

v. an Applicant, Operator, Owner or employee, has had its or their Game Room Permit revoked or suspended in City of Commerce, Texas or any other County in Texas within the previous 180 days.

- (2) an Applicant makes a misleading statement in the application for a Game Room Permit, provides false, fraudulent, or untruthful information in the application for a Game Room Permit, and/or withholds pertinent information in the application for a Game Room Permit
 - (3) an Applicant is under eighteen (18) years of age;
 - (4) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or acting on behalf of the Game Room, has had a Game Room Permit revoked within the one hundred and eighty (180) day period immediately preceding the date the application was filed;
 - (5) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or acting on behalf of the Game Room, is delinquent in the payment to the county of taxes, fees, fines, or penalties assessed or imposed regarding the operation of a Game Room;
 - (6) an application or renewal fee required by the Regulations has not been paid;
 - (7) an Applicant fails to complete the inspection process within the sixty (60) day period described in Section 14-127 of this Article;
 - (8) an offense described in Section 14-128(b)(i) or Section 14-146(b) of this Article was committed at the Game Room or another Game Room at the same location within one (1) year prior to the application; or
 - (9) any violation of this Article .
- (c) If the Game Room Permit Administrator denies a Game Room Permit application, the Game Room Permit Administrator shall document the denial

and provide Notice to the Applicant of the denial within ten (10) days from the date on which the denial was documented by the Game Room Permit Administrator. 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 to immediately administratively 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 Section 14-128(b)(i) or Section 14-146(b) of this Article has occurred on the premises of the Game Room; or 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, and/or withheld pertinent information in the application for a Game Room Permit;
- (2) the Game Room Permit should not have been issued pursuant to the Regulations;
- (3) an Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or acting on behalf of the Game Room has failed to make corrections ordered by a Fire Safety Official;
- (4) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or acting on behalf of the Game Room has violated any of the offenses described in Section 14-128(b)(i) or Section 14-146(b) of this Article; and/or,
- (5) any violation(s) of this Article, including but not limited to operating the game room in violation of the hours authorized in the Game Room Permit.

- (e) If any of the stated events or conditions providing a basis for immediate administrative suspension of a Game Room Permit, or when revocation of a Game Room Permit has become final, the Game Room Permit Administrator shall post a notice on each door of the Game Room premises a sign with the following information:

- (i) it must read "THIS FACILITY IS CLOSED BY ORDER OF THE CITY OF COMMERCE POLICE DEPARTMENT" in four (4) inch or larger block lettering;
- (ii) is legible and visible at all times from a distance of twenty-five (25) feet from each door or entrance where each sign is located; and

- (iii) states prominently on each sign a telephone number which may be called for verification of the closure.

The removal, obliteration or destruction of any closure sign posted under this Subsection is offense under this ordinance.

- (f) If any of the stated events or conditions providing a basis for revocation or suspension of a Game Room Permit under Section 14-128(d) has occurred, the Game Room Permit Administrator shall document the violation and provide Notice to the Applicant or permit holder of revocation or suspension within three (3) business days from the date on which the violation was documented by the Game Room Permit Administrator. The revocation or suspension letter shall provide the reason(s) for the action. A revocation or suspension of a Game Room Permit by the Game Room Permit Administrator shall become final on the tenth (10th) day after Notice, except for situations outlined in Section 14-128(h).
- (g) A revocation or suspension of a Game Room Permit by the Game Room Permit Administrator shall take immediate effect upon Notice by the Game Room Permit Administrator if:
 - (1) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or acting on behalf of the Game Room violated any offense described in Section 14-128(b)(i) or Section 14-146(b) of this Article;
 - (2) a violation of any offense described in Section 14-128(b)(i) or Section 14-146(b) of this Article has occurred on the premises of the Game Room;
 - (3) any violation(s) of this Article has occurred, including but not limited to operating the Game Room in violation of the hours authorized in the Game Room Permit;
 - (4) a Game Room Permit was issued based on a misrepresentation in the application, and but for the misrepresentation, the Game Room Permit would not have been issued.
- (h) Notwithstanding anything to the contrary contained within Sections 14-127(l)(e) or 14-128(d)(e) or (f), upon proper appeal to the hearing examiner in cases of revocation or suspension of a Game Room Permit, the hearing examiner may grant to the violator authorization to operate the Game Room pending the disposition of the appeal before the hearing examiner, if the violator so requests in his notice of notice of appeal and with reasonable notice to the Game Room Permit Administrator.

Section 14-129 Game Room Permit Appeal Hearings,

If the Game Room Permit Administrator denies a Game Room Permit application, revokes a Game Room Permit, or administratively suspends 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 City of Commerce City Manager.

- (a) All requests for hearings must be in writing and delivered to the Game Room Permit Administrator within ten (10) days upon Notice to the Applicant or Permit holder. The Applicant or permit holder waives the right to a Game Room Permit appeal hearing if the request is not timely received by the Game Room Permit Administrator.
- (b) The Game Room Permit appeal hearing shall be held within twenty-one (21) days from the receipt of request for a Game Room Permit appeal hearing by the Game Room Permit Administrator. The Applicant, permit holder, and 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.
- (c) It shall be the responsibility of the Applicant or permit holder to provide a court reporter and an interpreter if necessary for the Game Room Permit appeal hearing before the hearing examiner.
- (d) The Applicant or Permit holder shall be present in person at the Game Room Permit appeal hearing. If the Applicant or permit holder is not present in person at the Game Room Permit appeal hearing, his or her Game Room Permit shall be automatically denied or revoked.
- (e) The hearing examiner has the power to uphold or reverse the denial, revocation, or suspension of the Game Room Permit. The hearing examiner shall issue a written order based on his or her determination within ten (10) days from the date of the Game Room Permit appeal hearing.
- (f) If the hearing examiner determines, based upon the nature of the violations, that a suspension in lieu of revocation is appropriate, operation of the Game Room shall be suspended for a period not to exceed one hundred and eighty (180) days. The hearing examiner shall issue a written order suspending the Game Room Permit and attaching conditions, if applicable, and the suspension shall become effective on the date the hearing examiner issues his or her order.
- (g) Upon a finding by the hearing examiner that Section 14-128(d)(1), 14-128(d)(2), 14-128(d)(3), 14-128(d)(4), and/or 14-128(d) of this Article has been violated, revocation of the Gam Room Permit shall be mandatory.

- (h) The decision of the hearing examiner shall be final.

Section 14-130.a Game Room Operation During the Pendency of an Appeal.

- (a) If the Applicant's or permit holder appeals to the hearing examiner for revocation, or suspension, the Game Room shall not operate during the pendency of an appeal.
- (b) No Game Room may operate pending an appeal for denial of a Game Room Permit.

Section 14-130.b Reapplication.

- (a) After the hearing examiner's final ruling of permit denial or revocation, an Applicant may reapply for a Game Room Permit after the expiration of one hundred and eighty (180) days from the date of his or her ruling.
- (b) This application will be considered a new application in regard to the application timelines and fee established in Section 14-127 and for the distance requirements set forth in Section 14-143.

Section 14-131 Permit Renewal; Permit Fee-Levied; Amount; Payment.

- (c) A Game Room Permit may be renewed for the following year starting sixty (60) days before expiration of the current permit by filing a complete application for a Game Room Permit with the Game Room Permit Administrator and paying the applicable fee set forth in the Regulations. A renewal application shall be subject to the same requirements in the Regulations as are required for a Game Room Permit application. As long as 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 makes a determination in accordance with the Regulations as to whether the Game Room Permit will be renewed.
- (d) An Applicant shall pay a non-refundable Game Room Permit fee of \$1,500 as established by City of Commerce City Council. The Game Room Permit fee shall be paid in person to the Game Room Permit Administrator upon application renewal. A receipt of payment and of renewal application submission shall be hand delivered or sent by certified mail to the Applicant within fourteen (14) days of the receipt of the non-- refundable fee.

Section 14-132 Contents of a Game Room Permit.

When the application process is complete and the proposed Game Room has met all the requirements set forth in the Regulation, the Game Room Permit Administrator shall give the Applicant a signed certificate. The certificate constitutes a Game Room Permit to operate the proposed Game Room for one (1) year from the date the Game Room Permit is issued. The GameRoom Permit shall list the identity of the issuing Game Room Permit Administrator. The Game Room Permit shall list the date of issue and the date of expiration. The Game Room Permit shall list the name of the permit holder, name of the Game Room, and the physical address of the Game Room. If the permit holder is a corporation or legal entity, the Game Room Permit shall list the individual(s) asserting control over the legal entity. The Game Room Permit shall list any and all exemptions to the requirements of Section 3 of the Regulations for which the permit holder has qualified for. The Game Room Permit Administrator shall keep a signed copy of the Game Room Permit for the Administrator's records.

Section 14-133 Penalty for Operating a Game Room without a Game Room Permit.

- a. It shall be unlawful for A Person to Operate a Game Room without first paying the fee and securing a Game Room Permit pursuant to his ordinance, or who Operates a Game Room after the Game Room Permit has been revoked or suspended. Each day a violation occurs or continues to occur is considered a separate violation.
- b. A violation of this Article is grounds for denial, revocation, or suspension of a Game Room Permit and the business's Certificate of Occupancy.

Section 14-134 Effect.

Each Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and anyother individual(s), acting for, or acting on behalf of a Game Room must meet and comply with all requirements of all applicable law(s). The issuance of a Game Room Permit pursuant to the Regulations shall not excuse any Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), 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 14-135 Inspection by a Peace Officer

- (a) **Inspection.** Peace Officers, Fire Safety Officials, and/or designated City Employees are authorized to inspect any business in City of Commerce, Texas for violations of the Regulations. The Regulations do not authorize a right of entry prohibited by law. Peace Officers, Fire Safety Officials, and/or designated City Employees may enter a business with consent, with a warrant, or under

exigent circumstances. A Game Room Permit issued pursuant to the Regulations gives Peace Officers, Fire Safety Officials, and/or designated City Employees implied consent to enter and to inspect any Game Room for violations of the 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, and/or by offering for play or displaying two (2) or more machines described in Section 14-126 is subject to inspection by any Peace Officer, Fire Safety Official, and/or designated City Employee, and is a Game Room under the Regulations.

(1) Refusal to allow any Peace Officer, Fire Safety Official, and/or designated City Employee entry to inspect such unpermitted Game Room may be considered in establishing probable cause for the issuance of a search warrant to inspect for violations of this ordinance.

(2) An unpermitted Game Room is subject to the Regulations and will be held liable for all civil and criminal penalties listed herein.

(c) **Compliance Inspection.** Any Peace Officer, Fire Safety Official, and/or designated city Employee may inspect a permitted Game Room located within their jurisdiction to determine whether or not the Game Room is in compliance with the Regulations.

(d) **Consent to Entry.** A Person who does not allow a Peace Officer, Fire Safety Official, and/or designated City Employee to inspect a Game Room commits an offense. If a Person operates a Game Room in violation of this subsection, they shall be assessed a civil penalty not to exceed \$1,000 per violation. Each Peace officer, fire safety official, and/or designated City Employee denied entry will be considered a separate violation.

(e) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-136 Game Room Sign 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:

- (1) reads "GAME ROOM" in four (4) inch or larger block lettering; and,
- (2) is legible and visible at all times from a distance of twenty-five (25) feet from the outside door.
- (c) A Game Room that has been issued an exemption pursuant to Section 14-147 of this Article is exempt from the Game Room sign requirements.
- (d) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-137 Fire and Life Safety.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this section.
- (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 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 Game Rooms 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) Any violation of this Section is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-138 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 Section 14-126(a) (1)-(2) 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, any machine described in Section 14-126(a) (1)-(2) 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 Section 14-126(a) (1)-(2) 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 and uncovered glass in each of the exterior Game Room windows required by Subsection (b) above.
- (d) It shall be unlawful for a person to cover or tint and Game Room window, or otherwise block any Game Room window required by Subsection (b) above so as to obscure the view of any machine described in. Section 14-126(a) (1)-(2) located in a Game Room, or the interior of the location from a sidewalk through a Game Room window.
- (e) A Game Room that has been issued an exemption pursuant to Section 14-147 of the Regulations is exempt from the Game Room windows requirements.
- (f) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-139 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 hours of 8:00 a.m. to 10:00 p.m. Mondays through Saturdays, and 1:00 p.m. to 8:00 p.m. on Sundays, unless the Game Room Permit authorizes different days or hours.
- (c) The Game Room Permit issued by the Game Room Administrator shall prominently list thereon the days of the week and the hours of operation

which the operator is allowed to function. Any Game Room Permit shall further state any conditions

- (d) A Game Room that has been issued an exemption pursuant to Section 14-147 is exempt from the Game Room hours of operation requirements.
- (e) Any violation of this Section is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-140 Display of a Game Room Permit.

- (a) It shall be unlawful for any Owner or Operator to fail to comply with this section.
- (b) A Game Room shall post or display the current original Game Room Permit in plain sight in a common area accessible to the public without having to enter into a controlled area of the business.
- (c) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-141 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, and/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 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 and/or independent contractor present at the establishment that day. Every Owner, Operator, employee, independent contractor, agent and/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, and
 - (3) a copy of the Hunt County and State of Texas tax record forms detailing each machine found on the premises of the Game Room by identifying the machine by name of 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 Game Room Administrator Identification Stamp to include the year of expiration of each tax stamp

required, the Game Room Administrator Identification Stamp to include the year of expiration of each 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 daily register that contains the name, date of birth, state identification number or social security number, and job function of each employee and/or independent contractor present at the establishment that day. Every Owner, Operator, employee, independent contractor, agent, and/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; and, a copy of the Hunt County and State of Texas tax record forms detailing each machine found on the premises of the Game Room by identifying the machine by name of 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 Game Room Administrator Identification Stamp to include the year of expiration of each 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 spread sheet format.
- (d) 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, and must be made available to any Peace Officer, Fire Safety Official, and/or designated City Employee upon request.
- (a) Any violation of this Section is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-142 Prohibited Employment.

- (a) It shall be unlawful for any Owner or Operator to violate this section.
- (b) It shall be unlawful for any Owner, Operator, employee, independent contractor, agent, and/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 14-128(b)(1).
- (c) It is the responsibility of any Owner or Operator to conduct a criminal background check on every Owner, Operator, employee, independent contractor, and/or any other individual acting for, or acting on behalf of a Game Room.

- (e) Any violation of this Subsection is grounds for denial, revocation, or suspension of a GameRoom Permit.

Section 14-143 Distance Restrictions.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Section.
- (b) A Game Room in operation shall not be located:
 - (1) within 300 feet from any existing or planned school, regular place of religious worship, or place of worship,. "Planned" means that steps have been taken toward the facility's or structure's development including but not limited to a permit received, a plat approved, design work started, a bond received, or an order approved by a governmental entity's governing body; or,
 - (2) within a distance of one (1) mile from where any other Game Room is 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) Game Rooms are exempt from the distancing restrictions upon proof that the Applicant continuously owned and operated the Game Room at the same location and under the same name prior to November 1, 2021. If the Game Room changes its name, its Owner, and/or adds another Owner after this date, or if the Game Room Permit was suspended or revoked, or if the Game Room Permit was denied renewal, or if the Game Room Permit is allowed to lapse, then the Game Room will be considered a new Game Room and not exempt from the distance requirements outlined in this Subsection. **All applications claiming a distance exemption under this Subsection must have been submitted on or before January 1, 2022.**
- (e) The following Game Rooms are exempt from the distancing requirements set forth in this Subsection:
 - (1) Game Rooms that meet the requirements of Section 14-147(c) below; and,
 - (2) Game Rooms that meet the requirements of Section 14-143(d) above.

- (f) Any violation of this Section is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-144 Game Room Memberships.

- (a) It shall be unlawful for any Owner or Operator to fail to comply with this section.
- (b) Game Room memberships are prohibited for any purpose.
- (c) 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.
- (d) Game Rooms shall not issue membership cards to any individual for any purpose.
- (e) 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.
- (f) Any violation of this Section is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-145 Machines Located in a Game Room.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Section.
- (b) A Game Room shall obtain an occupation tax permit from the City of Commerce and the State of Texas Tax Assessor-Collector for each Machine described in Section 14-126(a) (1)-(2)) located in the Game Room and affix the tax permit to the appropriate Machine described in Section 14-126(a) (1)-(2).
 - (1) The annual fee to be paid to the City of Commerce will be ~~twenty~~ five (25) percent of the State's annual fee per machine All Machine tax permit applications are required to indicate the location on the application where the Machines described in Section 14-126(a) (1)-(2) are physically located.
 - (2) Whenever a machine described in Section 14-126(a) (1)-(2) is found not to be in compliance as to tax permits, it shall be locked by the Game Room Administrator's Office or any Peace Officer and cannot be used until the Owner purchases a tax permit for the machine at a cost of \$100.00, regardless

of which quarter of the year the unlock fee is paid, and then pays an "unlock fee" of \$10 per machine.

- (3) A Game Room shall allow a Peace Officer, Fire Safety Official, and designated City Employee or agent entry to the Game Room to inspect for violations of the Section.
- (c) Each machine described in Section 14-126(a) (1)-(2) located in the Game Room that is not registered with a valid current year video tax stamp decal from City of Commerce and the State of Texas prominently displayed on each machine will be considered a separate violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (d) Any violation of this Section is grounds for denial, revocation, or suspension of a Game Room Permit.

Section 14-146 Illegal Machines.

- (a) It shall be unlawful for any Owner or Operator to fail to comply with this section. It shall be unlawful 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.
- (b) Any violation of this Section is grounds for mandatory denial and/or mandatory revocation of a Game Room Permit.
- (c) An individual's compliance with the Regulations, including Operating a Game Room under a permit issued pursuant to the Regulations, is not a defense to prosecution for an offense under Chapter 47 of the Texas Penal Code.

Section 14-147 Requirements to Qualify for Charitable Bingo Exemptions.

A Game Room permit holder may apply for an exemption.

- (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 if the Applicant can show a valid and current Texas Lottery Commission Charitable Bingo License as described in Chapter 20-01 of the Texas Occupations Code Chapter. An original certificate or copy of this license presented with the complete Game Room permit application at the time of application or permit renewal is sufficient to make this showing.

Section 14-148 Owners of an Illegal Game Room.

It is not a defense to prosecution under this Section if an individual does not have the

relevant DBAs in his/her name and/or does not lease the property in his/her name.

Section 14-149 Portable or Temporary Structures Prohibited.

- (a) As used herein a portable or temporary structure means any structure that meets any of the following criteria:
 - (1) is originally designed to be moved from place to place by any means whatsoever, whether on wheels, skids or otherwise; or
 - (2) any structure which is not originally designed to be permanently attached to the real property on which it sets by means of a permanent foundation or footing.
- (b) A portable or temporary structure may not be utilized to operate a Game Room and no permit shall issue for operation of a Game Room in a temporary structure.

Section 14-150 Motor Vehicle Parking Space Requirements.

- (a) Any Game Room Applicant or Operator shall not allow patrons of the Game Room to park motor vehicles on any state or county road right-of-way. This simply means the patrons cannot park their vehicles on the shoulder of any city street, public highway, or road, and additionally all requirements of the Texas Department of Transportation shall be complied with.
- (b) Any Game Room Applicant or Operator shall provide not less than ten (10) parking spaces per 1,000 square feet of the Game Room facility.

SECTION 3. PENALTY. Any person violating any of the provisions of this ordinance shall be guilty of a Class "C" misdemeanor, and upon conviction shall be fined in any sum not to exceed \$500.00 for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 4. SAVINGS AND REPEALING CLAUSE. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

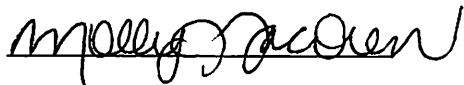
SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication of its Caption as required by law and Charter.

PASSED AND APPROVED on its **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 15th day of November 2021.

PASSED AND APPROVED on its **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 20th day of December 2021.

ATTEST:

CITY OF COMMERCE, TEXAS:



Molly Jacobsen, City Secretary



Wyman Williams, Mayor

(Seal)

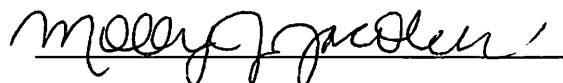
APPROVED AS TO FORM:



Charles R. Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)



Molly Jacobsen, City Secretary

City of Commerce