ARTICLE IV. - SIMULATED GAMBLING DEVICES

Sec. 17-40. - 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:

(a) 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.

(b) Simulated gambling device means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff. The following rules of construction apply to this definition of simulated gambling device:

(1) The term "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, or in the case of a password, inputting the password.

(2) The term "upon connection with" means inserting, swiping, passing in range, or any other technical means of physically, electronically, or electromagnetically connecting an object to a device, or inputting a password, code, account or user number or user name, into a device.

(3) The term "object" means a coin, bill, ticket, token, card, password, account or user number, name or code obtained directly or indirectly through payment of consideration or a donation, or obtained as a bonus or supplement to another transaction involving the payment of consideration or a donation.

(4) The terms "play or operate" or "play or operation" include any activation of a device whether involving the use of skill, the application of an element of chance, or both, or neither, or the implementation of an outcome unpredictable to the person activating the device.

(5) The term "simulation" includes simulation by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
(6) The term "game" includes slot machines, poker, cards, bingo, craps, keno, any other type of game ordinarily played in a casino; a game involving the display of the results of a raffle, drawing, contest, game promotion, lotto or sweepstakes; or any other game associated with gambling or which could be associated with gambling. The term "game" does not necessarily imply or require actual gambling, as that term may be defined elsewhere.

(7) The term "payoff" means cash, monetary or other credit, 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, from the owner or operator of the device, or any affiliate, associate, person, or entity acting in concert or connection with the owner or operator of the device, or from any person, entity, or device at the premises or building where such device is located.

(8) The use of the "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this article is defined exclusively by this section and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

(c) Slot machine means any mechanical or electrical contrivance or 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 consideration whatsoever, including the use of any electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or person playing or operating the contrivance, terminal, machine, or other device to receive cash, tickets, token, 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. The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. Slot machines may use spinning reels, video displays, or both. Slot machine also means any machine or device that may be adopted for use in such a way that, as a result of the insertion of any piece of money, coin, or other object, such machine or device is caused to operate or may be operated and if the user, by reason of any element of chance or of any other outcome of such operation unpredictable by him or her, may:

(1) Receive or become entitled to receive any piece of money, credit, allowance, or thing of value, or any check, slug, token, or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance, or thing of value or which may be given in trade; or

(2) Secure additional chances or rights to use such machine, apparatus, or device, even though it may, in addition to any element of chance or unpredictable outcome of such operation, also sell, deliver, or present some merchandise, entertainment, or other thing of value.

(Ord. No. 2012-08, § 2, 8-9-12)

Sec. 17-41. - Intent.

The intent of the council acting as the governing body of village in adopting this article is to prohibit broadly the use of simulated gambling devices, including any related activity or behavior which can be reasonably construed to be the use of simulated gambling devices. Further, the council, in prohibiting
simulated gambling devices, in no way intends to approve the use of actual slot machines or other forms of casino gambling or other types of gambling devices. In addition, this prohibition is aimed directly at devices that simulate gambling activity, regardless of whether the devices or the simulations in and of themselves can be said to constitute gambling as that term may be defined elsewhere.

(Ord. No. 2012-08, § 2, 8-9-12)

Sec. 17-42. - Prohibition of simulated gambling devices.

It is unlawful for any person to design, develop, manage, supervise, maintain, provide, produce, possess or use one or more simulated gambling devices in a commercial or nonprofit establishment or to knowingly lease, operate or maintain any premises for the use of simulated gambling devices. Each individual act to design, develop, manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation.

(Ord. No. 2012-08, § 2, 8-9-12)

Sec. 17-43. - Exemptions.

This article does not prohibit:

(a) An individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device;

(b) The operation of a game room or recreational facility which provides opportunities for casual entertainment by patrons of all ages and does not utilize devices that fall within the definition of a simulated gambling device;

(c) The ownership, possession, play, operation or use of any device expressly permitted by a Florida Statute and not otherwise prohibited by another Florida Statute or the Florida Constitution, except that this exemption shall not apply to devices permitted in Broward and Miami-Dade Counties only pursuant to Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes;

(d) A religious, charitable or non-profit organization conducting a fundraising activity involving gaming, provided that such activity is not otherwise prohibited by law.

(Ord. No. 2012-08, § 2, 8-9-12)

Sec. 17-44. - Conflict with state law.

Nothing in this article is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this article and either the Florida Constitution or the Florida Statutes, then the provisions of the Florida Constitution or the Florida Statutes, as applicable, shall control.

(Ord. No. 2012-08, § 2, 8-9-12)

Sec. 17-45. - Enforcement.

(a) The village's code inspectors are authorized to enforce this article in accordance with all remedies set forth in article VI of chapter 2 of this code.
(b) The village's police department is authorized to enforce this article in accordance with all remedies set forth in article VI of chapter 2 of this code and any other provision of state or local law.

(c) In addition to the remedies set forth above, whether civil or criminal, the village may also pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in a court of competent jurisdiction to enforce the provisions of this article.

(Ord. No. 2012-08, § 2, 8-9-12)

Secs. 17-46—17-49. - Reserved