

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, ESTABLISHING A MORATORIUM UPON THE ACCEPTANCE OF ANY APPLICATION OR REQUEST FOR APPROVAL FOR THE ESTABLISHMENT OF AN ADULT ARCADE AMUSEMENT FACILITY UTILIZING SLOT MACHINES, SIMULATED GAMBLING DEVICES OR SIMILAR EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, ARCADES, GAME ROOMS, INTERNET CAFES AND SWEEPSTAKES REDEMPTION CENTERS, FOR A PERIOD OF ONE YEAR OR UNTIL SUCH TIME AS THE VILLAGE ADOPTS REGULATIONS GOVERNING THIS USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of North Palm Beach determines that it is in the best interests of its residents, businesses and visitors to enact sufficient zoning regulations to ensure their health, safety and welfare; and

WHEREAS, the Village Council has learned of certain adult arcade amusement facilities utilizing slot machines, simulated gambling devices or similar equipment being proposed or considered within the Village; and

WHEREAS, these adult arcade amusement facilities, identified as arcades, game rooms, internet cafes and/or sweepstakes redemption centers, utilize forms of gaming and gambling that may involve, or could lead to, illegal activities; and

WHEREAS, the Village's current zoning regulations are silent with regard to the requirements for the establishment of such facilities; and

WHEREAS, Village Administration is requesting a moratorium of up to one year on adult arcade amusement facilities in order to analyze the impacts of such use within the Village, evaluate the appropriate locations (if any) for such uses and determine whether the Village should incorporate special standards for such facilities into its zoning regulations; and

WHEREAS, the Village has held all required public hearings necessary to enact a moratorium, including review by the Village's Local Planning Agency; and

WHEREAS, the Village Council deems it in the best interest of the public health, safety and welfare to direct Village Staff to study and evaluate this issue and to place a moratorium on the acceptance of applications for and the issuance of any development permits, business tax receipts or other approvals for such facilities for a period of up to one year.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and correct and are incorporated herein.

Section 2. For the purpose of this Ordinance, an adult arcade amusement facility is any facility, whether identified as an arcade, game room, internet café or sweepstakes redemption center, that utilizes slot machines, simulated gambling devices or similar equipment. A simulated gambling device means any device that, upon connection with an object (coin, bill, ticket, token card or similar object), is available to play or operate a computer simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff, including money, credit, tickets or tokens to be exchanged for cash or to receive merchandise or any other thing of value. This Ordinance shall only apply to establishments marketed to adults and shall not apply to traditional game rooms or arcades generally targeted to minors that do not utilize slot machines, simulated gambling devices or similar equipment.

Section 3. Effective as of June 23, 2011, the date the Village Council adopted a Zoning in Progress, the Village Council hereby imposes a moratorium upon the acceptance of applications for and the issuance of any development permits, business tax receipts or other approvals for adult arcade amusement facilities. The Village Council directs Village Staff to study and analyze the impacts of such facilities and evaluate the appropriate locations (if any) for such uses within the Village and determine whether the Village should incorporate special standards for such facilities into its zoning regulations.

Section 4. The moratorium shall remain in effect for a period of one year from the effective date of this Ordinance or until the effective date of an ordinance amending the zoning regulations to address adult arcade amusement facilities, whichever first occurs.

Section 5. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 7. This Ordinance shall become effective immediately upon adoption.

PLACED ON FIRST READING THIS 28th DAY OF JULY, 2011.

PLACED ON SECOND, FINAL READING AND PASSED THIS 25th DAY OF AUGUST, 2011.

(Village Seal)

ATTEST:


Melissa Teal, CMC
VILLAGE CLERK

Darryl Aubrey
MAYOR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
VILLAGE ATTORNEY