



City of San Antonio
Planning and Development Services
1901 S. Alamo
San Antonio, Texas 78204

(210) 207-1111
www.sanantonio.gov/dsd

AFFIDAVIT IN SUPPORT OF CERTIFICATE OF OCCUPANCY (GAMING DEVICES)

Name of Business

Address of Business

Proposed Use of Property **Gaming Device**

According to Section 47.01(4) of the Texas Penal Code, as stated below, there are certain circumstances under which a gaming device might be considered an illegal gambling device. When they are considered gambling devices, not only is it a violation of the Texas Penal Code, it is also a violation of the city's Unified Development Code and which may lead to the suspension or revocation of your Certificate of Occupancy. A person commits an offense under Section 47.06 of the Texas Penal Code "if with the intent to further gambling, he knowingly owns, manufactures, transfers, or possesses any gambling device that he knows is designed for gambling purposes."

Section 47.01(4) of the Texas Penal Code defines a Gambling device as follows: "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 accomplished 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, awards 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 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 not more than 10 times the amount charged to play the game or device once or \$5.00, whichever is less"

Section 35-311.2 of the City of San Antonio's Unified Development Code "Table of Permitted Uses" pertains to the usage of your business and the validity of your current Certificate of Occupancy. The Unified Development Code does not allow gambling establishments within the city limits of San Antonio. Therefore, if it is determined that your current usage is classified as a gambling establishment, either in part or in whole, you may not only be in violation of the City Unified Development Code or the Texas Penal Code, but you may also have your Certificate of Occupancy revoked or suspended under Section 110.4 of the International Building Code which states:

"The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or the provisions of this code."

I, _____, the owner of the proposed described business acknowledge that I have read the above information; understand its legal implications and further acknowledge the premises will not be in violation of the City of San Antonio's Unified Development Code or the Texas Penal Code.

 (Date)

 (Applicant's Signature)

STATE OF TEXAS §
 §
 COUNTY OF BEXAR §

Before me, the undersign authority, on this day personally appeared _____, the affiant who, after being duly sworn on oath, deposed and states the facts herein set forth are true and correct.

Sworn to and subscribed before me on this the _____ day of _____, 200__.

 NOTARY PUBLIC, STATE OF TEXAS

