

ORDINANCE NO. 402

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR 180 DAYS RELATED TO THE ISSUANCE OF NEW BUSINESS TAX LICENSES THAT ARE RELATED TO ACTIVITIES THAT INCLUDE ELECTRONIC SIMULATED GAMING PROMOTIONS OR ELECTRONIC SWEEPSTAKES; EXCEPTING RENEWALS OF EXISTING BUSINESS TAX LICENSES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Havana, Florida (hereinafter the “Town”), provides municipal services to its citizens, including the regulation and issuance of business tax licenses; and

WHEREAS, the appropriate regulation, licensing, and permitting of occupations is vital to the public’s health, safety, morals and welfare as deficient or inadequate regulations can lead to public harm; and

WHEREAS, the Town has learned of certain activities related to game rooms, arcades, internet cafes, sweepstakes redemption centers, establishments using slot machines or slot machine-like equipment, and similar indoor entertainment and amusement activities (hereinafter “Sweepstakes Promotion” or “Game Promotions”) within the Town being proposed or considered, which activities would harm the Town’s economic and redevelopment activities and otherwise significantly and adversely affect the public health, safety, morals and welfare, since said activities may include forms of gaming and gambling that are inconsistent with either state, federal, or local laws; and

WHEREAS, the Town Council finds it necessary to the public’s health, safety, morals and welfare to cause a study to be accomplished relative to the criteria for issuance of occupational licenses related to Sweepstakes Promotions, and to place a temporary moratorium on the issuance of business tax licenses related to Sweepstakes Promotions for a period of one hundred and eighty (180) days; and

WHEREAS, the Town Council finds that it is appropriate to impose a temporary moratorium on the issuance of new business tax licenses and permitting of Sweepstakes Promotions.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are incorporated herein and made a part of this resolution.

Section 2. Imposition of Moratorium. Beginning on the effective date of this ordinance, a moratorium is hereby imposed as follows:

- A. The Land Development Regulations and the Code of Ordinances of the Town of Havana, Florida, are hereby amended by placing a moratorium on the issuance of business tax licenses, development orders, building permits and zoning approval related to Sweepstakes Promotions as principal or accessory uses. For purposes herein, the term “development order,” shall have the same meaning as that set forth in F.S. § 163.3164.
- B. To protect the due process and other constitutional rights of applicants and the general public, applications received prior to the effective date of this ordinance and that have been processed to the extent of receiving zoning approval shall be tolled for the term of this moratorium and if this moratorium is lifted then the processing of the application shall resume at no additional costs to the applicant.
- C. The Town Council may extend the temporary moratorium established in this ordinance one (1) time for a period not to exceed one hundred and eighty (180) days upon a finding by the Town Council set forth in the ordinance that the problems giving rise to the need for the temporary moratorium established herein continue to exist and that reasonable needed to adequately address the issues facing the Town.

Section 3. Penalties

- a. Any person, firm, corporation, other business entity, or agent thereof who shall violate any provision of this ordinance or who fails to comply with any provisions herein, shall be guilty of a misdemeanor of the second degree and subject to a maximum fine in an amount not exceeding five hundred dollars and zero cents (\$500.00) and a definite term of imprisonment not exceeding sixty (60) days. Either or both penalties may be imposed. Each day during which any violation occurs constitutes a separate offense.
- b. Nothing herein contained shall prevent the Town from taking such other lawful action including, but not limited to, equitable legal action, as it deems necessary to prevent or remedy any violation of this ordinance.

Section 4. Severability. Should any section, subsection, sentence, clause, phrase, or other provision of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

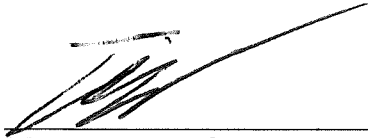
Section 5. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall take effect upon its adoption.

NOTICE PUBLISHED on the 24th day of August, 2023.

PASSED AND ADOPTED upon first reading this 13th day of September, 2023.

PASSED AND ADOPTED on the 26th day of September, 2023.

By: 

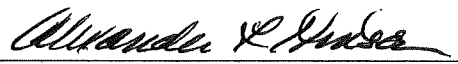
Mayor, Town of Havana

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: 

Town Clerk

By: 

Town Attorney