

ORDINANCE NO. 2026-04

**AN ORDINANCE OF THE CITY OF COLDSRING, TEXAS, PROHIBITING AMUSEMENT REDEMPTION MACHINES, GAMBLING DEVICES, AND GAME ROOMS WITHIN THE CITY; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT; DECLARING CERTAIN ACTIVITIES TO BE A PUBLIC NUISANCE; PROVIDING FOR REVOCATION OF MUNICIPAL AUTHORIZATIONS; PROVIDING FOR EMERGENCY INJUNCTIVE RELIEF; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Coldspring finds that protection of the public health, safety, welfare, and quality of life of its citizens is a fundamental governmental responsibility; and

**WHEREAS**, the City Council finds that law-enforcement agencies throughout the State of Texas have documented increased calls for service, robberies, assaults, narcotics activity, nuisance conditions, and other criminal activity associated with certain game room operations and similar gambling establishments; and

**WHEREAS**, the City Council finds that the Coldspring is a small community with a population of approximately 911 residents and that adverse impacts associated with gambling-related activities are magnified due to the City's limited population, compact geographic area, and limited governmental resources; and

**WHEREAS**, the City Council further finds that the City of Coldspring maintains limited municipal resources and relies substantially upon county law-enforcement services for public-safety response, and that activities generating disproportionate law-enforcement demands may adversely affect the efficient delivery of public-safety services to the citizens of the City; and

**WHEREAS**, the City Council finds that four campuses of the Coldspring-Oakhurst Consolidated Independent School District are located within the corporate limits of the City and serve a substantial number of school-age children and young adults within the City; and

**WHEREAS**, the City Council finds that amusement redemption machines, gambling devices, and game room operations may be located in close proximity to schools, school routes, and areas frequently traveled by minors, thereby increasing the likelihood that children and young adults will be exposed to gambling-related activities and environments; and

**WHEREAS**, the City Council finds that protection of children from exposure to gambling-related activities is a legitimate and substantial governmental interest; and

**WHEREAS**, the City Council finds that amusement redemption machines, gambling devices, and game room operations may occur in a variety of commercial establishments, including but not limited to convenience stores, retail businesses, service establishments, and lodging facilities, and that the adverse impacts associated with such activities are not dependent upon the type of business in which they occur; and

**WHEREAS**, the City Council finds that game room operations and similar gaming activities contribute to nuisance conditions, loitering, increased calls for police service, adverse neighborhood impacts, diminished quality of life, and adverse economic impacts upon nearby businesses and residential areas; and

**WHEREAS**, the City Council finds that studies show that gaming establishments frequently attempt to evade enforcement actions through changes in ownership, management, business entities, assumed names, lease arrangements, or property interests while substantially continuing the same prohibited operation; and

**WHEREAS**, the City Council finds that recurring gaming operations create substantial enforcement difficulties and impose unnecessary burdens upon municipal resources; and

**WHEREAS**, The City Council further finds that game room operations are frequently cash-intensive businesses that present unique enforcement challenges and may facilitate violations of state gambling laws; and

**WHEREAS**, the City Council finds that complete prohibition of amusement redemption machines, gambling devices, and game rooms is the most effective means available to protect the public health, safety, welfare, and quality of life of the citizens of the City; and

**WHEREAS**, the City Council does not intend by this ordinance to prohibit ordinary family amusement activities, toy vending devices, candy vending devices, children's rides, or ordinary recreational games operated primarily for entertainment purposes; but to prohibit gambling-style amusement redemption machines, game rooms, and similar gaming operations that create the adverse effects identified herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLDSRING, TEXAS:**

**ARTICLE 1  
AUTHORITY AND PURPOSE**

**SECTION 1. - AUTHORITY**

This ordinance is adopted pursuant to:

- A. The general-law municipal police powers granted by the Constitution and laws of the State of Texas;
- B. Municipal authority to protect the public health, safety, and welfare;
- C. Municipal nuisance-abatement authority;
- D. Municipal authority to prevent and abate conditions detrimental to public welfare; and
- E. All other powers and authority granted by Texas law.

The City Council expressly finds that this ordinance constitutes a reasonable exercise of municipal authority and is necessary to protect the health, safety, welfare, property, and quality of life of the citizens of the City.

## **SECTION 2. - PURPOSE**

The purpose of this ordinance is to prohibit amusement redemption machines, gambling devices, and game rooms within the corporate limits of the City and to prevent illegal gambling activities, criminal conduct, public nuisance conditions, adverse neighborhood impacts, and exposure of minors to gambling-related activities.

## **SECTION 3. - LEGISLATIVE FINDINGS**

The foregoing recitals and findings are hereby adopted as legislative findings of the City Council and incorporated into every section of this ordinance for all purposes. The City Council further finds that the activities prohibited by this ordinance adversely affect the public health, safety, and welfare and constitute conditions that may be regulated, restricted, or prohibited pursuant to the City's police powers and nuisance-abatement authority notwithstanding any claim of prior operation.

## **ARTICLE 2 ENACTMENT OF ORDINANCE**

### **SECTION 1. - TITLE OF ORDINANCE**

This Ordinance shall be added to the Code of Ordinances of the City of Coldspring, to be entitled, "Game Room Ordinance."

## **SECTION 2. - DEFINITIONS**

For the purpose of this ordinance the following definitions shall apply:

**Amusement Redemption Machine** – any electronic, electromechanical, computerized, video, mechanical, or other device activated by coin, token, currency, card, credit, electronic payment, or other thing of value that, through chance or chance combined with skill, awards or provides an opportunity to receive cash, credits, tickets, coupons, points, merchandise, prizes, rewards, gift cards, replay credits, or anything of value. The term includes, without limitation, devices commonly known as eight-liners, gaming machines, fish games, sweepstakes machines, video redemption machines, gaming terminals, and skill machines, or similar devices.

The term does not include:

1. A bona fide vending machine that dispenses merchandise in direct proportion to the consideration paid and does not involve an element of chance;
2. A coin-operated children's ride or amusement ride;
3. A claw machine, crane machine, or similar amusement device that awards only toys, novelties, stuffed animals, or similar merchandise having a wholesale value not exceeding the limits established by Texas law;
4. A toy capsule machine, gumball machine, candy vending machine, sticker machine, or similar device that dispenses merchandise automatically upon insertion of consideration without an element of chance;
5. An ordinary recreational game that is operated primarily for amusement purposes and that complies with all applicable provisions of Texas law;
6. Jukeboxes or other similar devices; or
7. Any device expressly excluded from the definition of a gambling device under Chapter 47 of the Texas Penal Code.

**Gambling Device** – shall have the meaning assigned by Chapter 47 of the Texas Penal Code, as amended.

**Game Room** – any building, room, premises, place, establishment, structure, vehicle, or location in which one or more prohibited amusement redemption machines or gambling devices are maintained, possessed, operated, displayed, installed, or made available for use.

*Operator* – any person, owner, manager, employee, agent, lessee, tenant, occupant, business entity, or other individual or entity that owns, controls, manages, conducts, supervises, maintains, permits, or participates in the operation of a game room, amusement redemption machine, or gambling device.

*Ordinary Recreational Game* – a pool table, billiard table, dart board, shuffleboard table, foosball table, air hockey table, pinball machine, children's amusement device, or similar amusement equipment that is operated primarily for recreation and entertainment and does not award cash, credits, merchandise, prizes, gift cards, or any other thing of value based upon the outcome of play. Ordinary Recreational Games shall not be considered amusement redemption machines, gambling devices, or game rooms under this ordinance unless otherwise prohibited by state law

Other terms herein shall have the meanings defined in other ordinances of the City, except where the context clearly requires otherwise.

### **SECTION 3. - PROHIBITION**

- A. A person commits an offense if the person owns, maintains, possesses, displays, installs, leases, rents, operates, permits the operation of, or allows to remain on any premises within the City, an amusement redemption machine, gambling device, or game room.
- B. Any continuation of a prohibited operation through a successor owner, manager, operator, tenant, business entity, or affiliate shall constitute a continuing violation of this ordinance.
- C. No person shall knowingly aid, assist, facilitate, finance, advertise, promote, furnish equipment for, or otherwise participate in the operation of a prohibited game room, amusement redemption machine, or gambling device.

### **SECTION 4. - UNLAWFUL PREMISES**

It shall be unlawful for any owner, landlord, tenant, occupant, operator, manager, or person in control of property within the City to knowingly permit an amusement redemption machine, gambling device, or game room to exist or operate upon such property.

### **SECTION 5. - REBUTTABLE PRESUMPTION**

- A. The presence of any operational device prohibited by this ordinance on any premises within the City shall constitute prima facie evidence and create a rebuttable presumption that the machine is possessed with the intent to operate or permit operation in violation of this ordinance.

- B. This presumption may be rebutted by competent evidence demonstrating that the machine is permanently disabled, inoperable, maintained solely for evidentiary purposes, or otherwise exempt by law.
- C. Nothing herein shall alter any burden of proof required in a criminal proceeding.

#### **SECTION 6. - PUBLIC NUISANCE**

Any amusement redemption machine, gambling device, or game room operated, maintained, possessed, or permitted in violation of this ordinance is hereby declared to be a public nuisance per se.

#### **SECTION 7. - ENFORCEMENT AUTHORITY**

Municipal Law Enforcement, Code Enforcement Department, Fire Marshal, Building Official, and other authorized representatives of the City are authorized to investigate and enforce this ordinance. City officials may enter premises open to the public during normal business hours for purposes of investigating compliance with this ordinance, subject to all constitutional and statutory limitations.

#### **SECTION 8. - REVOCATION OF MUNICIPAL AUTHORIZATIONS**

Upon determination that a violation of this ordinance exists, the City may suspend, revoke, deny renewal of, or refuse issuance of any permit, license, certificate of occupancy, registration, or other municipal authorization associated with the premises where the violation occurred, to the extent authorized by law.

#### **SECTION 9. - EMERGENCY INJUNCTIVE RELIEF**

- A. The City Council finds that violations of this ordinance may constitute an immediate threat to the public health, safety, and welfare.
- B. The City Attorney is authorized to institute civil proceedings seeking temporary restraining orders, temporary injunctions, permanent injunctions, nuisance-abatement orders, closure orders, and any other relief authorized by law.
- C. The City shall not be required to prove irreparable injury, lack of an adequate remedy at law, or the posting of bond when seeking injunctive relief authorized by this ordinance to the fullest extent permitted by law.

**SECTION 10. – PENALTY**

- A. Any person who shall violate or is found not to be in compliance with any provision of this Ordinance shall be deemed guilty of a Class C misdemeanor and upon conviction thereof shall be punished by a fine not to exceed more than \$500.00.
- B. Each day a violation exists shall constitute a separate offense.
- C. Each machine shall constitute a separate violation.

**SECTION 11. – CIVIL ACTION**

The City may seek all civil remedies authorized by Texas law, including injunctive relief, attorney's fees, court costs, investigation expenses, and nuisance-abatement costs to the extent authorized by Texas law.

**ARTICLE 3  
SEVERABILITY, CUMULATIVE AND EFFECTIVE DATE  
AND NOTICE AND MEETING CLAUSES**

**SECTION 1. - CUMULATIVE REMEDIES**

The remedies provided herein are cumulative and not exclusive. The City may pursue criminal enforcement, civil enforcement, nuisance-abatement proceedings, permit revocation, injunctive relief, and all other remedies authorized by law.

**SECTION 2. - SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid, unconstitutional, or unenforceable, such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 3. - EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption and publication as required by law.

**SECTION 4. - PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Local Government Code.

PASSED AND APPROVED on this 1<sup>st</sup> day of June, 2026.

CITY OF COLDSRING, TEXAS

  
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John Benestante, Mayor

ATTEST:

  
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City Secretary