

Item # 67

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: VIDEO/SLOT MACHINES AND SIMILAR EQUIPMENT MORATORIUM

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** April Boswell **EXT.** 7339

Agenda Date 10/14/03 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Motion to approve the ordinance imposing a temporary moratorium until January 12, 2004 on the receipt, consideration or issuance of permits and licenses for facilities operating video machines, slot machines and similar equipment pending the study of the legality of such facilities and whether regulation of such activities is required.

District – Countywide

April Boswell, Senior Planner

BACKGROUND:

At its last meeting, the Board of County Commissioners approved an emergency temporary moratorium ordinance on video machines, slot machines, and similar equipment. This ordinance is a follow-up to the emergency ordinance and will replace emergency Ordinance 2003-46 and will afford staff time to research the legality and regulation of such facilities. The attached ordinance has been advertised as required by law.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	<u>[Signature]</u>
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>PH130PDP07</u>

NOTICE

NOTICE is hereby given that the Board of County Commissioners of Seminole County, Florida, intends to hold a public hearing to consider the enactment of an ordinance entitled:

AN ORDINANCE OF SEMINOLE COUNTY, FLORIDA, IMPOSING A TEMPORARY MORATORIUM UNTIL JANUARY 12, 2004, ON THE RECEIPT, CONSIDERATION OR ISSUANCE OF PERMITS AND LICENSES FOR FACILITIES OPERATING VIDEO MACHINES, SLOT MACHINES AND SIMILAR EQUIPMENT PENDING THE STUDY OF THE LEGALITY OF SUCH FACILITIES AND WHETHER REGULATION OF SUCH ACTIVITIES IS REQUIRED; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR PENALTIES; REQUIRING THE COUNTY MANAGER TO CONDUCT A STUDY; REPEALING EMERGENCY ORDINANCE #2003-46; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

at 1:30 p.m., or as soon thereafter as possible, at its regular meeting on October 14, 2003, at the Seminole County Services Building, 1101 East First Street, BCC Chambers, Sanford, Florida. The proposed ordinance may be inspected by the public at the office of the Clerk of the Board of County Commissioners, Room 2204, Seminole County Services Building. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and, for such purpose, they may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information regarding this notice contact Don Fisher, Planning & Development Director at (407)665-7397.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Employee Relations Department ADA Coordinator 48 hours in advance of the meeting at (407) 665-7941.

Publish: **October 3, 2003**

Invoice & Proof of Publication to: Dixie Haller, Executive Assistant
Seminole County Planning & Development
1101 E. First Street
Sanford, Florida 32771
(407)665-7397

Contact Person and Account Number: Dixie Haller
037543004

AN ORDINANCE OF SEMINOLE COUNTY, FLORIDA, IMPOSING A TEMPORARY MORATORIUM UNTIL JANUARY 12, 2004, ON THE RECEIPT, CONSIDERATION OR ISSUANCE OF PERMITS AND LICENSES FOR FACILITIES OPERATING VIDEO MACHINES, SLOT MACHINES AND SIMILAR EQUIPMENT PENDING THE STUDY OF THE LEGALITY OF SUCH FACILITIES AND WHETHER REGULATION OF SUCH ACTIVITIES IS REQUIRED; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR PENALTIES; REQUIRING THE COUNTY MANAGER TO CONDUCT A STUDY; REPEALING EMERGENCY ORDINANCE #2003-46; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Seminole County Home Rule Charter prohibits location of any gambling establishment within Seminole County unless approved by referendum, gambling being defined by reference to state law existing on June 1, 1996; and

WHEREAS, the Board of County Commissioners is aware of the opening of several businesses in adjoining and surrounding counties and cities that simulate a casino type atmosphere, including the use of video machines appearing to be the same as those used in casinos in Las Vegas, Atlantic City, and other venues throughout the United States; and

WHEREAS, the video machines require payment to play and offer the possibility of winning prizes, discounts and other items of value; and

WHEREAS, the Board of County Commissioners requires time to study these businesses in order to determine whether they were permitted by State law on June 1, 1996; and

WHEREAS, the Board of County Commissioners requires time to consider whether regulation and permitting of these businesses is necessary for the public health, safety, welfare and morals; and

WHEREAS, the Board of County Commissioners wishes to establish a limited moratorium in order to properly consider the issues raised by establishment of these businesses; and

WHEREAS, the requirement for an Economic Impact Statement as set forth in the Seminole County Home Rule Charter is hereby waived; and

WHEREAS, this Ordinance is intended to supercede and replace Emergency Ordinance #2003-46 adopted by this Board on September 23, 2003;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals represent the legislative findings of the Board supporting the need for this Ordinance.

Section 2. Temporary Moratorium. There is hereby imposed a temporary moratorium upon the approval of any business involving video machines similar to those used in casinos, slot machines or machines which are similar in nature to slot machines; video arcades, adult arcades and similar establishments. During the period that this moratorium is in

effect, no applications for permits to operate such facilities shall be accepted by the County. Nor shall any new such facilities be permitted to operate within the unincorporated areas of the County. Nor shall the Tax Collector accept any monies or application for an occupational license for such facilities; nor issue any such license.

Section 3. Geographic Area Affected. This moratorium shall be effective and applicable upon all property within the boundaries of Seminole County, excluding incorporated areas.

Section 4. Duration. This moratorium shall terminate at 5:00pm on January 12, 2004; provided that the Board may, by Resolution adopted on or before January 5, 2004, extend this moratorium for a period not to exceed ninety (90) days.

Section 5. Penalties. Any person or entity who shall violate any provision of this Ordinance shall be subject to any and all remedies available at law, including but not limited to, the code enforcement provisions of Chapter 162, Florida Statutes.

Section 6. Study. During the pendency of this moratorium, the County Manager shall investigate, study, analyze, and report to the Board regarding the regulation, permitting and licensure of any business involving video machines similar to those used in casinos, video arcades, slot machines or machines which are similar in nature to slot machines, adult arcades and similar

establishments. Such study and analysis shall include, but not be limited to: whether such facilities are legal under the Seminole County Home Rule Charter and Florida Statutes, and if legal, what regulations of such facilities are necessary to protect the public health, safety and welfare.

Section 7. Repeal. Emergency Ordinance #2003-46 is hereby revoked and repealed.

Section 8. Severability. If any section or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

Section 9. Codification. It is the intention of the Board that the provisions of this Ordinance shall not be codified.

ADOPTED this _____ day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. MCLAIN, CHAIRMAN