

**TOWN COUNCIL ORDINANCE NO. 2022-001**

**AN ORDINANCE OF THE TOWN OF WHITE SPRINGS, FLORIDA, RELATING TO GAME PROMOTIONS AND ELECTRONIC DEVICES OR SIMULATED GAMBLING DEVICES; PROVIDING FOR A PROHIBITION AGAINST THE USE OF ELECTRONIC DEVICES OR SIMULATED GAMBLING DEVICES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A PERMITTING PROCESS; PROVIDING FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon the Town of White Springs, Florida (hereinafter the "Town") the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, business establishments, often terms "Internet Cafes", that offer simulated gambling devices for use by the public and in conjunction with gaming promotions were present in the Town and are currently present in other jurisdictions throughout the State of Florida; and

**WHEREAS**, except as authorized by Chapter 550, Florida Statutes, and section 849.086, Florida Statutes, gaming and gambling are not presently lawful in the Town; and

**WHEREAS**, presently throughout the Town and the state, there is a proliferation of establishments that utilize computer or video displays of games, contests, challenges and other electronic simulations which are of the type of games generally associated with legalized casino or gambling outlets or which show, or purport to show, the results of raffles, sweepstakes, contests, or business game promotions (hereinafter collectively known as "electronic devices" or "simulated gambling devices") for commercial or pecuniary gain; and

**WHEREAS**, the Town Council adopted ordinance 2021-01 upon second and final reading on April 13, 2021; and

**WHEREAS**, ordinance 2021-01 included findings such as, but not limited to, the operation of simulated gambling establishments constituting public nuisances; and

**WHEREAS**, the Town Council has considered the permitting process identified in this ordinance and finds that with proper and adequate safeguards any nuisance associated with the simulated gambling establishments may be abated; and

**WHEREAS**, the Town Council finds that the adoption of the safeguards enumerated in this ordinance have been adopted in other jurisdictions within the State of Florida and that adoption by the Town will protect the Town.

**NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF WHITE SPRINGS, 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.** There shall be a permitting process titled "Game Promotions and Electronic Devices" which shall provide as follows:

**GAME PROMOTIONS AND ELECTRONIC DEVICES**

**I. Authority; Intent; Purpose**

(a) This ordinance is adopted in the interest of the public health, safety, and general welfare of the citizens and inhabitants of the Town of White Springs, Florida, pursuant to Chapter 166, Florida Statutes and Florida Constitution Article VIII.

(b) The intent and purpose of this ordinance is to provide for regulation of simulated gambling devices, decrease the unwanted secondary effects associated with the operation of simulated gambling devices, deter illegal gambling, and regulate the use of electronic means to effect giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, and game promotions that do not otherwise violate Florida law. To do this, the Town intends to include, but not be limited to, the regulation of Electronic Devices used to display the results of a drawing by chance conducted in connection with the sale of a consumer product or service or game promotion by simulating a game or games ordinarily played in a lawful casino.

**II. Definitions**

(a) Alcoholic beverage means any alcoholic beverage as defined by chapter 18, art. III of the Code of Ordinances, Town of White Springs, Florida.

(b) Applicant means the Operator for whom a permit application is submitted and in the name of whom, if the permit is granted, the drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion shall be conducted.

(c) Business hours means the hours from 10:00 a.m. through 12:00 a.m. (midnight) when used in this ordinance.

(d) Conviction means the imposition of a sentence by a court of competent jurisdiction, regardless of whether the defendant pled guilty, no

contest, or nolo contendere, or was found guilty by a judge or jury, or had adjudication withheld.

(e) De minimis Activity Facility means a facility operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with ten or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes or game promotion utilizing those electronic or mechanical devices, all of which devices were in operation prior to the effective date of this ordinance.

(f) Electronic Device or Simulated Gambling Device means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, where the play or operation of the device may deliver or entitle the person or persons playing or operating the device to a payoff directly or indirectly from the owner or operator of the device or that person's designee. The following rules of construction apply to this definition:

1. device means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes any associated equipment necessary to conduct the operation of the device;
2. upon connection with means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device;
3. object means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration;
4. play or operate or play or operation include the use of skill, the application of the element of chance, or both;
5. computer simulation includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation;
6. game includes slot machines, poker, bingo, craps, keno, "fish", or any other type of game ordinarily played in a casino, a game

involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling or which could be associated with gambling, but the term "game" does not necessarily imply gambling as that term may be defined elsewhere;

7. payoff means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually;
8. gambling in the term simulated gambling device is for convenience of reference only. The term simulated gambling device as used in this ordinance is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere; and
9. For the purpose of determining the number of electronic devices or simulated gambling devices, each seat, terminal, or other interface at which a separate individual may use the device, shall be counted as a separate and distinct device, regardless of whether the device or any seat, terminal, or other interface is functional. For example, if a single table has six (6) chairs at which six (6) separate persons can play a game, on a common screen or display or otherwise, it shall be counted as six (6) devices; if a standup game has three (3) terminals or interfaces at which three (3) people can use the device, it shall be counted as three (3) devices.

(g) Internet gaming device means a computer or internet-capable terminal allowing access to the internet to access sweepstakes games, submit sweepstake entries that entitle customers to win prizes; or where a user, through skill or chance, could receive an item of value, or to provide internet time on for accessing display images of games of chance.

(h) Minor means an individual under the age of eighteen (18) years.

(i) Owner or Operator mean any person who owns, possesses, operates, supervises, or controls an Electronic Device inside the municipal limits therein.

(j) Permit means formal action by the Town authorizing the holder of such permit to conduct activities classified as an exemption herein.

(k) Permit Holder means the Operator in whose name the Town has issued a permit under this ordinance.

(k) Person means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer or manager of an association, partnership, joint venture, corporation, or other organization.

(l) Premises means the house, building, edifice, or location, along with its grounds, in or upon which the Operator conducts drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotions using Electronic Device.

### **III. General Prohibition**

Except as expressly regulated and permitted by this ordinance no Person, other than a De minimis Activity Facility as defined herein, shall manage, supervise, maintain, provide, produce, possess or otherwise conduct a drawing by chance pursuant to section 849.0935, Florida Statutes, sweepstakes or game promotion pursuant to section 849.094, Florida Statutes, or any other game of chance on any Electronic Device or simulated gambling device provided by an operator of the game of chance which displays the result by simulating a game or games ordinarily played on a slot machine.

### **IV. Exemptions; Permitting and Fees**

(a) Permit Required. Every Operator using an Electronic Device to conduct a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion shall obtain a permit from the Town for each Premises. Each permit is valid only for the Operator and the Premises named in the permit. Each permit is valid for one calendar year.

(b) Permits Limited. Initially, a total of four (4) permits shall be allotted by the Town. Two (2) of the permits shall be designated to Operators of five (5) or more Electronic Devices and two (2) permits shall be designated to Operators of less than five (5) Electronic Devices. One (1) additional permit shall be allotted to each of the two (2) aforementioned categories for every increase of five hundred (500) residents of the Town as measured by the U.S. Census Bureau (2020) and updated by the University of Florida Bureau of Economic Research.

(c) All applications for permits shall be processed in accordance with, and subject to, the following procedures:

1. The Town shall announce at an open meeting of the Town Council that one or more permits are available and the prescribed time period of fourteen (14) calendar days from the date of such announcement within which the Town will accept applications for said permits.
2. All applications shall be submitted within the provided timeframe. Any applications not submitted within such timeframe shall be automatically disqualified. Each Applicant

shall be allowed to submit only one application for each available permit.

3. The Town shall process the applications in the order received.
4. Once an application is selected for processing, the Town shall notify the Applicant and the Applicant shall proceed with complying with all other requirements set forth herein and provide the materials to the Town within thirty (30) days from the date of selection. The Town's selection of an application as provided herein shall not constitute the Town's acceptance or approval of the application, including for example, for purposes of determining the application's completeness.
5. One (1) permit shall be issued per parcel of real property and there shall be at least two hundred fifty (250) feet of separation between Premises.
6. The decision to deny a permit shall be considered non-final agency action subject to appellate review by the Town Manager. The decision of the Town Manager shall constitute final agency action subject to judicial review. Any appeal of a permitting decision shall be made within fifteen (15) calendar days of denial by filing a written notice of appeal with the circuit court. Failure to file a written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.

(d) Application Materials Required for Permit.

1. Applicant shall file with the Town the following materials:
  - (i) A copy of a current Town Business Tax Receipt in the name of the Applicant including the business address;
  - (ii) A copy of Applicant's proposed Rules, as required by the state of Florida, governing the drawing by chance, sweepstakes, or game promotion which includes the odds of winning and the prize table;
  - (iii) If the application is for a sweepstakes or game promotion over five thousand dollars and zero cents (\$5,000.00), a copy of Applicant's certification of a bond or trust account provided to the Florida Department of Agriculture and Consumer Services, if required;
  - (iv) A complete list of all products and services offered and the prices charged therefor;

(v) For every principal, officer, and director of the Operator, a fingerprint card and letter certifying the results of a criminal background check generated by the Town or Florida Department of Law Enforcement; and

(vi) All items listed within the following subsection (2).

2. Applicant shall provide a sworn affidavit containing the following:

(i) The identity of the Applicant and if the Applicant is:

A. An individual, their name, residence address, and date of birth;

B. An unincorporated organization, the names, dates of birth, and residence addresses of its principals; or

C. A corporation, the corporate name, state of incorporation and the names, dates of birth, and residence addresses of its principals, officers, and directors;

D. A limited liability company, the company name, state of incorporation and the names, dates of birth and residence addresses of its managers;

(ii) A description of the Electronic Devices to be used including the number of pieces of the Electronic Device;

(iii) A statement of whether any of the individuals listed has, within the five-year period immediately preceding the date of the application, been convicted of any felony under the laws of Florida, the United States, or any other state, or has had adjudication withheld, and, if so, the particular criminal act involved and the place of conviction;

(iv) The street address of the Premises where the drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotions are to be conducted;

(v) If the Applicant is a branch, chapter, lodge, or other local unit of a charitable organization or corporation, the name of the primary organization and the street address of its principal office;

(vi) The name and address of an individual located in Hamilton County who is authorized to receive notices from the Town;

(vii) A statement certifying that all information on the application and any attachments thereto are true and that the Applicant understands that any misstatement of material fact in the application will result in the denial of the permit or, if it has been issued, in the suspension or revocation of the permit;

(viii) A certification that the computer software that is used by the Operator to conduct a drawing by chance in connection with the sale of a consumer product or service, sweepstakes, or game promotion has been tested by an independent testing laboratory that has verified the manner that the software works. That verification of the manner that the software works shall comply with all applicable state and local laws, including this ordinance.

3. Application Fee. Each Applicant shall remit a non-refundable application fee of one thousand dollars and zero cents (\$1,000.00) along with the submission of an application. This fee shall pay for the time and expense of the Town reviewing and ruling on the application, issuing the permit, and, if applicable, hearing any appeals.

(e) Review of Application.

1. Duration of Review.

(i) By Town for Permit. Within ten (10) days of receipt of an Applicant's completed permit application, the Town shall grant or deny the application. If any principal, officer, or director of the Operator has a pending criminal case for an enumerated crime the Town may delay its grant or denial of the permit until sixty (60) days after the final disposition in the case.

(ii) By Town for History Check. Within ten (10) days of receipt of a legible copy of fingerprints, social security number, full name, current address, sex, race, recent photograph, and date of birth of a principal, officer, or director of the Operator the Town may conduct a criminal history check. The results of the criminal history check shall be certified in writing and a copy of the results shall be provided to the Applicant. If necessary, the Town may solicit assistance from other agencies to complete the criminal history check.

2. Eligibility of Applicant. An Applicant is ineligible for a permit if:

- (i) Within five (5) years of the date of the application, Applicant has been convicted of any felony under the laws of Florida, the United States, or any other state unless said violation would not constitute a crime in Florida;
- (ii) Within three (3) years of the date of the application, has had a permit under this ordinance revoked or been convicted for a violation of this ordinance;
- (iii) The prices to be charged for the product(s) or service(s) offered, as listed on the permit application, do not constitute a reasonable market value; or
- (iv) The application materials are incomplete or untruthful.

The Town shall deny the permit for any of the above reasons. If an Applicant satisfies all permit filing requirements and is not ineligible, the Town shall approve the application.

(f) Denial of Permit. An Applicant whose permit application is denied may reapply at any time by completing all steps of the application procedure including payment of a new application fee. The decision to deny a permit shall be considered non-final agency action subject to appellate review by the Town Manager. The decision of the Town Manager shall constitute final agency action subject to judicial review. Any appeal of a non-final agency permitting decision shall be made within fifteen (15) calendar days of denial by filing a written notice of appeal with the appropriate court. Failure to file written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.

(g) Permit fees. Upon approval of an Applicant's application and before receiving the permit the Applicant shall agree to pay an annual fee of:

- 1. for Premises with more than five (5) pieces of an Electronic Devices, ninety-six thousand dollars and zero cents (\$96,000.00) payable in equal quarterly installments; or
- 2. for Premises with fewer than five (5) pieces of Electronic Devices, five thousand dollars and zero cents (\$5000.00).

If an eligible Applicant fails to pay the applicable fee on or before the thirtieth (30<sup>th</sup>) day after approval or renewal the application shall be deemed denied.

The fees collected pursuant to this subsection shall be contributed towards the costs associated with the inspection and examination of the Premises, Electronic Devices, and records of the Permit Holder to ensure compliance with this ordinance.

(h) **Duration of Permit.** A permit shall be valid for one (1) year from the date of issuance.

(i) **Renewal of Existing Permit.** A Permit Holder shall apply for the renewal permit no later than sixty (60) days and no sooner than one hundred and twenty (120) days before the expiration of the current permit. The renewal permit application shall include all the materials required as well as the application fee required for the issuance of an original permit and shall include evidence of current lawfully existing operations consistent with the requirements of this ordinance. Renewal permit applications shall be processed using the same procedure and standards as required for review of an original permit application but shall be processed within thirty (30) days of receipt by the Town. Upon approval, renewal permit applicants shall pay the same fees as set forth in this section and said renewals shall be deemed denied if an eligible Applicant fails to pay the fees on or before the thirtieth (30<sup>th</sup>) day after approval, availability, and notice of the permit authorization.

(j) **Restrictions on Transfers of Permits.**

1. **Transfer to Another Entity.** Permits may be transferred no more than one (1) time, to another entity, upon written notification and evidence of the conveyance to the Town. Any change in a majority or controlling interest in any Permit Holder shall be deemed an impermissible transfer of the Permit, except in the event of the one-time transfer, upon written notification and evidence of such transfer to the Town, as provided herein.
2. **Transfer to Another Premises.** Permits may be transferred to another premise upon application. The transferred location shall be approved within fifteen (15) days of submittal of a complete application (including all required supplemental information including, but not limited to, any required certified maps depicting applicable locations and distances), if such use is a permitted use in an approved zoning district of the Town. Otherwise, the application shall be denied.

(k) **Revocation of Permit.** The Town may revoke a permit for violation of any provision of this ordinance or due to a Permit Holder's cessation of the use of Electronic Devices during its normal business hours for at least fourteen (14) consecutive days. Prior to revocation, the Town shall provide to the Permit Holder, through their reported individual in Hamilton County authorized to accept notices from the Town, the following:

1. A written notice of intent to revoke the permit,
2. A fourteen (14) calendar day opportunity to cure the alleged violation, and

3. An opportunity to be heard prior to revocation.

Revocation shall not take place before twenty-one (21) days after a notice of revocation, opportunity to cure, and opportunity to be heard is delivered to the Permit Holder. The decision to revoke a permit shall be considered non-final agency action subject to appellate review by the Town Manager. The decision of the Town Manager shall constitute final agency action subject to judicial review. Any appeal of a non-final agency revocation decision shall be made within fifteen (15) calendar days of denial by filing a written notice of appeal with the appropriate court. Failure to file a written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.

**V. Limitations on Operation of Business.**

(a) **Alcoholic Beverages.** Permit Holders shall not permit any individual to consume or possess any alcoholic beverages on any Premises.

(b) **Minors.** Permit Holders shall not permit Minors to enter the Premises except Minors employed at Premises where there are five (5) or fewer pieces of Electronic Device.

(c) **Conditions of Alternative Means of Entry.** Entries that are available without purchase or financial donations shall be made available on request. The Permit Holder shall not impose any condition on the provision of such entries other than proof of identity by government issued identification from any state. The Permit Holder shall not limit the number of such entries offered per day per individual to less than the equivalent amount of entries that Permit Holder provides to individuals who make a donation, or purchase of a product or service valued at least one dollar and zero cents (\$1.00).

(d) **Zoning.** Game promotions utilizing Electronic Devices shall be permitted, or permissible by exception, as applicable as set forth in the Land Development Regulations for the Town of White Springs, Florida (hereinafter "LDR"), subject to all applicable requirements, restrictions and limitations set forth in the LDR. No Electronic Devices shall be permitted for operation within two hundred fifty (250) feet of a physical place for worship at which a church or religious organization regularly conducts religious services.

(e) **Business Hours.** Permit Holders shall not permit Electronic Devices or simulated gambling devices to be operated except between the hours of 10:00 a.m. through 12:00 a.m.

(f) **Additional Restrictions.** No drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall:

1. Design, engage in, promote, or conduct a game wherein the winner may be predetermined or the game may be manipulated or rigged;

2. Arbitrarily remove, disqualify, disallow, or reject any entry;
3. Fail to award any prize offered;
4. Print, publish, or circulate literature or advertising material, which is false, deceptive, or misleading; or
5. Require an entry fee, payment, or proof of purchase as a condition of entering.

(g) **Additional Requirements.** An Operator conducting a drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall be required to:

1. Maintain an annual list of the names and addresses of all persons who have won prizes which have a value of more than twenty-five dollars and zero cents (\$25.00) for one year.
2. Maintain a trust account or bond in an amount equal to the total announced value of the prizes offered or fifty thousand dollars and zero cents (\$50,000.00), whichever is less.

#### **VI. Safety and Security Requirements.**

On Premises, the Permit Holder shall maintain the following security devices and standards:

(a) A security camera system operating at all times and capable of recording and retrieving an identifiable image;

(b) A drop safe or cash management device for restricted access to cash receipts where there are more than five (5) pieces of Electronic Device on the Premises;

(c) A conspicuous notice at all public entrances to Premises stating cash register contains limited amount of cash;

(d) At exits to Premises, height markers displaying height measures;

(e) A cash management policy limiting cash on hand;

(f) A silent alarm system capable of notifying law enforcement; and

(g) After 8:00 PM (EST) when the Premises is open for business and where there are five (5) or more Electronic Device on the Premises, at least two (2) licensed and armed security guards. The fact that a licensed armed security guard may not be required, is not intended to immunize or forgive a Permit Holder from any statutory or common law obligation to maintain reasonably safe premises at any time.

(h) Any Permit may be revoked if the Permit Holder is found to be the sole cause of three (3) or more incidents requiring law enforcement involvement within any twelve (12) month period.

#### **VII. Inspection of Premises.**

During business hours, the Town, or its agents may enter the Premises for purposes of inspecting all areas of the Premises otherwise accessible to the general public, to ensure compliance with the provisions of this ordinance or any other ordinances within their authority, including but not limited to the right to enter the Premises and to select and remove any piece(s) of Electronic Device to inspect, test or have tested to determine compliance with this ordinance. The Town may issue to the Permit Holder a show cause order requiring the production on Premises of documents or data relating to the game promotion. Production of the records or inventory shall only be for inspection and review to determine compliance with this ordinance. Within forty-eight (48) hours of receipt of the show cause order the Permit Holder shall produce all requested records and inventory.

#### **VIII. Signage Requirements.**

(a) Exterior of Premises. Exterior signage shall be limited to the advertisement of the consumer product and service sold on the Premises, and that a sweepstakes held in connection with the sale of said consumer product or service is offered. No signs shall be posted on the exterior of the Premises that suggest gambling takes place on the Premises or displays any image commonly associated with slot machines. All signage shall be further subject to the LDR and Code.

(b) Interior of Premises. The Permit Holder shall conspicuously post the name of the Permit Holder, a description of all products and services sold, and the complete rules for all drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotions at the Premises' front or main counter. Rules for all game promotions shall include the following language in at least twenty-six (26) point font:

"State and local law prohibits this establishment from requiring an entry fee, payment, or proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises."

The Permit Holder shall also post a sign which shall include the following language in at least twenty-six (26) point font:

"The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries."

The Permit Holder shall affix signage that shall include the following language in at least ten (10) point font on each piece of Electronic Device:

"The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries."

A complete copy of the Rules, prizes, and odds of winning shall be made available on request without cost. Any consumer product or service offered for sale shall be identified by description and price by conspicuous posting. A copy of the permit shall be posted conspicuously at the main counter or at the entrance.

**IX. Conflict with state law.**

Nothing in this ordinance is intended to conflict with the provisions of the Florida Constitution or F.S. Ch. 849, concerning gambling. In the event of a direct and express conflict between this Part and either the Florida Constitution or F.S. Ch. 849, then the provisions of the Florida Constitution or F.S. Ch. 849 control, as applicable.

**X. Enforcement; Penalties; Civil remedies.**

(a) During business hours, the Town, or its agents may enter the Premises for purposes of inspecting all areas of the Premises otherwise accessible to the general public, to ensure compliance with the provisions of this ordinance or any other ordinances within their authority, including but not limited to the right to enter the Premises and to select and remove any piece(s) of Electronic Device to inspect, test or have tested to determine compliance with this ordinance. The Town may issue to the Permit Holder a show cause order requiring the production on Premises of documents or data relating to the game promotion. Production of the records or inventory shall only be for inspection and review to determine compliance with this ordinance. Within forty-eight (48) hours of receipt of the show cause order the Permit Holder shall produce all requested records and inventory.

(b) The Town shall have jurisdiction to investigate and enforce the requirements of this ordinance through any of following procedures:

1. By the issuance of a Cease and Desist Order. Upon notice from the Town, occupancy or operation of any structure or property where any simulated gambling device is being used or operated in violation of this ordinance shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or to his or her agent or to the person operating any establishment where any simulated gambling device is being used or operated in violation of this ordinance. Failure to comply with the terms and conditions of a Cease and Desist Order issued pursuant to this section shall constitute an additional violation of this ordinance. Cease and Desist Orders may be lifted by the

Town Manager upon demonstration that all simulated gambling devices have been removed and all applicable civil penalties have been paid.

2. By an action for injunctive relief through a court of competent jurisdiction. An action for injunctive relief may be brought by the Town Council, the State Attorney, or any substantially affected person. If such action is successful, a judgment for reasonable attorney's fees and costs may be awarded by the court.
3. Through the provisions of any code enforcement regulations.

(c) Any person against whom a civil penalty is assessed pursuant to this ordinance shall be prohibited from applying for any permit, business tax receipt, or certificate of occupancy for any property until such civil penalty has been paid in full.

**Section 3.** Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this or we are severable.

**Section 4.** Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Town or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

[Remainder of page left blank intentionally.]

**Section 5.** Effective Date. This ordinance shall become effective upon adoption by the Town Council.

**PASSED** upon first reading on the 21<sup>st</sup> day of June 2022.

**PASSED AND ADOPTED** upon second reading on the 28<sup>th</sup> day of June 2022.

**TOWN OF WHITE SPRINGS, FLORIDA**

By: Anita Rivers  
Anita Rivers, Vice Mayor

ATTEST: AJ Ruise  
Audre' J. Ruise, Town Clerk

APPROVED as to Form and Legality

By: [Signature]  
Joel Foreman, Town Attorney