

Chapter 156 - ELECTRONIC GAME PROMOTIONS

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Sec. 156.101. - Legislative Authorization.

This Chapter is enacted in the interest of the public health, peace, safety, morals and general welfare of the citizens and inhabitants of Duval County, Florida, pursuant to Fla. Const. Article VIII, section 1(g), F.S. § 125.01, and the Charter of the City of Jacksonville. It is established to 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.

(Ord. 2010-326-E, § 3)

Sec. 156.102. - Area of Enforcement.

The Council is acting herein as the governing body for Duval County, Florida, and this Chapter shall be effective in the General Services District, less Urban Services Districts 2, 3, and 4, which said area includes the entire City of Jacksonville, except the Cities of Jacksonville Beach, Neptune Beach, and Atlantic Beach.

(Ord. 2010-326-E, § 3; Ord. 2011-24-E, § 2)

Sec. 156.103. - Intent.

The intent of the Council acting as the governing body of Duval County, Florida in adopting this Chapter is to 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. This regulation includes but is not limited to electronic equipment 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 on a slot machine. It also is intended to regulate the use of electronic equipment to conduct drawings by chance conducted in connection with the sale of a consumer product or service and game promotions, and to regulate all Operators (as defined herein) who utilize electronic equipment for that purpose in

accordance with the provisions of F.S. §§ 849.0935 and 849.094, regardless of whether said Operators are required to register with the State of Florida pursuant to F.S. § 849.094, Florida Statutes.

(Ord. 2010-326-E, § 3)

Sec. 156.104. - General Prohibition.

Except as expressly regulated and permitted by this Chapter no Person, other than a De minimis Activity Facility as defined herein, shall conduct a drawing by chance pursuant to F.S. § 849.0935, sweepstakes or game promotion pursuant to F.S. § 849.094, or any other game of chance on any electronic or mechanical 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.

(Ord. 2010-326-E, § 3)

Sec. 156.105. - Definitions.

(a) *Person* means an individual, association, partnership, joint venture, corporation, limited liability company, not-for-profit entity, or entity of any kind authorized to engage in business in 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) *Conviction* means a determination of guilt in a criminal case by a court of competent jurisdiction, regardless of whether the defendant pled guilty, no contest, or *nolo contendere*, was found guilty by a judge or jury, or had adjudication withheld.

(d) *Electronic Equipment* means any electronic or mechanical device provided by or on behalf of the Operator that is used or adapted for use to conduct and/or reveal the results of a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotions that display results by simulating a game or games ordinarily played on a slot machine.

(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 on or before January 1, 2010 at that facility.

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

(g) *Operator* means any Person in whose name a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion that utilizes Electronic Equipment is conducted.

(h) *Permit Holder* means the Operator in whose name the City has issued a permit under this Chapter.

(i) *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 Equipment.

(j) *Rules* means the restrictions and covenants governing the operation of the drawing by chance, sweepstakes, or game promotion.

(k) *Slot machine* means any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any monetary consideration whatsoever, including the use of any electronic payment system, is available to play or operate, the play or operation of which, including any element of chance, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. Slot machines may use spinning reels, video displays, cathode ray tubes, microprocessors or other similar technology, and have as their object, the presentation or lining up, arrangement, or juxtaposition of symbols, alpha-numeric signs, colors, or figures to determine a result or outcome.

To the extent not defined in this section, the definitions utilized in F.S. §§ 849.0935 and 849.094 shall be applicable to all terms used in this Chapter.

(Ord. 2010-326-E, § 3)

Sec. 156.106. - Permitting and Fees.

(a) *Permit Required.* Every Operator using Electronic Equipment 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 Department of Environmental and Compliance's Office (hereinafter Department of Environmental and Compliance or City) for each Premises. Each permit is valid only for the Operator and the Premises named in the permit. Each permit is valid for one year.

(b) *Initial Permits.* Within 60 days of enactment of this Chapter, all current Operators that have been operating a drawing by chance conducted in connection with the sale of a consumer product or service, or sweepstakes or other game promotion using Electronic Equipment at a Premises on August 9, 2010, and which are subject to this Chapter, and which apply for, facially qualify for, and pay required fees for a permit, shall be granted a permit for the Premises as provided for in this section. Each such Operator shall, in addition to the requirements set forth herein as part of the application, provide proof satisfactory to the Department of Environmental and Compliance that the Operator was lawfully operating on the Premises a game promotions or sweepstakes utilizing electronic equipment or a drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment, as of August 9, 2010, which such evidence may include a current and valid lease, rental agreement, purchase and sale contract, bill of sale or receipt indicating the purchase, lease or use of Electronic Equipment on the Premises, or other certificates, permits, licenses, receipts or filings issued by the Federal, State or local government indicating proof of the uses contemplated by this Chapter on the Premises.

(c) *Permits Limited.* Unless greater than 20 permits have been issued as provided for in subsection (b) above, the City shall limit the total number of permits issued pursuant to this section to 20. After the permits authorized by subsection (b) are issued, no permits for new businesses shall be issued unless the issuance of the permit will not cause the total number of permits issued to exceed 20 permits. All qualifying Operators who receive an initial permit as provided for in subsection (b) shall be entitled to renew their permit if they otherwise qualify and pay required fees. In the event that a permit becomes available, all applications for the permitting of a new business shall, in addition to all permitting

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requirements set forth herein, be subject to the following procedures:

(1) The Department of Environmental and Compliance shall publish a notice in a newspaper of general circulation in a form prescribed by the Department of Environmental and Compliance, regarding the availability of such permit and the prescribed time period of 14 calendar days from the date of such publication within which the City will accept applications, and the location and date of the public meeting at which the random selection of the application for permit shall take place.

(2) All applications shall be submitted within such 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. An Applicant shall be deemed to be the same as another Applicant and each of their applications shall be disqualified, if such Applicant is the same Person or consists of any variation of the same Person as another Applicant.

(3) Once the time period for submission of applications has expired, the City shall randomly select an application for consideration of the available permit at a meeting open to the public by the Department of Environmental and Compliance in the presence of one or more witnesses at the time and place set forth in the notice.

(4) Once such application is selected, the Applicant shall proceed with complying with all other requirements set forth herein. The City's random selection of an application as provided herein shall not constitute the City's acceptance or approval of the application, including for example, for purposes of determining the application's completeness. For purposes of all timelines and time periods set forth in this Chapter, including but not limited to the duration of review within which the City or any of its Departments or Divisions are to conduct application reviews, such timelines and time periods shall be extended by the amount of time required to appropriately conduct the random selection of the application.

(5) The decision to deny a permit shall be considered non-final agency action subject to appellate review by the Committee referenced below. The decision of the Committee shall constitute final agency action subject to judicial review. Any appeal of a permitting decision shall be made within 15 calendar days of denial by filing a written notice of appeal with the Director of Environmental and Compliance. Failure to file 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 City the following materials:

(i) A copy of a current Duval County Business Tax Receipt in the name of the Applicant including the business address;

(ii) A copy of Applicant's proposed Rules 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 \$5000, a copy of Applicant's certification of a bond or trust account provided to the Florida Department of Agriculture and Consumer Services, if required; and

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(iv) A complete list of all products and services offered and the prices charged therefor.

In addition, for and every principal, officer, shareholder and director of the Operator, a fingerprint card and letter certifying the results of a criminal background check generated by the Jacksonville Sheriff's Office or Florida Department of Law Enforcement.

(2) Applicant shall provide a sworn affidavit containing the following:

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

A. An individual, his 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 principal officers, directors, and shareholders;

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

(ii) A description, including the number of pieces of the Electronic Equipment;

(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; and

(vi) The name and address of an individual in Duval County who is authorized to receive notices from the City.

(vii) A statement certifying that all information on the application and any attachments thereto is 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 Chapter.

(3) Applicant shall file with the Department of Environmental and Compliance the following:

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- (i) A copy of the sworn affidavit described in subsection (2) above;
- (ii) A complete list of all products and services offered and the prices charged therefore;
- (iii) A verification that the prices charged for the products and/or services constitute a reasonable market value;
- (iv) A copy of the certification report issued by an independent testing laboratory that describes and verifies the manner in which the software works.

(e) *Application Fee.* Each Applicant shall remit a non-refundable application fee of \$500. This fee shall pay for the time and expense of the Jacksonville Sheriff's Office and the City in enforcing the provisions herein, reviewing and ruling on the application, issuing the permit, and, if applicable, hearing any appeals.

(f) *Review of Application.*

(1) *Duration of Review.*

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

(ii) By Jacksonville Sheriff's Office for Criminal History. Within thirty (30) days of receipt from a principal, officer, shareholder or director of the Operator of a legible copy of fingerprints, social security number, full name, current address, sex, race, recent photograph, and date of birth, the Jacksonville Sheriff's Office shall conduct a criminal history check, certify the results in writing, and provide a copy of the results to the Applicant. If necessary, the Jacksonville Sheriff's Office 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 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, or has had adjudication for same withheld,

(ii) Within three years of the date of the application, has had a permit under this Chapter revoked or been convicted for a violation of this Chapter,

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

(g) *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

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decision to deny a permit shall be considered non-final agency action subject to appellate review by a committee (Committee) consisting of the Director of Planning and Development, the Director of Environmental & Compliance (or successor), and the Chair of the Council's Public Health & Safety Committee. The decision of the Committee shall constitute final agency action subject to judicial review. Any appeal of a permitting decision shall be made within 15 calendar days of denial by filing a written notice of appeal with the Director of Environmental and Compliance. Failure to file written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.

(h) *Permit fees.* The eligible Applicant, before receiving the permit, shall pay:

(1) An Electronic Drawing and Game Promotion Fee of \$2,000 for Premises with more than five pieces of Electronic Equipment, or \$200 for Premises with five or fewer pieces of Electronic Equipment. The fee is for one year during which the permit is valid and shall be paid each time the permit is renewed. If an eligible Applicant fails to pay this fee on or before the thirtieth day after approval, availability, and notice of the permit authorization, the application shall be deemed denied.

(2) An annual fee of \$50 per piece of Electronic Equipment. If the eligible Applicant fails to pay the fee on or before the thirtieth day after approval, availability, and notice of the permit authorization, 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 by the City or the Jacksonville Sheriff's Office of the Premises, Electronic Equipment, and records of the Permit Holder to ensure compliance with this Chapter.

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

(j) *Renewal of Existing Permit.* Existing permits shall be renewed upon compliance with this Chapter, notwithstanding the total number of permits issued. The Permit Holder shall apply for the renewal permit no later than 60 days and no sooner than 120 days before the expiration of the current permit. The renewal permit application shall include all the materials and 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 Chapter. 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 30 days. Upon approval, Renewal permit applicants shall pay the same fees as set forth in subsection (h) above and said renewals shall be deemed denied if an eligible Applicant fails to pay these fees on or before the thirtieth day after approval, availability, and notice of the permit authorization.

(k) *Restrictions on Transfers of Permits.*

(1) *Transfer to Another Entity.* Permits may be transferred no more than one time, to another entity, upon written notification and evidence of the conveyance to the Department of Environmental and Compliance. 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 Department of Environmental and Compliance, as provided herein.

(2) *Transfer to Another Premises.* Permits may be transferred to another premise upon application. The transferred location shall be approved within 15 days of submittal of a complete application (including all required supplemental information, including but not limited to any

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required certified maps depicting applicable locations and distances), if such use is a permitted use in an approved zoning district, as set forth in Chapter 656, Zoning Code and in all other applicable provisions of the Ordinance Code. Otherwise, the application shall be denied.

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

- (1) A written notice of intent to revoke the permit,
- (2) A 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 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 a committee (Committee) consisting of the Director of Planning and Development, the Director of Environmental & Compliance (or successor), and the Chair of the Council's Public Health & Safety Committee. The decision of the Committee shall constitute final agency action subject to judicial review. Any appeal of a revocation decision shall be made within 15 calendar days of revocation by filing a written notice of appeal with the Director of Environmental and Compliance. Failure to file written notice of appeal within the prescribed time period constitutes a waiver of the right to appeal.

(Ord. 2010-326-E, § 3)

Sec. 156.107. - Inspection of Premises.

During business hours, the City, the Jacksonville Sheriff's Office, or their 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 Chapter 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 Equipment to inspect, test and/or have tested to determine compliance with this Chapter. The City of Jacksonville or the Jacksonville Sheriff's Office 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 Chapter. Within three days of receipt of the show cause order the Permit Holder shall produce all requested records and inventory.

(Ord. 2010-326-E, § 3)

Sec. 156.108. - Signage Requirements.

(a) *Exterior of Premises.* Exterior signage shall be limited to the advertisement of the consumer product and/or service sold on the Premises, and that a sweepstakes held in connection with the sale of said consumer product and/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 Part 13, Chapter 656, Zoning Code (Sign Regulations).

(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 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 26 point type: "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 10 point type on each piece of Electronic Equipment: "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.

(Ord. 2010-326-E, § 3)

Sec. 156.109. - Limitations on Operation of Business.

(a) *Alcoholic Beverages.* Permit Holders shall not sell or permit any individual to consume or possess any alcoholic beverages on any Premises with ten or more pieces of Electronic Equipment.

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

(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 \$1.

(d) *Limitation on Electronic Equipment.* Permit Holders shall not operate more than 50 pieces of Electronic Equipment except that Permit Holders operating a drawing by chance offered in connection with the sale of a consumer product or service, sweepstakes or other game promotion using Electronic Equipment on or before January 1, 2010 in the City of Jacksonville may not operate more pieces of Electronic Equipment than were in operation on August 9, 2010, and any reduction following the enactment of this Chapter in Electronic Equipment pieces by such Permit Holders shall be permanent. Replacing an existing piece of Electronic Equipment due to a defect or upgrade shall not be deemed a reduction pursuant to this subsection, provided that such replacement occurs within 30 days.

(e) *Zoning.* Game promotions utilizing Electronic Equipment shall be permitted or permissible by exception, as applicable, as set forth in Chapter 656, Zoning Code, subject to all applicable requirements, restrictions and limitations set forth in the Ordinance Code.

(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 a list of the names and addresses of all persons who have won prizes which have a value of more than \$25 for one year.
- (2) Maintain a trust account or bond in an amount equal to the total announced value of the prizes offered or \$50,000, whichever is less.

(Ord. 2010-326-E, § 3)

Sec. 156.110. - Safety and Security Requirements.

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

- (a) A security camera system operating during business hours 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 pieces of Electronic Equipment 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) During nighttime hours when the Premises is open for business and where there are more than five pieces of Electronic Equipment on the Premises, at least one licensed, armed security guard. 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.

(Ord. 2010-326-E, § 3)

Sec. 156.111. - Violations, Enforcement.

It shall be unlawful for any Person, Operator, Manager, or Permit Holder to violate any of the provisions of this Chapter.

Violations of different provisions of this Chapter shall constitute separate offenses. Each day a violation

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occurs, and each individual machine found to be in violation on that day, shall constitute a separate offense.

Each violation of any of the provisions of this Chapter shall constitute a Class E offense, as defined in Chapter 609, Ordinance Code.

The City of Jacksonville shall have the right to pursue all legal and equitable remedies necessary to ensure full compliance with this Chapter.

(a) Except as otherwise provided herein, the requirements of this Chapter may be enforced by the Department of Environmental and Compliance (or its successor) and/or the Jacksonville Sheriff's Office as follows:

- (1) Through the Municipal Code Enforcement Board or the Special Magistrate pursuant to the authority granted by F.S. Ch. 162, Part I, and Ch. 91, Ordinance Code;
- (2) Through the judicial system by citation for civil penalties pursuant to the authority granted by F.S. Ch. 162, Part II, and Ch. 609, Ordinance Code;
- (3) Through the judicial system by civil complaint filed by the City for civil penalties in a court of competent jurisdiction;
- (4) By civil action for injunctive relief through a court of competent jurisdiction; and/or
- (5) By all other means available in law or equity.

(b) Civil penalty payments recovered pursuant to this Chapter shall be used to fund administration and enforcement efforts under this Chapter. Upon successful prosecution of any violation of this Chapter wherein the City has filed suit in a court of competent jurisdiction to recover a civil penalty and/or obtain injunctive relief, the City shall be authorized to recover its reasonable attorneys' fees and costs.

(c) Permittees shall have a private right of action to pursue all legal and equitable remedies necessary to ensure full compliance with this Chapter against any other permittee, including but not limited to injunctive relief.

(Ord. 2010-326-E, § 3; Ord. 2011-386-E, § 3)

Sec. 156.112. - Severability.

If any portion of this Chapter is determined to be invalid for any reason by a final nonappealable order of any court of competent jurisdiction, then it shall be severed from this act. All other provisions of this act shall remain in full force and effect.

(Ord. 2010-326-E, § 3)