

ORDINANCE 2021-12

AN ORDINANCE AMENDING CHAPTER 14 REGARDING INTERNET CAFES; ADDING DEFINITIONS FOR CHASING LIGHTS AND STRIP MALLS; AMENDING APPLICATION FEES, AMENDING FEES FOR MACHINES; AMENDING THE HOURS OF OPERATION; PROVIDING FOR MAXIMUM NUMBER OF INTERNET CAFES; AMENDING LOCATION RESTRICTIONS; AMENDING THE REQUIREMENTS FOR SECURITY GUARDS AND THEIR DUTIES; LIMITING HOURS OF OPERATION FOR CHASING LIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 14, Article IV – Internet Cafes - of the City of Belleview Code of Ordinances is intended to protect the health, safety and public welfare of the city and its citizens, without unduly restricting the use of private property for lawful purposes; and

WHEREAS, Chapter 14, Article IV establishes various requirements and prohibitions regarding the location and operation of internet cafes within the City of Belleview; and

WHEREAS, significant City Staff time is spent regarding internet cafes, resulting in increased expense to the City, which expense should be borne by the internet cafes; and

WHEREAS, since Marion County prohibited operating internet cafes in Marion County, the City has experienced an increase in attendance and crime at and near to internet cafes within the City; and

WHEREAS, the City’s law enforcement resources are limited and will only be able to adequately protect the public by implementing the provisions for location, operation, security and hours of operation set forth below; and

WHEREAS, the City Commission finds that it is in the best interest of the public safety and welfare to implement the following amendments to Chapter 14 Article IV regarding location and operation of internet cafes, as set forth below.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview, Florida that Chapter 14, Article IV of the City of Belleview Code of Ordinances, regarding internet cafes be hereby amended as follows, to wit:

Section 1. The following provisions of Article IV are amended as set forth below:

ARTICLE IV. - INTERNET CAFES.

Section 1. Section 14-502 regarding Legislative findings is hereby amended subsection (h) and adds subsection (r) which shall read as follows:

Sec. 14-502. - Legislative findings.

(h) Requiring internet cafe owners or operators to provide two (2) licensed, uniformed and armed security guards from a licensed Florida Security Agency to provide security for the inside and the parking area of internet cafes during hours of operation from 6:00 p.m. until one hour after closing or until the last

employee and customer have departed the premises will reduce crime, reduce public disturbance and improve safety of citizens and visitors to the City of Belleview.

(r) Internet cafes are businesses that attract numerous visitors and vehicles, lead to increased crime in their immediate vicinity, create parking demands in multi-use buildings and strip malls that exceed the design capacity of existing strip malls and negatively impact public safety and other businesses on the premises. The least restrictive way to alleviate this is to require internet cafes to locate in stand-alone buildings with their own parking facilities.”

Section 2. Section 14-503 is hereby amended to add definitions which shall read as follows:

Sec. 14-503. - Definitions.

Chasing lights mean lights that flash on and off sequentially.

Multi-use building means a building with two or more separate units in one building.

Peak hours means the hours of operation from 6:00pm to closing.

Stand-alone building means a building that exists as a separate structure; a structure that contains only one-business premises and no other business or residential unit is connected to or contained within said structure.

Strip mall means a shopping mall consisting of stores and restaurants typically in one-story buildings.

Section 3. Sections 14-504 (b), (d), and (f); 14-506 (a) and (c), 14-509 (a), (b), (c) (d), (e) and (f); 14-510 (a) and (b); and subsection 512 (a) are hereby amended and shall read as follows:

Sec. 14-504. - Application fee.

(b) There is hereby established a nonrefundable fee of \$5,000.00 for processing the initial application or change of ownership of each internet café. Said fee is hereby confirmed to compensate the City for staff time and expense incurred in reviewing the application, zoning, location, premises, building, fire safety, parking and background review. The application and change of ownership fees may be amended by Resolution of the City Commission.

(d) Upon the submission of a complete and accurate application complying with the terms of this section and payment of the nonrefundable application fee, the city will review and approve or deny the application for a business tax permit.

(f) There is hereby established an annual administrative fee of - \$5,000.00 for all internet cafes operating in the City of Belleview to offset the costs of the City including but not limited to the Police Department and the Development Services Department. The annual administrative fee may be amended by Resolution of the City Commission.

Sec. 14-506. - Annual gaming device registration fee.

(a) There is hereby established an annual gaming device registration fee regarding internet cafes in the amount of \$100.00 per gaming device or machine for each year or portion of a year. The annual gaming device registration fee may be amended by Resolution of the City Commission.

(c) The annual gaming device registration fee provided herein shall be due and payable on or before September 30 and shall expire on September 30 of the following year. There shall be a late fee of \$20.00 per machine for payments received after September 30, except for new businesses. The annual gaming device penalty may be amended by Resolution of the City Commission.

Sec. 14-509. – Location and Maximum Number of Internet Cafes

(a) It shall be unlawful to operate, within the corporate limits of the city an internet cafe within 1,000 feet of a church, school, fixed school bus stop or childcare facility.

(b) It shall be unlawful to operate, within the corporate limits of the city, an internet cafe within 500 feet of another internet cafe.

(c) The method of determining the distance limitations shall be the measurement of linear feet from the front entrance doorway of one such structure to the front entrance of the other by the shortest and most practicable pedestrian route along the public thoroughfare(s).

(d) Nothing herein shall be deemed to prevent a church, school or child-care facility locating within the proscribed distance of an internet café. In such circumstances, the existing internet café will become a nonconforming use.

(e) Internet cafes must be located in a stand-alone building. Internet cafes are prohibited in buildings that have other business units, such as multi use buildings and are prohibited in strip malls. Internet cafes, which are in operation at the time of the effective date of this Ordinance and which are located in multi-use buildings or strip malls, may continue as nonconforming uses until such use is abandoned or for a maximum of five (5) years from the effective date of this Ordinance, whichever occurs first.

(f) The maximum number of internet cafes allowed within the City of Belleview shall be five (5).

(g) It is the specific intention of this Ordinance to allow existing Internet cafes to continue in business, subject to the provisions of this Article regarding freestanding buildings and the time to come into compliance. No new Internet cafes shall be permitted unless the total number of existing Internet cafes is less than five.

Sec. 14-510. - Hours of operation.

(a) The operation of internet cafes within the corporate limits of the city shall be permitted during the following hours of each and every calendar week to wit:

From 11:00 a.m. Monday to 2:00 a.m. Tuesday;
From 11:00 a.m. Tuesday to 2:00 a.m. Wednesday;
From 11:00 a.m. Wednesday to 2:00 a.m. Thursday;
From 11:00 a.m. Thursday to 2:00 a.m. Friday;
From 11:00 a.m. Friday to 2:00 a.m. Saturday;
From 11:00 a.m. Saturday to 2:00 a.m. Sunday;
From 11:00 a.m. Sunday to 2:00 a.m. Monday.

(b) No flashing lights or chasing lights shall be operated except during the hours of operation established in Section 14-510 herein.

Sec. 14-512. - Safety and security.

(a) Provide at least one licensed, armed security guard from a licensed Florida agency, to provide security for the parking area of internet cafes from opening for business operations until 6:00 p.m.; and provide at least two licensed, armed security guards from a licensed Florida agency, to provide security for the parking area and inside internet cafes during hours of operation from 6:00 p.m. until one hour after the close of business or until the last patron and employee have departed the premises.

1. To provide security for the parking area of internet cafes, a security guard shall be posted so that their presence is visible to patrons and the public (not inside a vehicle) and shall regularly patrol the parking area.

2. When the outside security guard is absent from his/her post in the parking area for more than ten minutes, the inside security guard shall assume the outside post.

Section 4. Section 14-512 is hereby amended to add subsections (g) and (h) which shall read as follows:

Sec. 14-512. – Safety and Security

(g) Security guards shall be in a uniform that identifies them as a security guard and their agency.

(h) The security guard shall not allow people to sleep in cars or loiter in the parking or outside area of the internet café premises.

BE IT FURTHER ORDAINED by the City Commission of the City of Belleview, Florida that Sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section”, “article” or other appropriate designation.

This Ordinance shall become effective immediately upon adoption.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon **First Reading** by a 4-0 vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on the 18th day of May, 2021. Said ordinance was duly read, passed, and adopted upon **Final Reading** by a 4 –□ vote of the City Commission of the City of Belleview, Florida at a Public Hearing held on the 1st day of June, 2021.

CHRISTINE K. DOBKOWSKI
Mayor/Commissioner

Attest:

MARIAH MOODY
City Clerk

Approved as to Form and Legality:

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Ordinance was advertised for a Public Hearing in the -
May 20, 2021 edition of the *Voice of South Marion* newspaper in accordance with Florida Statutes.

MARIAH MOODY
City Clerk