

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY OF LEAGUE CITY, TEXAS, ADDING SECTION 70-2 OF THE CODE OF ORDINANCES RELATING TO THE PROHIBITION OF GAMBLING DEVICES AND GAMBLING PLACES; DECLARING CERTAIN ACTIVITIES A PUBLIC NUISANCE; PROVIDING FOR ENFORCEMENT, PENALTIES, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, Article III, Section 47 of the Texas Constitution requires the Legislature to pass laws prohibiting lotteries except as expressly authorized by the Texas Constitution; and

WHEREAS, Chapter 47 of the Texas Penal Code prohibits gambling devices, gambling promotion, keeping a gambling place, and other unlawful gambling activities; and

WHEREAS, Texas courts have recognized that certain electronic gaming devices commonly known as eight-liners and similar machines may constitute prohibited lotteries or gambling devices under Texas law and are not entitled to legal protection afforded to lawful amusement devices; and

WHEREAS, the City Council finds that unlawful gambling devices and gambling places threaten the public health, safety, and welfare, may contribute to criminal activity and other adverse secondary effects, and should be prohibited within the City; and

WHEREAS, the City Council further finds that prohibiting gambling devices and gambling places and providing for the abatement of such activities as public nuisances constitutes a valid exercise of the City's police powers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The findings and recitals set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all purposes as if fully set forth herein.

Section 2. Chapter 70 of the Code of Ordinances of the City of League City, Texas, is hereby amended by adding a new Section 70-2, entitled "Gambling Devices and Gambling Places Prohibited," to read as shown in **Exhibit A**, which is attached hereto and incorporated herein for all purposes.

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of

this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall after publication.

PASSED first reading the ____ day of _____, 2026.

PASSED AND ADOPTED the ____ day of _____, 2026.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney (mv)

EXHIBIT “A”

CHAPTER 70 – OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 70-2. Gambling Devices and Gambling Places Prohibited.

(a) Definitions. For purposes of this section:

Gambling device and gambling place shall have the meanings assigned by Section 47.01 of the Texas Penal Code, as amended.

Person means any individual, corporation, partnership, association, business entity, property owner, tenant, operator, manager, occupant, or other legal entity.

(b) Prohibited Devices.

- (i) No person shall knowingly own, maintain, operate, exhibit, display, make available for play, transfer, possess with intent to operate, or permit the operation of any gambling device within the corporate limits of the City.
- (ii) The prohibition contained in this section includes electronic gaming devices commonly known as eight-liners, video poker machines, video keno machines, electronic blackjack machines, electronic roulette machines, slot-machine-style devices, and similar gaming machines to the extent such devices constitute gambling devices under Texas law.

(c) Prohibited Businesses, Game Rooms, and Premises.

- (i) No person shall knowingly establish, maintain, operate, lease, occupy, manage, conduct, or permit a gambling place within the corporate limits of the City.
- (ii) No owner, tenant, operator, manager, occupant, or person in control of real property shall knowingly or recklessly allow, suffer, or permit property under his or her control to be used in violation of this section.

(d) Lawful Amusement Devices Not Affected. Nothing in this section shall be construed to prohibit lawful amusement devices, including lawful arcade games, claw machines, redemption games, amusement redemption machines, or any other activity expressly authorized by the Texas Constitution or Texas law.

(e) Public Nuisance.

- (i) Any gambling device operated, maintained, exhibited, displayed, possessed, or made

available for play in violation of this section is hereby declared to be a public nuisance.

- (ii) Any premises used in violation of this section is hereby declared to be a public nuisance and may be abated by any lawful means available to the City.

(f) Enforcement and Remedies.

- (i) The remedies provided by this section are cumulative and in addition to any other remedy available under state law or the Code of Ordinances. The City may seek civil, criminal, equitable, administrative, or other remedies authorized by law, including injunctive relief and nuisance abatement.
- (ii) Nothing in this section shall limit the authority of law enforcement officers to enforce applicable provisions of state law.

(g) Penalty. A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-5 of this Code.