



Game Room Inspection Reference

The Odessa Police Department has created this guide to standardize inspections of game rooms. This information is subject to change and Officers and Owners should ensure they are reviewing the most up-to-date information adopted in the Odessa City Ordinances.

This is a living document and will be updated as the City Ordinances are updated and as more information is obtained and released by respective legislative and judicial authorities. This guide is strictly a reference to ensure standardized compliance for all gaming establishments, and all parties engaged in any manner of maintaining a video gaming establishment should review the City Ordinances in their entirety for updated information. It is recommended if any establishment has concerns or questions that they be directed to their legal counsel for assistance and advisement.

Applicable City Ordinance(s): Article 4-17 ([City Ordinance Link](#))

Date of Adoption (most recent version): May 28th, 2013

Hours of Operation Hours: No restrictions (24 hours permitted)

Parking Spaces: Minimum 30 parking spaces with one additional space per additional 500 sq feet of operation space

Application/Permit Fees: Assessed on January 1st and payable by January 15th. All licenses are non-transferable.

- License Fee: \$2,500.00 per establishment
- Game Permit Fee: \$300.00 per device
- Employee Background Check: \$100.00 per employee
- Annual Occupation Tax: \$15.00 per device
- Administrative Fee: \$5.00 per device

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EMPLOYEE PERMITS

Employees are required at all times to prominently display their permits issued by the City.

Employees **CAN NOT** deface, alter, reproduce, or other manipulate their permit.

Employees **CAN NOT** work in any capacity prior to receiving their permit.

Permits are associated with the employee and the specific establishment they are employed at. Permits are non-transferable and if an employee moves to a new game room, a new permit must be issued.

Changes of employee information must be made in writing to the Odessa Police Department within **10 days** of the changes being effective. Those changes include:

- Change of Address
- Change of Phone Number
- Change of Name





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LICENSE/LOCATION REQUIREMENTS

Entry Signs:

An establishment that's sole purpose is gambling: Signs Prohibiting Persons Under 21 from playing the machines and accessing the building.

An establishment with mixed patronage: Signs Prohibiting Persons under 21 from playing the devices. Signs prohibiting anyone under the age of 18 to access an area where gambling occurs.

Sign Size: Signs must be placed at the entrance of the establishment and the lettering must be at least 3 inches in height, stating that there are gaming devices inside, no one under the age of eighteen (18) allowed in the gaming area, and no one under the age of twenty-one (21) allowed to play video gaming devices.

(Ord. 4-17-3 (7))



Signs are strictly an example and are not required to be this format or coloring.

Device Specifications:

The phrase “no person under the age of 21 allowed to play” shall be conspicuously displayed on all faces of the devices. (Ord. 4-17-5 (a)(1)(B)).

There is no requirement for the type of placard, its size. The sign must be conspicuously displayed on each machine.

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GAMING MACHINES

Serial Number Plate Violation:

Devices must have a **permanently** affixed serial number plate not to exceed nine-alpha numeric characters. The plate must be affixed to the upper right panel (front) of the machine.

If the serial number plate is affixed to the upper right corner of the machine, upper right panel, or located on top of the device in a visible manner on the right corner, the placement of those plates will all be accepted. This flexibility is further explained below, however as technology advances and the presence of a multitude of game types is proliferated, we acknowledge the need for flexibility. Serial number plates should be conspicuously placed to ease the disruption or delay of inspections.

Note: Temporary Labels, tape, or other items that are placed on a machine and capable of being removed are not considered permanent.

CORRECT PLACEMENT

Upper Right Panel (Right Side)

Correctly placed if the front of the device is not able to maintain a serial number plate placement.



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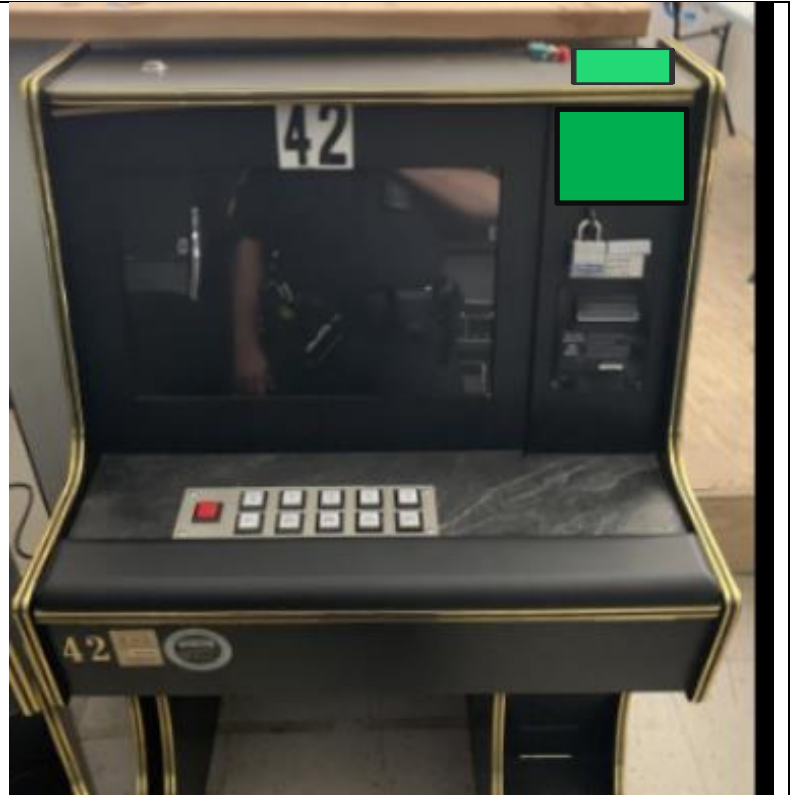


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CORRECT PLACEMENT

Upper Right Panel (Right Side)

Correctly placed if the front of the device is not able to maintain a serial number plate placement.





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IMPROPER TYPE OF SERIAL NUMBER PLATE

City Ordinances require that a serial number plate be permanently affixed and be no greater than nine-alphanumeric characters.

Adhesive numbering can easily be removed and replaced. Game rooms are required to have a physical plate that is permanently affixed to the device.

Recommended types are metal, plastic, or other construction that are riveted to the device.





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ALTERNATIVE PLACEMENT

As technology advances and the proliferation of computer screens becomes more common, if the machine is a large LCD screen or a significant portion of the upper right panel is unavailable for mounting, then the upper right panel on the upper right side of the device should be utilized.

See the following graphic representation of proper alternative placement.





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CORRECT ALTERNATIVE PLACEMENT

The serial number plate is placed alternatively due to a large LCD screen or a face that does not permit the placement of a **permanently** mounted serial number plate.





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GAMING DEVICE PERMITS

In this instance the gaming permit was tampered with and attempted to be removed from the machine.

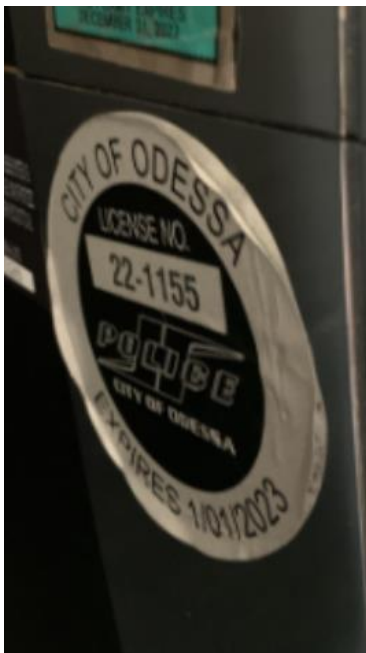
City Ordinances Require the placement of the permits as well as the timely report if a device is tampered with, abused, or altered. If the device is not being removed from service, permits should not be removed.

City Ordinance

did not ensure that the devices were not tampered with, abused or altered in any way, contrary to Section 4-17-3(A) (1)

It is an indication of tampering if the device is bubbling, peeling on multiple sides, tape is placed over, or the permit is not in the condition it was received. Superficial damage is not an indication of tampering.

- Establishments have previously used tape to cover the decal and then using a heating element loosen the adhesive so the permit can be placed on another machine.



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BUILDING ENTRANCES / FIRE EXITS

Video Gaming Ordinance and City Fire Code require at least two exits for the establishment. While the establishment is open for business, both exits shall be open and available for use.

Establishments are prohibited from locking, blocking, or obstructing the exits.





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VIOLATIONS

Ticket Code	Violation Description	Offense Violation Language
V126	Video Gaming Device Allow Alcohol in Establishment	had a permittee, licensee or employee allow a person to possess, consume or otherwise bring any alcoholic beverage in or upon any premises licensed as a gaming device location
V124	Video Gaming Device Remove Validation Decal	failed to remove the validation decal from a video gaming device which has been permanently removed from service, contrary to Section 4-17-5 (C) (2)
V123	Video Gaming Device Return Validation Decal	failed to remove the validation decal from a video gaming device which is permanently removed from service and return the decal to the City of Odessa, Texas, contrary to Section 4-17-5 (C) (1)
V122	Video Gaming Device Report Damage Violation	failed to notify OPD in writing of any damage to or theft from a video gaming device, contrary to Section 4-17-5 (B) (2)
V121	Video Gaming Device Damage Investigation Violation	failed to request investigation by OPD upon discovery of damage to or theft from a video gaming device, contrary to Section 4-17-5 (B) (1)
V120	Video Gaming Device Employee Wear Permit	failed to have an employee possess and wear on his person a valid video gaming employee permit, contrary to Section 4-17-3 (B) (2)
V119	Video Gaming Device Access Sign 3 Inches Letter	which admits mixed patronage and failed to post access restriction signs complying with the sign specification of lettering at least 3 inches in height , contrary to Section 4-17-3 (A) (7)
V118	Video Gaming Device Access Signs at Entrance	which admits mixed patronage and failed to post signs restricting access at the entrances to device areas, contrary to Section 4-17-3 (A) (7)
V117	Video Gaming Device Access 21 or 18 Violation	which admits mixed patronage and failed to post signs restricting the play of video gaming devices by a person under the age of 21; or which restricts the access to areas where gaming is conducted by a person under the age of 18, contrary to Section 4-17-3 (A) (7)
V116	Video Gaming Device Enhanced Payoff Violation	advertised or participated in any promotion or scheme which is contingent upon the play of a video gaming device and which results in an enhanced payoff other than that set by the internal mechanism of the video gaming device, contrary to Section 4-17-3 (A) (6)
V115	Video Gaming Device Intoxicated Patron Violation	loaned money, extended credit or provided financial assistance to patrons to use in video gaming activities, contrary to Section 4-17-3 (A) (2)
V114	Video Gaming Device Loaned Money Violation	allowed any person who appeared to be intoxicated to participate in the play of video devices, contrary to Section 4-17-3 (A) (3)

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V113	Video Gaming Device License Display Violation	failed to conspicuously display the video gaming license in the place of business so that it can be easily seen and read by the public, contrary to Section 4-17-2 (B) (2)
V112	Video Device Abuse Requirements Violation	did not ensure that the devices were not tampered with, abused or altered in any way, contrary to Section 4-17-3(A) (1)
V111	Video Device Access Under 18 YO Violation	permitted a person under 18 years of age into the establishment
V110	Video Device Annual License Fee Violation	without having first paid the annual license fee, contrary to Section 4-17-4 (A) (1)
V109	Video Device Employee Permit Violation	Employee failed to wear a game room permit
V108	Video Device Occupation Tax Violation	failed to pay the annual occupation tax for each video gaming device, contrary to Section 4-17-4 (C)
V107	Video Device Occupation Tax Tag Violation	failed to affix a current occupation tax tag to each video gaming device, contrary to Section 4-17-4 (C) (2)
V106	Video Device Operation Fee Violation	failed to pay the annual device operation fee for each video gaming device, contrary to Section 4-17-4 (B)
V105	Video Device User under 21 YO	did not prevent the play of the devices by persons under the age of 21, contrary to Section 4-17-3(A) (1)
V104	Video Device Serial Number Plate Violation	allowed the use of a video gaming device which did not have a permanent serial number plate affixed in the upper (front) right side panel of the device, contrary to Section 4-17-5 (A) (1) (c)
V103	Video Device Type of Consideration Violation	allowed the use of a video gaming device which accepted a type of consideration not listed in the definition of "Video Gaming Device" set out in Section 4-17-1
V102	Video Device under 21 Warning	allowed the use of a video gaming device which did not have the phrase "NO PERSON UNDER THE AGE OF 21 ALLOWED TO PLAY" conspicuously displayed on the face of the device, contrary to Section 4-17-5 (A) (1) (b)
V101	Video Gaming Devices License Requirement	without obtaining the required license and registration, contrary to and required by Section 4-17-2
V100	Video Licensee Not Present	was not physically present and available within the licensed establishment during all hours of operation, contrary to Section 4-17-3(A) (1)

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INSPECTION AND ENFORCEMENT

Authority to Inspect:

Ordinance 4-17-7 (d) Adopted 2/26/13


- 1) Agents of the city may, at any time, without advance notice, inspect any device located within a license premises
- 2) All devices shall have, at all times, the proper validation decal affixed to the device and maintain logbooks properly secured in the device and available for inspection by the city.
- 3) Agents of the city may disable and/or seize any device, which it finds to be in violation of any of these rules or the law.

(d) Disabling or seizure of devices or licenses. The city shall have the authority to disable, seal and/or seize any device or license at any location when a violation of the ordinance occurs, in accordance with the procedure provided herein. It shall be unlawful for any person to enable a lawfully disabled device, to break the seal of a device affixed by the city, or to continue to operate once the operator's license is seized.

Officers have the authority to disable any machine that is in violation of these chapters. Disabling a device can include and often should be the powering down of the machine or unplugging the machine from the source of power.

Requests to seize machines due to department space constraints should be requested through an Officers Chain of Command.

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STATE LAWS

Odessa City Ordinances do not permit illegal gambling. Game rooms are prohibited from paying US Currency as a form of prize.

All laws related to Gambling can be located under Chapter 47 of the Texas Penal Code.


Gambling Offenses include:

- Sec. 47.02 – Gambling
- Sec. 47.03 – Gambling Promotion
- Sec. 47.04 – Keeping a Gambling Place
- Sec. 47.06 – Possession of Gambling Device, Equipment, or Paraphernalia

Full legislative texts can be found in their most recent formats online

(<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.47.htm>)

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