

ORDINANCE NO. 3140

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORSICANA, TEXAS, AMENDING CHAPTER 12, *PLANNING AND ZONING*, ARTICLE 12.100, *ZONING ORDINANCE*, SECTIONS 8-100, 8-600, AND 19-100 OF THE CITY CODE OF ORDINANCES TO REGULATE THE ZONING OF GAME ROOMS, VAPE SHOPS, AND HOOKAH LOUNGES WITHIN THE CITY BY ESTABLISHING AN APPROPRIATE ZONE FOR THE BUSINESS.

WHEREAS, in accordance with the provisions of the laws of the State of Texas, the City Council has conducted a public hearing for the purpose of considering the amendment to the Code of Ordinances for the City of Corsicana, Texas; and

WHEREAS, the City Council of the City of Corsicana ("City Council") has determined the Heavy Industrial Zoning is appropriate for the location of game rooms, vape shops, and hookah lounges; and

WHEREAS, the City of Corsicana is expressly authorized to regulate the location of game rooms operating Amusement Redemption Machines, including eight-liners, vape shops, and hookah lounges by virtue of being a home rule municipality; and

WHEREAS, game rooms that currently operate Amusement Redemption Machines, vape shops, and hookah lounges in the City of Corsicana may continue to do so if operated in accordance with the laws of the State of Texas; and

WHEREAS, the City Council has determined that it is in the public's best interest and in support of the health, safety, and general welfare of the citizens of the City that game rooms, vape shops, and hookah lounges will be allowed to operate in the Heavy Industrial (I-2) zoning.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Corsicana, Texas, that Chapter 12, Article 12.100, Section 8-100, Section 8-600, and Section 19-100 of the City Code of Ordinances be amended to include the changes to hereafter read as follows:

Chapter 12: Planning and Zoning

Article 12.100 Zoning Ordinance

Section 8-100 Use Regulation Districts

Type Use 8-105 Recreational and Entertainment Uses

Game Room – Permitted in Zone I-2, New Definition (92)

Vape Shop – Permitted in Zone I-2, New Definition (93)

Hookah Lounge – Permitted in Zone I-2, New Definition (94)

Section 8-600 Special Definitions and Explanations Noted in Use Regulations

(91) Amusement Redemption Machine means any electronic, electromechanical, or mechanical contrivance, including sweepstake machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill 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 Section 47.01(4)(b) of the Texas Penal Code. 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; nor
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 upon 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 Texas Business and Commerce Code, Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

(92) Game Room means a building, facility, or other place where one or more Amusement Redemption Machines are present.

(93) Vape Shop a retail outlet specializing in the sale of electronic cigarette products including E-cigarettes, “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS)”.

(94) Hookah Lounge or “hookah bar” means any facility, building, structure or location, where customers share tobacco or a similar smoking product from a communal hookah placed throughout the establishment.

Section 19-100 Certificate of Occupancy and Compliance

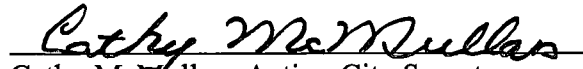
19-104 All current legally permitted and operating game rooms, vape shops, and hookah lounges as defined in Chapter 12 Article 12.100 Section 8-600 shall be allowed to continue to operate with a valid certificate of occupancy. If these businesses fail to operate in accordance with the laws of the State of Texas and the City, the Building Official may suspend or revoke the certificate of occupancy. If the certificate is suspended or revoked, the business will no longer be allowed to operate.

The suspension or revocation of the Certificate of Occupancy by the Building Official may be appealed to the City Council, which shall conduct a de novo review of the Building Official’s actions. The appeal must be instituted, in writing, within 30 days of suspension or revocation.

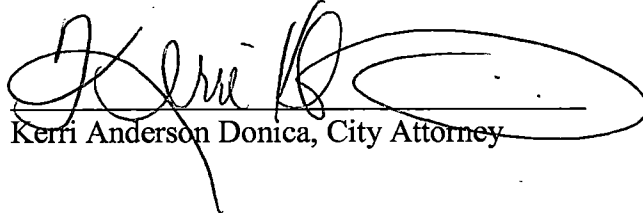
PASSED, APPROVED AND ADOPTED this the 14th day of August, 2023.

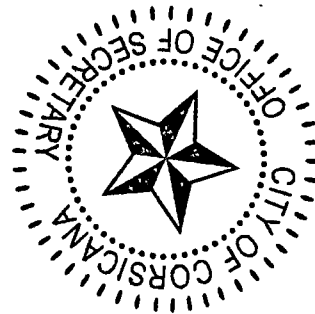

Michael W. Fletcher, Mayor

ATTEST:


Cathy McMullan, Acting City Secretary

APPROVED AS TO FORM:


Kerri Anderson Donica, City Attorney



ITEM NO. 7A

Date: August 14, 2023

Subject: Consider an amendment to Chapter 12, Article 12.100, Sections 8-100, 8-600, and 19-100 of the City Code of Ordinances to regulate the zoning of game rooms, vape shops, and hookah lounges.

Comments: The amendment has been proposed in order to amend Chapter 12, *Planning and Zoning*, Article 12.100, *Zoning Ordinances*, Sections 8-100, 8-600, and 19-100 of the City Code of Ordinances to regulate the zoning of game rooms, vape shops, and hookah lounges within the City.

It has been determined the Heavy Industrial Zoning is an appropriate location for game rooms, vape shops, and hookah lounges.

The table in Chapter 12, Article 12.100, **Section 8-100 - Use Regulation Districts** is being amended to permit game rooms, vape shops, and hookah lounges in Heavy Industrial Zone (I-2).

Section 8-600, Special Definitions and Explanations Noted in Use Regulations, is being amended to add definitions for Amusement Redemption Machine, Game Room, Vape Shop, Hookah Lounge or “hookah bar”.

Section 19-100, Certificate of Occupancy and Compliance, is being amended to add 19-104 concerning existing Certificates of Occupancies and suspension or revocation of a Certificate of Occupancy.

Following is the proposed amended sections of Chapter 12.

Chapter 12: Planning and Zoning

Article 12.100 Zoning Ordinance

Section 8-100 Use Regulation Districts

Type Use 8-105 Recreational and Entertainment Uses

Game Room – Permitted in Zone I-2, New Definition (92)

Vape Shop – Permitted in Zone I-2, New Definition (93)

Hookah Lounge – Permitted in Zone I-2, New Definition (94)

Section 8-600 Special Definitions and Explanations Noted in Use Regulations

(91) Amusement Redemption Machine means any electronic, electromechanical, or mechanical contrivance, including sweepstake machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill 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 Section 47.01(4)(b) of the Texas Penal Code. Amusement Redemption Machine does not include:

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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 upon 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 Texas Business and Commerce Code, Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

(92) Game Room means a building, facility, or other place where one or more Amusement Redemption Machines are present.

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(94) Hookah Lounge or “hookah bar” means any facility, building, structure or location, where customers share tobacco or a similar smoking product from a communal hookah placed throughout the establishment.

Section 19-100 Certificate of Occupancy and Compliance

19-104 All current legally permitted and operating game rooms, vape shops, and hookah lounges as defined in Chapter 12 Article 12.100 Section 8-600 shall be allowed to continue to operate with a valid certificate of occupancy. If these businesses fail to operate in accordance with the laws of the State of Texas and the City, the Building Official may suspend or revoke the certificate of occupancy. If the certificate is suspended or revoked, the business will no longer be allowed to operate.

The suspension or revocation of the Certificate of Occupancy by the Building Official may be appealed to the City Council, which shall conduct a de novo review of the Building Official’s actions. The appeal must be instituted, in writing, within 30 days of suspension or revocation.

Recommendation: Consider the request to amend Chapter 12 of the City Code of Ordinances.

MOTION:

I MOVE TO (APPROVE/DENY) AMENDING CHAPTER 12 OF THE CITY CODE OF ORDINANCES.