

ORDINANCE #010-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DE LEON PROHIBITING AMUSEMENT REDEMPTION MACHINES AND GAMBLING DEVICES; PROHIBITING GAME ROOMS WHERE AMUSEMENT REDEMPTION MACHINES OR GAMBLING DEVICES ARE PRESENT; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR CONVICTION OF ANY VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of De Leon (the “City”) recognizes that the operation of game rooms contribute to inappropriate and illegal activities which may include gambling, fraud, truancy, disorderly conduct and use of controlled substances; and

WHEREAS, in the *City of Fort Worth v. Rylie*, 649 S.W.3d 246 (Tex.App.—Fort Worth 2022, pet. refused), the Fort Worth Court of Appeals held that amusement redemption machines, as games of chance, are unconstitutional and illegal and in violation of the penal codes of this State; and

WHEREAS, as a home-rule municipality established and operating under the Texas Constitution and the City Charter of the City of De Leon, the City Council finds that it has the authority to adopt this Ordinance to address the negative effects of game rooms and amusement redemption machines; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is in the best interests of the City and its citizens and will promote the health, safety and welfare of the citizens of De Leon and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS:

Section 1. FINDINGS INCORPORATED.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. ENACTMENT. This Ordinance is fully adopted herein and shall be known as the De Leon Game Room Ordinance, and is hereby set out in its entirety as follows:

§ 1.01 CERTAIN AMUSEMENT REDEMPTION MACHINES PROHIBITED.

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

AMUSEMENT REDEMPTION MACHINE. Any electronic, electromechanical or mechanical contrivance, including sweepstakes machines, designed, made, and adapted 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 other 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. The City Manager or his duly authorized representative, a code enforcement officer, fire chief, building official of the city or any peace officer in the State of Texas.

GAMBLING DEVICE. Any electronic, electromechanical, or mechanical contrivance that for 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.

(b) Restrictions, regulations, controls and limitations.

(1) 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.

(2) No person, firm, or corporation shall operate a game room within the city limits.

(3) 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.

Section 3. MISCELLANEOUS.

A. PENALTY: A person who violates any requirement of this Ordinance commits a class C misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00); except that:

- (a) Proof of a culpable mental state is expressly not required for a conviction of an offense under this Ordinance, unless specifically required by state law.
- (b) Each violation is considered a separate offense.
- (c) Each day that a violation occurs is a separate offense.
- (d) In addition to the penalties described above, the City may pursue other remedies that the City may have under state or federal law.

In addition to prohibiting certain conduct by individuals, it is the intent of this Ordinance 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 agent's office or employment.

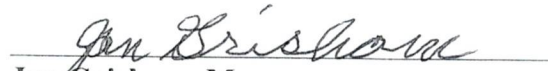
B. SEVERABILITY: If any section, subsection, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

C. SAVINGS CLAUSE: All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal.

D. PUBLICATION: The City Secretary is directed to cause the caption of this Ordinance to be published in a newspaper of general circulation according to State law and City Charter.

E. EFFECTIVE DATE: This Ordinance shall become effective upon its passage and publication as required by law and City Charter.

**PASSED AND APPROVED ON ONE READING AS AN EMERGENCY MATTER
DECLARED BY THE CITY COUNCIL PURSUANT TO ARTICLE VII, SECTION 10 OF
THE CITY CHARTER this 17TH day of November, 2025.**


Jan Grisham, Mayor

ATTEST:


Melinda K. Harbour, City Secretary

