

ORDINANCE NO. 11952
(New Series)

O. 76-81
NOV 17 1976

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 31.0313; BY AMENDING DIVISION 1, SECTION 31.0110, PARAGRAPH (a) AND DIVISION 3, SECTION 31.0314; BY AMENDING ARTICLE 3, DIVISION 16 BY REPEALING SECTION 33.1641.2; AND BY AMENDING SECTIONS 33.1641, 33.1641.1, 33.1641.3 AND 33.1641.4 RELATING TO BUSINESS LICENSE TAXES ON ARCADES AND GAMES OF SKILL AND THE REGULATIONS PERTAINING TO GAMES OF SKILL OR AMUSEMENT.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 31.0313--LICENSE TAX--MECHANICAL PLAY DEVICES

Section 2. That Chapter III, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 31.0110, paragraph (a), to read as follows:

SEC. 31.0110 LICENSE TAXES--DEFINITIONS

The following words and phrases whenever used in this Chapter shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "ARCADE." The word "Arcade" shall mean a business whose principal source of business revenue is derived from providing games of skill or amusement for public use.

[No amendment to paragraphs (b) through (s).]

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Section 3. That Chapter III, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Section 31.0314 to read as follows:

SEC. 31.0314 LICENSE TAX--GAMES OF SKILL OR AMUSEMENT

Every person conducting, managing or carrying on a game of skill or amusement, as defined in Section 33.1641 of this Code, shall pay a license tax of five dollars (\$5) per month for each game of skill or amusement, payable semiannually.

Section 4. That Chapter III, Article 3, Division 16 of the San Diego Municipal Code be and it is hereby amended by repealing the following section:

SEC. 33.1641.2 ADDITIONAL INFORMATION REQUIRED

Section 5. That Chapter III, Article 3, Division 16 of the San Diego Municipal Code be and it is hereby amended by amending Sections 33.1641, 33.1641.1, 33.1641.3 and 33.1641.4 to read as follows:

SEC. 33.1641 GAMES OF SKILL OR AMUSEMENT--DEFINITIONS

The term "game of skill or amusement" for the purpose of this Code is hereby defined to mean and include any machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be

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used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the State of California.

The phrase "any place in the City of San Diego open to the public" shall include clubs, headquarters and meeting places of fraternal or other societies, associations and bodies.

SEC. 33.1641.1 GAMES OF SKILL OR AMUSEMENT--REGULATED

Every person having, maintaining or operating in any place in the City of San Diego open to the public any game of skill or amusement, as the same is defined in Section 33.1641 herein, and the owner of such place where games of skill or amusement are maintained or operated, shall comply with each and every one of the following requirements:

SEC. 33.1641.3 POSTING AND KEEPING OF LICENSE

The license issued for maintaining or operating games of skill or amusement shall indicate the number of games licensed and authorized for a particular business establishment. The license shall be posted in a conspicuous place upon the premises, available for inspection by any police officer of The City of San Diego. No license shall be transferable from one person to another. It shall be unlawful to have present more games of skill or amusement than authorized by the license posted.

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SEC. 33.1641.4 CONSTRUCTION OF SECTION

Nothing in this section contained shall be construed to permit the licensing, maintenance or operation of any game of skill or amusement which is contrary to any of the laws of the State of California or the San Diego Municipal Code; nor to permit the operation of any game of skill or amusement licensed hereunder in such a manner as to be contrary to any of said laws.

Any game of skill or amusement operated in violation of the terms of this section may be seized and held by the Police Department of The City of San Diego.

Section 6. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Joseph K. Davis
Joseph K. Davis
Deputy City Attorney

JKD:vl:160.4
10/8/76 Rev.
Or.Dept.: Treasurer

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Passed and adopted by the Council of The City of San Diego on NOV 17 1976,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on NOV 3 1976, and on NOV 17 1976.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

RECEIVED
 CITY CLERK'S OFFICE
 1976 OCT 27 AM 10:38
 SAN DIEGO, CALIF. (Seal)

MICROFILMED MAY 12 1978

Office of the City Clerk, San Diego, California	
Ordinance Number 11952	Adopted NOV 17 1976
	00344

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

BUSINESS LICENSE TAXES

ORDINANCE NO. 11952

(New Series)
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 31.0313; BY AMENDING DIVISION 1, SECTION 31.0110, PARAGRAPH (a) AND DIVISION 3, SECTION 31.0314; BY AMENDING ARTICLE 3, DIVISION 16 BY REPEALING SECTION 33.1631.2; AND BY AMENDING SECTION 33.1641, 33.1641.1, 33.1641.3 AND 33.1641.4 RELATING TO BUSINESS LICENSE TAXES ON ARCADES AND GAMES OF SKILL AND THE REGULATIONS PERTAINING TO GAMES OF SKILL OR AMUSEMENT.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

SEC. 31.0313 LICENSE TAX - MECHANICAL PLAY DEVICES

Section 2. That Chapter III, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 31.0110, paragraph (a), to read as follows:

SEC. 31.0110 LICENSE TAXES - DEFINITIONS

The following words and phrases whenever used in this Chapter shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "ARCADE." The word "Arcade" shall mean a business whose principal source of business revenue is derived from providing games of skill or amusement for public use.

(No amendment to paragraphs (b) through (s).)

Section 3. That Chapter III, Article 1, Division 3 of the San Diego Municipal Code be and the same is hereby amended by amending Section 31.0314 to read as follows:

SEC. 31.0314 LICENSE TAXES - GAMES OF SKILL OR AMUSEMENT

PATRICIA M. DUTRA

I, hereby certify
that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

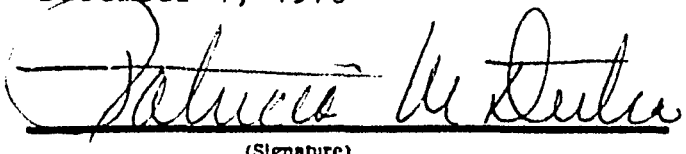
ORDINANCE NO. 11952

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

December 1, 1976

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

December 1, 1976



(Signature)

15" @ 5.08 = 76.20

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Section 23.1641 of this Code shall pay a license fee of \$100 per month for the privilege of playing any game of skill or amusement available permanently.

Section 4 of that Chapter III, Division 16 of the San Diego Municipal Code be and it is hereby repealed by repealing the following:

SEC. 23.1641.2. ADDITIONAL INFORMATION REQUIRED.
Section 5 of that Chapter III, Division 16 of the San Diego Municipal Code be and it is hereby repealed by repealing Sections 23.1641, 23.1641.1, 23.1641.2 and 23.1641.4 to read as follows:

SEC. 23.1641. GAMES OF SKILL OR AMUSEMENT.

DEFINITIONS.
The term "game of skill or amusement" for the purposes of this Code is hereby defined to mean and include any machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or prohibited by the deposit or placing of any coin, pin, disk, ring or any other device or object, or by the payment of any fee or fee for the use as a game of skill or amusement, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the State of California.

The phrase "any place in the City of San Diego open to the public" shall include clubs, bars, quarters and meeting places of fraternal or other societies, associations and bodies.

SEC. 23.1641.1. GAMES OF SKILL OR AMUSEMENT REGULATED.
Every person having, operating or operating in any place in the City of San Diego open to the public any game of skill or amusement as the same is defined in Section 23.1641 herein, and the owner of such place, shall obtain a license for the operation of such game or amusement.

... for operating, game of skill or amusement shall include members of games, license authorized for a person... establishment... shall be posted in... available for inspection... police officers of the City of San Diego. No license shall transferable from one person to another. It shall be unlawful to present more games of skill or amusement than authorized by the license posted.

SEC. 23.1641.4. CONSTRUCTION OF SECTION.
Nothing in this section shall be construed to prohibit increasing, maintenance or operation of any game of skill or amusement which is contrary to the laws of the State of California or the San Diego Municipal Code; nor to prohibit the operation of any game of skill or amusement, if such is not contrary to any of said laws.

Any game of skill or amusement operated in violation of the provisions of this section may be seized and held by the Police Department of the City of San Diego, Section 17. This ordinance shall be effective and be in force on the fourth day from and after the date of its adoption.

Approved on November 3, 1976 and adopted by the Council of the City of San Diego on November 17, 1976.

AUTHENTICATED BY:
ETHE WILSON
Mayor of the City of San Diego, California
EDWARD NIELSEN
City Clerk of the City of San Diego, California

Ord. 11952 N.S.

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