

1 Introduced by Council Member Cumber & Co-Sponsored by Council  
2 Members Bowman and Gaffney and amended by the Neighborhoods,  
3 Community Services, Public Health and Safety Committee:  
4  
5

6 **ORDINANCE 2019-644-E**

7 AN ORDINANCE AMENDING CHAPTER 250  
8 (MISCELLANEOUS BUSINESS REGULATIONS), PART 13  
9 (PROHIBITION OF SIMULATED GAMBLING DEVICES,  
10 SECTION 250.1308 (AMORTIZATION), ORDINANCE  
11 CODE,) TO AMEND AND REDUCE THE AMORTIZATION  
12 PERIOD FOR CERTAIN SIMULATED GAMBLING  
13 ESTABLISHMENTS; PROVIDING AN EFFECTIVE DATE.  
14

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

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

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

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

31 **WHEREAS**, the Council determines that the endangerment of both

1 the public and the first responders required to react to this  
2 ongoing criminal activity is too severe to allow any public or  
3 commercial use of simulated gambling devices to continue; and

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

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

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

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

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

16 **Section 2. Amending Chapter 250 (Miscellaneous Business**  
17 **Regulations), Ordinance Code, Part 13 (Prohibition of Simulated**  
18 **Gambling Devices), Section 250.1308 (Amortization).** Chapter 250  
19 (Miscellaneous Business Regulations), Part 13 (Prohibition of  
20 Simulated Gambling Devices), Section 250.1308 (Amortization),  
21 *Ordinance Code* is hereby amended to read as follows:

22 **Chapter 250. Miscellaneous Business Regulations.**

23 \* \* \*

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

25 \* \* \*

26 **Sec. 250.1308. Amortization.**

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

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

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

15  
16 Form Approved:

17  
18 /s/ Jason R. Teal

19 Office of General Counsel

20 Legislation prepared by: Jason R. Teal

21 GC-#1303546-v1-Cumber\_Simulated\_Gambling\_Cessation.docx  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31