

**File Attachments for Item:**

11. City Council Ordinance No. 2021-2208 (first and final reading) - An ordinance of the City of Lake City, Florida, extending the moratorium related to the issuance of new business tax receipts that are connected to activities that include electronic simulated gaming promotions or electronic sweepstakes as adopted by Ordinance No. 2021-2189; providing for an extension of ninety (90) days; providing for severability; providing for conflicts; and providing an effective date.

## **ORDINANCE NO. 2021-2208**

**AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, EXTENDING THE MORATORIUM RELATED TO THE ISSUANCE OF NEW BUSINESS TAX RECEIPTS THAT ARE CONNECTED TO ACTIVITIES THAT INCLUDE ELECTRONIC SIMULATED GAMING PROMOTIONS OR ELECTRONIC SWEEPSTAKES AS ADOPTED BY ORDINANCE 2021-2189; PROVIDING FOR AN EXTENSION OF NINETY (90) DAYS; 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 the alleged 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 Council imposed a moratorium related to the issuance of new business tax receipts and permitting Sweepstakes Promotions or Game Promotions through ordinance 2021-2189; and

**WHEREAS**, the City Councils finds it necessary to the public’s health, safety, morals and welfare to continue the studying relative to the criteria for issuance of business tax receipts related to Sweepstakes Promotions; and

**WHEREAS**, the City Council finds that the problems giving rise to the need for the temporary moratorium continue to exist and that reasonable progress is being made in carrying out a specific plan of corrective legislative action, and that additional time, to adequately address the issues facing the City, is reasonable and necessary; and

**WHEREAS**, the City Council finds it necessary to extend the temporary moratorium imposed through ordinance 2021-2189, on the issuance of business

tax receipts related to Sweepstakes Promotions for a period of ninety (90) days; and

**WHEREAS**, the City Council, finds that it is appropriate to extend the 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 ordinance.

**Section 2.** Continuation of Moratorium. Beginning on the effective date of this ordinance the previously imposed moratorium is hereby extended and the following impositions are continued:

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.

**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.

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

**PASSED AND DULY ADOPTED** by the City Council of the City of Lake City, Florida in accordance with emergency adoption procedures and by a two-thirds affirmative vote on the \_\_\_\_\_ day of October 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