

## Chapter 113

### GAMBLING

**[HISTORY: Adopted by the Town Council of the Town of Callahan as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Code Enforcement — See Ch. 25.

Code Enforcement Officer — See Ch. 37, Art. I.

#### ARTICLE I

##### Simulated Gambling Devices

**[Adopted 6-20-2011 by Ord. No. 2011-005]**

#### § 113-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**COMPUTER SIMULATION** — Simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

**GAME** — As used in connection with "simulated gambling device," slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling or which could be associated with gambling.

**OBJECT** — A coin, bill, ticket, token, card or similar object, obtained directly or indirectly through payment of consideration or obtained as a bonus or supplement to another transaction involving the payment of consideration.

**PAYOFF** — Cash, monetary or other credit, billets, 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 otherwise.

**PERSON** — 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.

**PLAY or OPERATE or PLAY OR OPERATION** — The use of skill, the application of any element of chance, or both.

**SIMULATED GAMBLING DEVICE** — Any device or devices working together 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.

**SLOT MACHINE** — Any mechanical, electrical, or video device or collection of devices that upon a connection with any object by physical or electronic means or the insertion of any object into any part of a device, the user may operate the device(s) or the device(s) operates, and the

user, by reason of any element of chance or outcome unpredictable to the user, receives or becomes entitled to receive any money, credit, token, memorandum, additional opportunities to use the device, or other thing of value. Additionally, "slot machines" have those meanings defined by F.S. § 849.16.

UPON CONNECTION WITH — Insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device.

**§ 113-2. Prohibited acts.**

It is unlawful for any person to design, develop, manage, supervise, maintain, provide, produce, possess, use, or offer for use any simulated gambling devices in conjunction with the operation of a raffle, sweepstakes, contest, or other promotion or for displaying or revealing the results of any such raffle, sweepstakes, contest or other promotion. Each individual act to design, develop, manage, supervise, maintain, provide, produce, possess, use, or offer for use of a simulated gambling device for such prohibited purposes is a separate violation.

**§ 113-3. Exemptions.**

The following activities are not prohibited:

- A. The use of a simulated gambling device by a slot machine licensee, in the operation of a state lottery, or pursuant to the provisions of a lawful gaming compact between the State of Florida and federally recognized Indian tribes, whether to display the results of a raffle, sweepstakes, contest or other promotion, or otherwise.
- B. An individual's personal, recreational, and noncommercial ownership, possession, play, operation, or use of a device which could be construed to be a simulated gambling device.
- C. Fund-raising activity conducted by duly organized and authorized nonprofit organizations involving gaming, provided that the religious or charitable organization does not conduct the activity more than twice in one calendar year, the activity is not otherwise unlawful, and the organization does not maintain a facility primarily for the purpose of conducting the activity.

**§ 113-4. Penalties for offenses.**

- A. Criminal violations. Any person who knowingly violates this article shall be subject to a fine of not more than \$500 and imprisonment for not less than two nor more than 30 days.
- B. Code violations. Violations of this article may be prosecuted pursuant to Chapter 25 or 37 of the Code of the Town of Callahan.
- C. Injunctive relief. The Town of Callahan may petition a court of competent jurisdiction to temporarily or permanently enjoin, or both, any activities prohibited by this article.