

File Attachments for Item:

6. City Council Ordinance No. 2021-2189 - (final reading) - An ordinance of the City Council of the City of Lake City, Florida, establishing a temporary moratorium for 180 days related to the issuance of new business tax receipts that are related to activities that include electronic simulated gaming promotions or electronic sweepstakes; excepting renewals of existing business tax receipts; providing for penalties; providing for severability; providing for conflicts; and providing an effective date. (Internet Cafe's)

Passed on first reading 4/5/2021

ORDINANCE NO. 2021-2189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR 180 DAYS RELATED TO THE ISSUANCE OF NEW BUSINESS TAX RECEIPTS THAT ARE RELATED TO ACTIVITIES THAT INCLUDE ELECTRONIC SIMULATED GAMING PROMOTIONS OR ELECTRONIC SWEEPSTAKES; EXCEPTING RENEWALS OF EXISTING BUSINESS TAX RECEIPTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake City, Florida (hereinafter the “City”) provides municipal services to its citizens, including the regulation and issuance of business tax receipts; and

WHEREAS, the appropriate regulation, licensing, and permitting of business tax receipts is vital to the public’s health, safety, morals and welfare as deficient or inadequate regulations can lead to public harm; and

WHEREAS, the City has learned of certain activities related to game rooms, arcades, internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine-like equipment, and similar indoor entertainment and amusement activities (hereinafter “Sweepstakes Promotions” or “Game Promotions”) within the City being proposed or considered, which activities would harm the City’s economic and redevelopment activities and otherwise significantly and adversely affect the public health, safety, morals and welfare, since said activities may include forms of gaming or gambling that are inconsistent with either state, federal, or local laws; and

WHEREAS, the City Councils finds it necessary to the public’s health, safety, morals and welfare to cause a study to be accomplished relative to the criteria for issuance of business tax receipts related to Sweepstakes Promotions, and to place a temporary moratorium on the issuance of business tax receipts related to Sweepstakes Promotions for a period of one hundred and eighty (180) days; and

WHEREAS, the City Council, finds that it is appropriate to impose a temporary moratorium on the issuance of new business tax receipts and permitting of Sweepstakes Promotions.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are incorporated herein and made a part of this resolution.

Section 2. Imposition of Moratorium. Beginning on the effective date of this ordinance, a moratorium is hereby imposed as follows:

- A. The Land Development Regulations and the Code of Ordinances of the City of Lake City, Florida, are hereby amended by placing a moratorium on the issuance of business tax receipts, development orders, building permits and zoning approval related to Sweepstakes Promotions as principal or accessory uses. For purposes herein, the term, "development order," shall have the same meaning as that set forth in F.S. § 163.3164.
- B. To protect the due process and other constitutional rights of applicants and the general public, applications received prior to the effective date of this ordinance and that have been processed to the extent of receiving zoning approval shall be tolled for the term of this moratorium and if this moratorium is lifted then the processing of the application shall resume at no additional costs to the applicant.
- C. The City Council may extend the temporary moratorium established in this ordinance one (1) time for a period not to exceed one hundred and eighty (180) days upon a finding by the City Council set forth in the ordinance that the problems giving rise to the need for the temporary moratorium established herein continue to exist and that reasonable progress is being made in carrying out a specific and prompt plan of corrective legislative action, but that additional time is reasonably needed to adequately address the issues facing the City.

Section 3. Penalties.

a. Any person, firm, corporation, other business entity, or agent thereof who shall violate any provision of this ordinance or who fails to comply with any provisions herein, shall be guilty of a misdemeanor of the second degree and subject to a maximum fine in an amount not exceeding five hundred dollars and zero cents (\$ 500.00) and a definite term of imprisonment not exceeding sixty (60) days. Either or both penalties may be imposed. Each day during which any violation occurs constitutes a separate offense.

b. Nothing herein contained shall prevent the City from taking such other lawful action including, but not limited to, equitable legal action, as it deems necessary to prevent or remedy any violation of this ordinance.

Section 4. Severability. Should any section, subsection, sentence, clause, phrase, or other provision of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

[Remainder of this page left blank intentionally.]

Section 6. Effective Date. This Ordinance shall take effect upon its adoption.

PASSED AND ADOPTED upon first reading this ____ day of April 2021.

NOTICE PUBLISHED on the _____ day of _____ 2021.

PASSED AND ADOPTED on the _____ day of _____ 2021.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

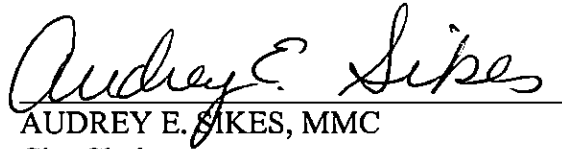
By: _____
Frederick L. Koberlein, Jr.,
City Attorney

Record of Vote on First Reading

	For	Against	Absent	Abstain
Stephen Witt, Mayor/Council Member	<u>✓</u>	_____	_____	_____
Chris Greene, Council Member	<u>✓</u>	_____	_____	_____
Jake Hill, Jr., Council Member	<u>✓</u>	_____	_____	_____
Eugene Jefferson, Council Member	<u>✓</u>	_____	_____	_____
Todd Sampson, Council Member	<u>✓</u>	_____	_____	_____

Certification

I, Audrey Sikes, City Clerk for the City of Lake City, Florida, hereby certify that the above record vote is an accurate and correct record of the votes taken on the Ordinance by the City Council of the City of Lake City.


AUDREY E. SIKES, MMC
City Clerk