

ORDINANCE NO. 130633

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2 **An ordinance of the City of Gainesville, Florida, enacting a**
3 **temporary moratorium to prohibit the filing, acceptance or**
4 **processing of any permit, development order, or any other**
5 **official action of the City having the effect of permitting or**
6 **allowing the construction or operation of any internet**
7 **gaming/gambling business within the city limits, providing a**
8 **severability clause; providing repealing clauses; and providing**
9 **an effective date.**

10 **WHEREAS,** the State of Florida enacted Chapter 2013-2, Laws of Florida clarifying the
11
12 existing laws concerning slot machines, charitable drawings, game promotions and amusement
13 machines; and

14 **WHEREAS,** the operation of unlawful simulated gambling establishments, commonly
15 referred to as “internet café’s” and/or “simulated gambling establishments”, is contrary to the
16 policy and laws enacted by the State of Florida and that there is a compelling state interest in
17 prohibiting unlawful gambling and internet gaming, as set forth in Section 1 of Chapter 2013-2,
18 Laws of Florida; and

19 **WHEREAS,** the City of Gainesville recognizes that, because the State of Florida has
20 authorized slot machine gaming and gambling at licensed or authorized facilities in certain areas
21 outside of the City of Gainesville, establishments that utilize simulated gambling devices can
22 deceive members of the public, including the elderly, the economically disadvantaged, the
23 uneducated, and the unsuspecting, into believing that they are engaging in a lawfully permitted
24 gaming or gambling activity. Simulated gambling devices are, therefore, inherently deceptive.
25 Due to the inherently deceptive nature of simulated gambling devices, establishments that utilize
26 simulated gambling devices are adverse to the quality of life, tone of commerce, and total
27 community environment in the City of Gainesville, and have an unreasonably adverse effect
28 upon the elderly, the economically disadvantaged, the uneducated, the unsuspecting, and other

1 **WHEREAS**, at least 10 days' notice has been given of the public hearing once by
2 publication in a newspaper of general circulation notifying the public of this proposed ordinance
3 and of a public hearing in the City Commission meeting room, first floor, City Hall in the City of
4 Gainesville; and

5 **WHEREAS**, the public hearings were held pursuant to the published notice described at
6 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
7 heard.

8 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
9 **THE CITY OF GAINESVILLE, FLORIDA:**

10 **Section 1. Findings.** The City Commission adopts the foregoing findings.

11 **Section 2. Purpose.**

12 (a) The purpose of this ordinance is to enable the City of Gainesville sufficient time
13 to review, hold public hearings and adopt an amendment or amendments to the City of
14 Gainesville Code of Ordinances, relating to prohibiting the operation of simulated gambling
15 establishments within the City. The City will not take any action on any application or issue any
16 permits authorizing the operation of simulated gambling establishments, except as provided in
17 this ordinance.

18 (b) It is further the purpose of this Ordinance to fulfill the City's constitutional charge
19 and statutory obligations to protect and preserve the public health, safety and welfare of the
20 citizens of the City of Gainesville, and to prohibit the operation of simulated gambling
21 establishments which have been made unlawful pursuant to Florida law, including but not
22 limited to, Chapter 2013-2, Laws of Florida; and thus defer official government action until the

1 (c) The imposition of the moratorium is not intended to affect nor does it effect: (i)
2 either the processing of any application for permit or the issuance of a permit or other official
3 action of the City authorizing the operation of a simulated gambling establishment, which was
4 properly filed with the City of Gainesville on or before 5:00 p.m. on January 16, 2014.

5 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
6 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
7 finding shall not affect the other provisions or applications of the ordinance which can be given
8 effect without the invalid or unconstitutional provisions or application, and to this end the
9 provisions of this ordinance are declared severable.

10 **Section 6.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
11 such conflict hereby repealed.

12 **Section 7.** This ordinance shall stand repealed as of 12:00 a.m. on September 18, 2014,
13 unless sooner repealed; provided however, that nothing herein shall prevent re-adoption of an
14 ordinance in the same or similar form for the purpose of extending the moratorium.

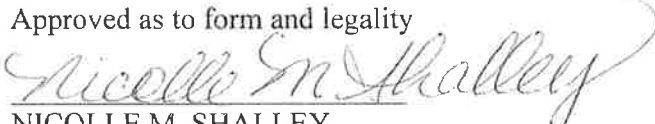
15 **Section 8.** This ordinance shall become effective immediately upon final adoption.

16 **PASSED AND ADOPTED** this 5th day of June, 2014.

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EDWARD B. BRADDY
MAYOR

ATTEST: 
KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality

NICOLLE M. SHALLEY
CITY ATTORNEY

28 This Ordinance passed on first reading this 15th day of May, 2014.

29 This Ordinance passed on second reading this 5th day of June, 2014.