

ORDINANCE NO. 2026-04

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 13 “OCCUPATIONAL LICENSES AND REGULATIONS”, ARTICLE VI “GAMING MACHINES” OF THE BRECKENRIDGE CODE OF ORDINANCES BY REVISING SECTION 13-92 “TERM OF PERMIT; JURISDICTION; SCOPE” AND SECTION 13-93 “APPLICATION FOR PERMIT” TO CLARIFY THAT A PERMIT IS REQUIRED FOR INDIVIDUAL GAMING MACHINES; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has the power to “license any lawful business...that is susceptible to the control of the police power” pursuant to Section 3.24 of the City’s Charter;

WHEREAS, the City Commission of the City of Breckenridge (the “City Commission”) has adopted regulations regarding gaming machines within the City in Chapter 13, Article VI of the Breckenridge Code of Ordinances;

WHEREAS, the City Commission amended said Article on March 4, 2025 to strengthen regulations concerning gaming machines, including permitting regulations;

WHEREAS, the City Commission wishes to make additional clarifying changes to reflect that its intention was to require a permit for each gaming machine located within the City rather than each premises where gaming machines are located; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest of the health, safety, and welfare of the citizens of the City and are in furtherance of conserving the value of property and protecting the safety of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

I. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

II. Findings. After due deliberations, the City Commission has concluded that the adoption of this Ordinance is in the best interest of the City of Breckenridge, Texas, and of the public health, safety, morals, and welfare of its citizens.

III. Amendment of Section 13-92. Chapter 13 “Occupational Licenses and Regulations”, Article VI “Gaming Machines”, Section 13-92 “Term of permit; jurisdiction; scope” of the Breckenridge Code of Ordinances is hereby amended to read as follows, and all articles, chapters, sections,

paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 13-92. Term of permit; jurisdiction; scope.

A permit issued under this article:

- (1) Is an annual permit per gaming machine, which expires on December 31 of each year, regardless of the date of issuance, unless it is suspended or cancelled earlier.
- (2) Is effective for a single, specific gaming machine only.
- (3) Vests no property right in the permittee except to maintain, display for public patronage, and operate or permit the use of the permitted gaming machine in accordance with the provisions of this article.

IV. Amendment of Section 13-92. Chapter 13 “Occupational Licenses and Regulations”, Article VI “Gaming Machines”, Section 13-93 “Application for permit” of the Breckenridge Code of Ordinances is hereby amended to read as follows, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 13-93. Application for permit.

- (a) Applications for a gaming machine permit shall be filed with the Code Compliance Department on a form provided by the city for that purpose for review by the Chief of Police. The applicant must be the owner of the business which will be operating the gaming machine and must personally sign the application.
- (b) A separate application must be filed for each gaming machine to be located within the City.
- (c) The city shall assess a permit fee, in an amount set in Appendix A, Fee Schedule, to be paid at the time of submission of the application.
- (d) The following information is required in the application:
 - (1) The name, address, and telephone number of the applicant, including the business name under which applicant conducts business, and, if incorporated, the name and address of the corporation and the name and address of the registered agent of the corporation;
 - (2) The street address of the premises where the gaming machine will be located and the name, address, and telephone number of the owner and manager of the premises where the gaming machine will be located;
 - (3) The name, address and telephone number of the owner of the gaming machine to be permitted; and the serial number and state license or registration number for the machine;

(4) Information regarding any previous permit held by the applicant and whether any previous permit of the applicant, or, if applicable, of a corporate officer of the applicant, has been suspended or cancelled; and

(5) A statement that the applicant, any corporate officer of the applicant, any owner, and any employee of the applicant have not been convicted of any crime involving moral turpitude and that all of the facts contained in the application are true and correct.

(e) Applicants shall be required to provide materials deemed necessary by the Chief of Police to determine whether the applicant is eligible for a license. Applicants operating as a corporate entity shall be required to provide proof of good standing with the Texas Secretary of State.

V. Repeal. Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

VI. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

VII. Open Meetings. It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance was given, all as required by Chapter 551, as amended, Texas Government Code.

VIII. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED on this the 3rd day of March 2026.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

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