

ORDINANCE 2025-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING THE CITY OF WOLFFORTH ZONING ORDINANCE BY AMENDING CHAPTER 14 ZONING; ADDING THE USE OF GAME ROOM AS A CONDITIONAL USE IN CERTAIN ZONING DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wolfforth Zoning Ordinance regulates the uses of property within the Wolfforth city limits;

WHEREAS, both the City of Lubbock and Lubbock County have recently adopted regulations regarding the operation of game rooms within their jurisdictions;

WHEREAS, The Lubbock County Commissioners Court stated that in their ordinance adopting their game room regulation that game room operations “have had a negative impact on the quality of life of its residents;”

WHEREAS, the Wolfforth Zoning Ordinance does not contain a zoning designation or definition for game rooms;

WHEREAS, the City staff have recommended an amendment to the Zoning Ordinance to regulate the operation of game rooms within the City;

WHEREAS, the Planning Commission held a public hearing on March 11, 2024, regarding the addition of game rooms as a Conditional Use in C-3, M1, and M2 districts;

WHEREAS, the City published notice on February 21, 2025, in the Lubbock-Avalanche Journal of the March 11, 2025, public hearing before the Zoning Commission; and

WHEREAS, the City Council believes it is in the best interest of the City to add game rooms as a Conditional Use in the C-3, M1, and M2 districts; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, THAT:

Part 1. Enacted.

THAT City of Wolfforth Zoning Ordinance is hereby amended by amending Chapter 14 Zoning § 14.03.008(5) Use table and § 14.08.004 Defined terms and adding § 14.03.013(n) Game Rooms and § 14.04.024 Game Room, such additional language shall read as follows:

§ 14.03.008 Use table.

(unapproved draft)

(5) Use table.

Use Category	Short Definition	Special Use Regulation	C3	M1	M2
Game Room	Any real estate where one of the uses is the playing amusement redemption machines.	*	C	C	C

§ 14.03.013 Commercial use categories

(n) Game Room.

- (1) Characteristics. A for-profit business located in a building or place that contains, in any combination, six or more amusement redemption machines that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.
- (2) Accessory Uses. Accessory uses may include offices or storage.
- (3) Exceptions. Game Halls, as defined in this Code, are not classified as Game Rooms and are a separate use category.

§ 14.04.024 Game Room.

Game rooms may only be located:

- (a) At least 1,000 feet from the premises of a school, the premises of a public or private youth center, or a playground;
- (b) At least 300 feet from the premises of a public swimming pool/splashpad or game hall;
- (c) At least 1,000 feet from any premises owned, rented, or leased by a general residential operation operating as a recovery facility;
- (d) At least 1,000 feet from a residential neighborhood;
- (e) At least 1,000 feet from a school; and
- (f) At least 1,000 feet from a regular place of worship.

§ 14.08.004 Defined terms.

Amusement redemption machine. Any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with noncash 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, whichever amount is less.

Game Room. A for-profit business located in a building or place that contains in any combination, six or more amusement redemption machines that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes; a Game does not include game halls.

Gambling device. A device described in Article 47.01(4) (a) of the Texas Penal Code.

Game Hall. A video arcade, bingo, or billiard/pool hall.

Video arcade. A family-oriented arcade that is an entertainment venue designed to cater to individuals of all ages. These arcades typically feature a mix of games and activities including classic arcade machines, modern video games, ticket redemption games, and sometimes even activities like mini-golf or bowling. These facilities must:

- (1) Be open to the public, including minors;
- (2) Contain at least three pinball, skee-ball, and/or video game machines intended to be played by any person, including minors; and
- (3) Does not contain any gambling devices.

Part 2. Severability.

If any section, sub-section, clause, phrase or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 4. Open Meetings

(unapproved draft)

That 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 Meetings Act, Chapter 551, Texas Government Code and Chapter 211 of the Texas Local Government Code.

Part 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

PASSED and ADOPTED this 17th day of March 2025.

Charles Addington, II, Mayor
City of Wolfforth, Texas

ATTEST:

Terri Robinette, City Secretary