

1 Introduced by Council Member Cumber and Co-Sponsored by Council  
2 Members Bowman and R. Gaffney:

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5 **ORDINANCE 2019-644**

6 AN ORDINANCE AMENDING CHAPTER 250  
7 (MISCELLANEOUS BUSINESS REGULATIONS), PART 13  
8 (PROHIBITION OF SIMULATED GAMBLING DEVICES) TO  
9 AMEND AND REDUCE THE AMORTIZATION PERIOD FOR  
10 CERTAIN SIMULATED GAMBLING ESTABLISHMENTS;  
11 PROVIDING AN EFFECTIVE DATE.

12  
13 **WHEREAS**, on May 28, 2019 the Council enacted 2019-209-E, which  
14 declared that the use of simulated gambling devices for any  
15 commercial, promotional or pecuniary gain or purpose to be a public  
16 nuisance; and

17 **WHEREAS**, the Council, in 2019-209-E, mandated the use of  
18 simulated gambling devices for those purposes be immediately  
19 terminated in any establishment not possessing a valid certificate  
20 of use pursuant to Chapter 656, Ordinance Code; and

21 **WHEREAS**, the Council, in 2019-209-E, also mandated the use of  
22 simulated gambling devices be terminated within six (6) months of  
23 August 1, 2019 in any establishment possessing a valid certificate  
24 of use pursuant to Chapter 656, Ordinance Code; and

25 **WHEREAS**, since the enactment of 2019-209-E, there has  
26 continued to be criminal activities occurring at establishments in  
27 whole or in large part exclusively operating simulated gambling  
28 devices, including robberies, murders and deaths; and

29 **WHEREAS**, the Council determines that the endangerment of both  
30 the public and the first responders required to react to this

1 ongoing criminal activity is too severe to allow any public or  
2 commercial use of simulated gambling devices to continue; and

3 **WHEREAS**, the Council finds that there is a legitimate public  
4 purpose in immediately eliminating all simulated gambling  
5 establishments from operating in Jacksonville; now, therefore,

6 **BE IT ORDAINED** by the Council of the City of Jacksonville:

7 **Section 1. Findings and Statement of Intent.**

8 (a) The above recitals, as well as the recitals incorporated  
9 in 2019-209-E, are hereby adopted as the Council's Findings of  
10 Fact; and

11 (b) It is the intent of the Council to enact this ordinance  
12 to abate a public nuisance and immediate and ongoing hazard to the  
13 public health, safety and welfare associated with operation of  
14 simulated gambling establishments.

15 **Section 2. Amending Chapter 250 (Miscellaneous Business**  
16 **Regulations), Ordinance Code, Part 13 (Prohibition of Simulated**  
17 **Gambling Devices), Section 1308 (Amortization).** Chapter 250  
18 (Miscellaneous Business Regulations), Part 13 (Prohibition of  
19 Simulated Gambling Devices), Section 1308 (Amortization), *Ordinance*  
20 *Code* is hereby amended to read as follows:

21 **Chapter 250. Miscellaneous Business Regulations.**

22 \* \* \*

23 **Part 13. Prohibition of Simulated Gambling Devices.**

24 \* \* \*

25 **Sec. 250.1308. Amortization.**

26 Any establishment or property which was lawfully in possession of  
27 either a COU or was operating unlawfully prior to the effective  
28 date of 2019-209-E, and which under the terms of the Zoning Code  
29 would be a nonconforming use, shall be allowed to continue to  
30 operate for six (6) months from shall immediately cease the use of  
31 simulated gambling devices regulated by this ordinance upon the

1 effective date of this ordinance. Any person operating or allowing  
2 the operation of a simulated gambling establishment shall be  
3 immediately subject to enforcement pursuant to section 250.1309,  
4 Ordinance Code. In the event that a court of competent  
5 jurisdiction should determine the amortization period set forth in  
6 this section should be declared invalid for any reason and the City  
7 Council should revise the amortization period in subsequent  
8 legislation that the amortization period in this section and any  
9 subsequent legislation be considered as a single amortization  
10 period.

11 **Section 3. Effective Date.** This ordinance shall become  
12 effective upon signature by the Mayor or upon becoming effective  
13 without the Mayor's signature.

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15 Form Approved:

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17 /s/ Jason R. Teal

18 Office of General Counsel

19 Legislation prepared by: Jason R. Teal

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