

ORDINANCE NO. 20251208

AN ORDINANCE AMENDING CHAPTER 14, OF THE CODE OF ORDINANCES, CITY OF WOODVILLE, TEXAS, BANNING GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES, INCLUDING “EIGHT-LINERS”; IMPOSING CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE

WHEREAS

In *City of Fort Worth v. Rylie*, 563 S.W.3d 346,352 (Tex. App. 2018), rev’d, 602 S.W.3d 459 (Tex. 2020), the Second Court of Appeals found that electronic gaming machines, including amusement redemption machines commonly referred to as “eight-liners,” are illegal lotteries because they involve consideration for a chance to win a prize; and

WHEREAS

The Texas Supreme Court declined to hear an appeal of the case, effectively upholding the lower court’s decision and reinforcing municipal authority to regulate or prohibit such machines; and

WHEREAS

Game rooms and amusement redemption machines are associated with increased criminal activity, including illegal gambling, theft, criminal trespass, and other offenses that threaten the safety and welfare of the community; and

WHEREAS

The City Council of the City of Woodville, Texas, finds it necessary to prohibit such machines and operations entirely in order to protect the public health, safety, and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODVILLE, TEXAS;

Chapter 14 of the Code of Ordinances of the City of Woodville is hereby amended and shall read as follows:

Article III

Sec. 14-122 - 14-129 Reserved

ARTICLE IV – CERTAIN AMUSEMENT REDEMPTION MACHINES AND GAME ROOMS PROHIBITED

Sec. 14-130. - Definitions.

- (a) The following words, terms, and phrases when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates different meaning:

Amusement redemption machine. Any electronic, electromechanical or mechanical contrivance, including sweepstakes machines, designed, made, and adopted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys or novelties, or a representation of a value redeemable for those items and is in compliance with Tex. Penal Code § 47.01(4)(b).

Amusement redemption machine does not include:

- (1) A machine that awards the user non-cash merchandise prizes, toys or novelties solely and directly from the machine, including claw, crane or similar machines; or
- (2) A machine from which the opportunity to receive non-cash merchandise prizes, toys or novelties, or a representation of value redeemable for those items, varies depending on the user's ability to throw, roll, flip, toss, hit or drop a ball or other physical objects into the machine or a part thereof, including basketball, golf, bowling or similar machines. A representation of value means cash paid under authority of sweepstakes contestants as provided by the Tex. Business and Commerce Code § 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

City official. A police officer, code enforcement officer, fire marshal or building official of the City of Woodville.

Gambling device. Any electronic, electromechanical, or mechanical contrivance 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 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.

Game room. A building, facility or other place where amusement redemption machines or gambling devices are present.

Section 14.131—Restrictions, Regulations, Controls and Limitations

It shall be an offense for any person, firm, or corporation to maintain, display for patronage or otherwise keep for operation by the patrons any amusement redemption machine or gambling device.

No person, firm, or corporation shall operate a game room within the city limits, nor shall game rooms be permitted in any zoning district.

Nothing contained herein shall be construed or have the effect to license, permit, authorize or legalize any existing or future machine, device, table, amusement redemption machine, gambling device or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the city, any section of the penal code of this state, or the constitution of this state.

(Ord. No. 20251208, December 08, 2025, eff. March 09, 2025)

Sec. 14-132. - Prohibition.

- (a) It shall be unlawful for any person, business, or entity to own, operate, maintain, lease, install, or allow the use of any amusement redemption machine within the city limits of Woodville, Texas.
- (b) It shall be unlawful for any person, business, or entity to establish, maintain, operate, or allow the operation of a game room within the city limits of Woodville, Texas.
- (c) No permit or license shall be issued by the City of Woodville for the operation of game rooms or amusement redemption machines.

Sec. 14-133. - Enforcement.

- (a) In addition to prohibiting certain conduct by individuals, it is the intent of this section to hold a corporation or association criminally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of the agents office or employment.
- (b) The City of Woodville Municipal Court Judge shall have the power to issue to the city official, or their designee search warrants, or other process allowed by law, where necessary to aid in enforcing this section.
- (c) A person who violates any provision of this section is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine in accordance with applicable law.
- (d) This section may be enforced by civil court action as provided by state and federal law.
- (e) In addition to the criminal offense and penalties prescribed in this section, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits. Any person found guilty of violating

the provisions of this section shall become liable to the city for any expense, loss, or damage incurred by the city by reason of remediating such violation.

(Ord. No. 20251203, December 08, 2025, eff. March 09, 2026)

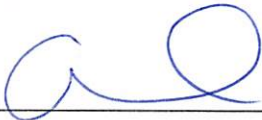
Sec. 14-134. Severability

If any section, subsection, paragraph, sentence, or clause of this ordinance is held to be invalid or unconstitutional for any reason, the validity of the remaining provisions shall not be affected.

Sec. 14-135. Effective Date

This ordinance shall take effect March 09, 2026 which give establishments 90 days to remove their game rooms and/or amusement game machines and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Woodville, Texas on this the 8th day of December, 2025.



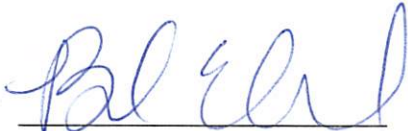
Amy Bythewood, Mayor

ATTEST:



Danita Skinner, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Brad Elrod, City Attorney