

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY COMMISSION OF STARKE, FLORIDA, RELATING TO THE REGULATION OF ADULT ARCADE AMUSEMENT CENTERS; PROVIDING AUTHORITY; PROVIDING FINDINGS AND DECLARATIONS; PROVIDING DEFINITIONS; PROHIBITING GAMBLING; PROHIBITING THE PAYMENT OF CASH OR CASH-LIKE PRIZES IN ADULT ARCADE AMUSEMENT CENTERS; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF STARKE, FLORIDA AS FOLLOWS:

Section 1. Creation of sections 14-21 through 14-25.

Chapter 14, inclusive of sections 14-21 through 14-25 of the City of Starke Code of Ordinances is hereby created, to read as follows:

Section 14-21. Short title; authority.

(a) This ordinance shall be known and may be cited as the "City of Starke Anti-Gambling Ordinance."

(b) The City Commission of the City of Starke has the authority to adopt this ordinance pursuant to Article VII of the Constitution of the State of Florida, and F.S. ch. 166.

Section 14-22. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult arcade amusement center means a place of business, excluding those establishments permitted under F.S. § 849.15 and 849.16, having games or machines, which operate by means of insertion of a coin or other device, in order to receive points or coupons which may be exchanged for merchandise or

prizes.

Debit card means a bank card or in-store card having a magnetic strip used to make an electronic withdrawal from funds on deposit in a bank, as in purchasing goods or obtaining cash advances.

Credit card means a card having a magnetic strip, issued by a bank or business, authorizing the holder to purchase goods or services on credit.

Gambling house means any place that has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus for the purpose of playing for money or other valuable thing at any game whatever.

Gift certificate means an electronic card with a banked dollar value, a merchandise credit, or a certificate where the issuer has received payment for the fullface value for the future purchase or delivery of goods or services and any other medium that evidences the giving of consideration in exchange for the right to redeem it for goods, food, services, credit or money of at least an equal value, and shall include pre-paid calling arrangements and pre-paid phone cards.

Sec. 14-23. Adult arcade amusement center.

(a) It shall be unlawful for any person to keep a gambling house.

(b) An adult arcade amusement center authorized pursuant to this article shall maintain at least 10 coin-operated amusement games or machines on the premises which are operated for the entertainment of the general public and tourists as a bona fide amusement facility.

(c) No adult arcade amusement center shall allow minors to enter its premises and shall not allow any minor to operate its amusement games or machines.

(d) It shall be unlawful for any person owning or operating an adult

arcade amusement center, or other similar facility having amusement games or machines, to award points or credits exchanged at the arcade for alcohol, tobacco, cash or cash-equivalent prizes such as gift certificates, debit cards, credit cards, or other similar consideration which may be exchanged off-premises at other businesses for alcohol, tobacco, or cash.

(e) Upon request by any law enforcement officer, the owner or operator of an adult arcade amusement center shall make available for immediate inspection any game or machine.

Section 2. Repealer.

All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 3. Directions to Codifier.

It is the intention of the City Commission of Starke, Florida, that Section 1 of this ordinance shall become and be made a part of the City of Starke Code of Ordinances, and that the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 4. Severability.

If any subsection, sentence, clause, phrase or portion of this ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding or invalidity shall not affect the remaining portions of this ordinance, and the unconstitutional, invalid or void provisions shall be deemed to have been severed herefrom, and the remainder of this ordinance, after the exclusion of such part or parts, shall be deemed to be valid, as if such part or parts has not been included herein. If this ordinance or any provisions hereof shall be held inapplicable to any person, group of persons, property, or kind of property, circumstances, or set of circumstances, such holdings shall not affect the application hereof to any other person, property, or circumstances.

Section 5. Effective Date.

This ordinance shall become effective upon its filing with the Secretary of State.

PASSED AND DULY ADOPTED with a quorum present and voting, by the City Commission of Starke, Florida in regular session, this 6th day of February, 2018.

**CITY COMMISSION OF
STARKE, FLORIDA**

**TOMMY CHASTAIN
DANIEL NUGENT
WILBUR WATERS
TRAVIS WOODS**

By: _____
JANICE D. MORTIMER
MAYOR AND COMMISSIONER

ATTEST:

RICKY THOMPSON
CITY CLERK