

ORDINANCE NUMBER O- 15974 (New Series)

Adopted on MAY 23 1983

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 39, SECTIONS 33.3901 THROUGH 33.3920; BY REPEALING DIVISION 16, SECTIONS 33.1625 THROUGH 33.1625.14; AND BY AMENDING ARTICLE 1, DIVISION 3, SECTION 31.0396, RELATING TO THE REGULATION OF CARDROOMS.

WHEREAS, the City Council of The City of San Diego has reviewed the City Manager's Report Nos. 79-186, March 19, 1979; 80-195, March 31, 1980; 81-171, April 27, 1981; 82-274, July 7, 1982; 82-317, July 27, 1982; 82-400, September 29, 1982 and has determined that the existence of cardrooms within the City creates an environment conducive to criminal activity and that potential problems of increased crime, infiltration by organized crime and property devaluation substantially outweigh any community benefits such cardrooms might provide; and

WHEREAS, the City Council of The City of San Diego, acting under and pursuant to the powers reserved to the City under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California and Section 2 of the Charter of The City of San Diego, finds that this ordinance is necessary for the preservation of the public health, safety, welfare and morals; NOW, THEREFORE,

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

Section 1. That Chapter III, Article 3 of the San Diego

Section 1. That Chapter III, Article 3 of the San Diego Municipal Code be and the same is hereby amended by adding Division 39, Sections 33.3901 through 33.3920 to read as follows:

DIVISION 39

CARDROOMS

SEC. 33.3901 PURPOSE AND INTENT

The City Council finds that existence of cardrooms within the City of San Diego has necessitated ever-increasing efforts by Police Department personnel in investigating and responding to criminal activity occurring in and around such establishments; that these increased efforts bring additional costs to the taxpayers and residents of the City, that such establishments attract the incursion of criminal elements into the City, may encourage compulsive gambling, and aggravate existing crime problems in areas of the City where such establishments exist. In order to eliminate the deleterious effects that such establishments have on the safety, welfare, and morals of the City, the City Council finds that it is necessary to enact the following regulations and provisions governing the establishment, operation, management, and continued existence of cardrooms within the City.

SEC. 33.3902 CARDROOMS REGULATED

It shall be unlawful for any person, for himself, or

for any other person, firm or corporation to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any cardroom in the City of San Diego, without first having secured a license from said City so to do, according to each and every requirement of this Division or without compliance with each and every regulation pertaining to such cardroom.

SEC. 33.3903 DEFINITIONS

For the purpose of this Division, the following words and phrases shall mean:

(a) Cardroom. "Cardroom" means any space, room or enclosure furnished or equipped with a table used or intended to be used as a card table for the playing of cards and similar games, and the use of which is available to the public, or any portion of the public; provided, however, that this Section shall not apply to any bona fide nonprofit society, club, fraternal or other organization, as defined in Section 33.3919 hereof.

(b) Establishment of a New Cardroom. The "establishment of a new cardroom" means and includes any of the following:

(i) The opening or commencement of any such business as a new business.

(ii) The conversion of an existing business, not a currently and validly licensed cardroom as defined herein.

(iii) The addition of any business that would be a cardroom, as defined herein, to any existing business of any kind or type.

(iv) The relocation of any currently and validly licensed cardroom

(c) Transfer of Ownership or Control. The "transfer of ownership or control" of a cardroom business means and includes any of the following:

(i) The sale, lease or sublease of such business or part thereof.

(ii) The transfer of securities which constitute any interest in such business, whether by sale, exchange or similar means.

(iii) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business.

(iv) The transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

(d) Persons Financially Interested. The term "persons financially interested" includes all persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees, the owner or owners of the building, fixtures or equipment.

SEC. 33.3904 APPLICATION FOR LICENSE--CONTENTS

Except as provided in Section 33.3909, applications

for cardroom licenses shall be limited to applications for renewal of the licenses of existing cardrooms. There shall be no establishment of new cardrooms.

A valid license issued pursuant to the provisions of this Division or its predecessor must be renewed annually upon the following terms and conditions:

(a) An application for renewal shall be completed and submitted to the Chief of Police of the City of San Diego within thirty (30) days of the expiration of the existing license.

(b) Said application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. Said application shall be accompanied by a nonrefundable investigation fee. The past criminal record, if any, of all persons financially or otherwise interested in the business shall be shown on such application. The application shall also be accompanied by fingerprints of persons financially interested.

(c) If an application for renewal is not filed, or the application fee is not paid within the time specified by subsection (a) herein, the license shall expire one (1) year after the date of its issuance or last renewal.

SEC. 33.3905 APPLICATION FOR WORK PERMIT--CONTENTS

Employees in cardrooms must obtain a work permit from the Chief of Police; applications for such work permits

shall be submitted under oath and contain such information as may be deemed by the Chief of Police necessary to determine whether the applicant is a proper person to be employed in a cardroom. Each application for a work permit shall be accompanied by a nonrefundable investigation fee. An annual, separate, nonrefundable renewal fee shall be to defray, in part, the cost of inspection, investigation and enforcement of the cardroom provisions.

SEC. 33.3906 LICENSE--WORK PERMIT--ISSUANCE

Except as otherwise provided in this code, upon completion of the investigation, the Chief of Police shall approve the application for the license or issue the work permit, unless the applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, has, within five (5) years immediately preceding the date of filing of the application, been convicted in a court of competent jurisdiction of any of the following offenses: (a) any offense involving gambling specified in Sections 319-337.9 of the California Penal Code; (b) any felony offense, involving the sale of any controlled substance specified in Sections 11054, 11055, 11056, 11057 or 11058 of the Health and Safety Code; (c) Sections 266(i), 315, 316, 318 or subdivision (b) of Section 647 of the California Penal Code; (d) any offense which requires registration as a sex

offender under Penal Code Section 290; (e) any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; (f) any offense involving the use of force or violence upon the person of another; or (g) any offense of theft, embezzlement or moral turpitude; or any statute, ordinance, or regulation pertaining to the same or similar business operation; or which would manifest a disability to perform properly the duties of the business or occupation.

The license or work permit approved or issued by the Chief of Police shall remain valid for a period of one (1) year from the date of issuance unless sooner revoked or suspended. No person shall be granted a license to operate more than one cardroom. No cardroom license shall be assignable or transferable.

SEC. 33.3907 REVOCATION OR SUSPENSION

In addition to the grounds enumerated in Section 33.0401, in the event that any person holding a license or permit issued pursuant to this Division is convicted of any of those crimes enumerated in Section 33.3906, or in the case of a license, attempts to transfer ownership or control of same except as provided by this Division, the Chief of Police may, in addition to other penalties provided by law, suspend or revoke the license or permit.

SEC. 33.3908 TRANSFER OF OWNERSHIP OR CONTROL  
PROHIBITED -- INCORPORATION PROHIBITED

(a) Except as provided in Section 33.3909, no cardroom license may be sold, transferred, or assigned by the licensee or by operation of law, to any other person, persons, or legal entity, and any such sale, transfer, or assignment, or attempted sale, transfer, or assignment, shall be deemed a voluntary surrender of the license, which license shall thereupon be terminated and void; provided, however, that if the license is held by a partnership or corporation, and one or more of the partners or shareholders dies, or chooses to divest himself or herself of his or her entire interest in the cardroom, the remaining partners or shareholders may acquire the interest of such partner or shareholder without effecting a surrender or termination of the license. No new partners or shareholders are permitted to acquire any interest in the cardroom upon the death of, or sale by any existing partner or shareholder. A license issued to an individual shall terminate with the death of the individual.

(b) A licensee may not incorporate after approval of the license. Any such incorporation, or attempted incorporation, shall be deemed a voluntary surrender of such license, and the license shall thereupon be terminated.

SEC. 33.3909 EXCEPTIONS TO PROHIBITION OF TRANSFER  
OF OWNERSHIP OR CONTROL

Any person or persons who are licensed to operate a cardroom under the San Diego Municipal Code as of the



effective date of this ordinance shall be permitted to transfer this license to any qualified person or persons within two (2) years after this effective date. The person or persons acquiring this license shall be required to discontinue said cardroom business within ten (10) years after the date of said transfer of license. The person or persons who are to receive such license shall comply with all the provisions of this Division and must be approved by the Chief of Police as qualifying under the standards of Section 33.3906 prior to any transfer of license becoming effective.

SEC. 33.3910 LIMITATIONS ON NUMBER OF CARDROOMS

At no time shall there be issued and in effect cardroom licenses for more than the number of cardrooms in existence as of the effective date of this ordinance; provided, however, that if and when any existing license is surrendered, revoked, or not renewed as required by the provisions hereof, the maximum number of cardroom licenses shall be deemed reduced to that extent.

SEC. 33.3911 REGULATIONS

It shall be unlawful to operate a cardroom in violation of any of the following regulations and rules:

(a) Not more than one cardroom shall be located at any one address.

(b) No games except high and low draw poker without

variation as defined by Hoyle's Modern Encyclopedia of Card Games by Walter B. Gibson, and contract bridge or auction bridge shall be played in any cardroom.

(c) No establishment licensed under this Division as a cardroom shall contain more tables for the playing of cards than the number for which the license fee has been paid, but, in no case shall any establishment contain more than seven (7) tables for the playing of cards.

(d) Not more than eight (8) players shall be permitted at any one card table.

(e) Cardrooms shall be located on the ground floor and so arranged that the playing surface of each table is plainly visible from the sidewalk immediately adjacent to said cardroom. As used in this section, "sidewalk" means that portion of a public highway or public street other than the roadway, which is set apart by curbs, barriers, markings or other delineations for pedestrian travel.

(f) No minor shall be permitted at any card table, or participate in any game played thereat.

(g) All cardrooms shall be closed at 12 midnight, and shall remain closed until 10 a.m. of every day except Sunday, during all of which day they shall remain closed.

(h) All cardrooms shall be open to police inspection during all hours of operation.

SEC. 33.3912 STAKES

Only table stakes shall be permitted.

SEC. 33.3913 INTOXICATING LIQUOR PROHIBITED

No alcoholic liquor or beverages shall be served, sold, consumed, or given away in any cardroom, and no cardroom shall have an entrance leading to any establishment which serves or sells intoxicating liquor.

SEC. 33.3914 TABLES SUPERVISED--IDENTIFICATION

Each card table shall have assigned to it a person whose duty shall be to supervise the game, and see to it that it is played strictly in accordance with the terms of this Division and with the provisions of the Penal Code of the State of California. It shall be unlawful for any permittee, manager, employee, or any other person employed by or having any financial interest in any establishment holding a license under the provisions of this Division, to be physically present at any time upon said premises without his or her identification card identifying him or her with the cardroom. Such identification card is to be prominently displayed on the outermost garment at approximately chest height, and such identification card shall, at all times, be readable, legible, and in good condition. No employee shall be allowed to commence work or remain upon said licensed premises who does not possess an identification card as issued by the Chief of Police.

SEC. 33.3915 EXTERIOR SIGNS

No sign or other insignia advertising or relative to cardrooms shall be permitted upon the exterior of any

premises occupied as a cardroom or placed within the interior of the cardroom for the purpose of being displayed to the exterior of the cardroom, except the word "cardroom" and the name of the operator thereof. Such a sign shall be flush with the building and shall be not more than one and one-half feet by six feet in size.

SEC. 33.3916 INTERIOR SIGNS

There shall be posted in every cardroom, in letters plainly visible from all parts thereof, signs stating that only draw poker and/or bridge is permitted to be played and stating the charge per hour exacted from each player for the privilege of playing.

SEC. 33.3917 CHARGES

No charge in excess of Two Dollars and Fifty Cents (\$2.50) per hour shall be collected from any player for the privilege of participating in any game.

SEC. 33.3918 REGULATORY FEES

In accordance with the policy of The City of San Diego, set forth in Section 33.0104, the costs of the required enforcement of laws regulating cardrooms, police regulated businesses, shall be borne by the applicant, licensee or permittee and current costs shall be reflected in the fees required for such license or permit.

Where a fee or a sum of money is referred to in this Division, the exact amount of such fee or sum of money

shall be found in the City Clerk's Composite Rate Book. A graduated table fee, based on the number of tables, is authorized by this Section.

SEC. 33.3919 EXCEPTIONS TO LICENSE REQUIREMENTS

(a) Establishments which are members of and sanctioned by the American Contract Bridge League and which permit only duplicate bridge games shall not be required to comply with the provisions of this Division, however such establishments shall be open to members of the San Diego Police Department for reasonable inspection.

(b) A nonprofit society, club, fraternal or other organization having adopted by-laws and duly elected directors and members may be granted a license without fee by the Chief of Police when it appears that the tables are for the exclusive use of the members of the society, club, fraternal or other organization, and no charge is made for any of the facilities.

(c) The license issued pursuant to this Section may be revoked or suspended by the Chief of Police pursuant to Section 33.0401.

(d) Any society, club, fraternal, or other organization to whom a license shall have been issued pursuant to this Section shall be open to any duly authorized member or members of the Police Department of the City for reasonable inspection.

(e) Any society, club, fraternal or other organization to whom a license shall have been issued pursuant to this Section shall not be required to comply with the sections

of this Division except Section 33.3919.

SEC. 33.3920 SEVERABILITY

If any provision or clause of this Division or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this Division or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end, the provisions and clauses of this Division are declared to be severable.

Section 2. That Chapter III, Article 3, Division 16 of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 33.1625 CARD ROOMS REGULATED

SEC. 33.1625.1 CARD ROOM DEFINED

SEC. 33.1625.2 APPLICATION--CONTENTS--LICENSE WORK PERMIT

SEC. 33.1625.3 REVOCATION OR SUSPENSION OF LICENSE

SEC. 33.1625.4 ONE LICENSE PER PERSON--NONTRANSFERABLE

SEC. 33.1625.5 REGULATIONS

SEC. 33.1625.5 CHARGES

SEC. 33.1625.7 STAKES

SEC. 33.1625.8 INTOXICATING LIQUOR PROHIBITED

SEC. 33.1625.10 TABLES SUPERVISED--IDENTIFICATION

SEC. 33.1625.11 EXTERIOR SIGNS

SEC. 33.1625.12 INTERIOR SIGNS

SEC. 33.1625.13 LICENSE FEE

SEC. 33.1625.14 EXCEPTIONS TO LICENSE

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 31.0396 to read as follows:

SEC. 31.0396 LICENSE TAX--CARDROOMS

There shall be collected for each cardroom table licensed hereunder the sum of Twenty-Five Dollars (\$25.00) per year per table, plus Two Dollars (\$2.00) per employee per year for the average number employed during the preceding six (6) months, payable annually.

Section 4. 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 Susan M. Heath  
Susan M. Heath  
Deputy City Attorney

SMH:rc:mem:503.2.1  
9/29/82 REV.11/3/82  
REV.11/23/82 REV.1/7/83  
REV.4/14/83 REV.5/6/83  
Or.Dept:PS&S  
O-83-79  
Form=o.none

FOLLOWING NEW SECTIONS ADDED:

DIVISION 39

CARDROOMS

SEC. 33.3901 PURPOSE AND INTENT

The City Council finds that existence of cardrooms within the City of San Diego has necessitated ever-increasing efforts by Police Department personnel in investigating and responding to criminal activity occurring in and around such establishments; that these increased efforts bring additional costs to the taxpayers and residents of the City, that such establishments attract the incursion of criminal elements into the City, may encourage compulsive gambling, and aggravate existing crime problems in areas of the City where such establishments exist. In order to eliminate the deleterious effects that such establishments have on the safety, welfare, and morals of the City, the City Council finds that it is necessary to enact the following regulations and provisions governing the establishment, operation, management, and continued existence of cardrooms within the City.

SEC. 33.3902 CARDROOMS REGULATED

It shall be unlawful for any person, for himself, or for any other person, firm or corporation to engage in or



carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any cardroom in the City of San Diego, without first having secured a license from said City so to do, according to each and every requirement of this Division or without compliance with each and every regulation pertaining to such cardroom.

SEC. 33.3903 DEFINITIONS

For the purpose of this Division, the following words and phrases shall mean:

(a) Cardroom. "Cardroom" means any space, room or enclosure furnished or equipped with a table used or intended to be used as a card table for the playing of cards and similar games, and the use of which is available to the public, or any portion of the public; provided, however, that this Section shall not apply to any bona fide nonprofit society, club, fraternal or other organization, as defined in Section 33.3919 hereof.

(b) Establishment of a New Cardroom. The "establishment of a new cardroom" means and includes any of the following:

(i) The opening or commencement of any such business as a new business.

(ii) The conversion of an existing business, not a currently and validly licensed cardroom as defined herein.

(iii) The addition of any business that would be a cardroom, as defined herein, to any existing business of any kind or type.

(iv) The relocation of any currently and validly licensed cardroom

(c) Transfer of Ownership or Control. The "transfer of ownership or control" of a cardroom business means and includes any of the following:

(i) The sale, lease or sublease of such business or part thereof.

(ii) The transfer of securities which constitute any interest in such business, whether by sale, exchange or similar means.

(iii) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business.

(iv) The transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

(d) Persons Financially Interested. The term "persons financially interested" includes all persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees, the owner or owners of the building, fixtures or equipment.

**SEC. 33.3904 APPLICATION FOR LICENSE--CONTENTS**

Except as provided in Section 33.3908, applications

for cardroom licenses shall be limited to applications for renewal of the licenses of existing cardrooms. There shall be no establishment of new cardrooms.

A valid license issued pursuant to the provisions of this Division or its predecessor must be renewed annually upon the following terms and conditions:

(a) An application for renewal shall be completed and submitted to the Chief of Police of the City of San Diego within thirty (30) days of the expiration of the existing license.

(b) Said application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. Said application shall be accompanied by a nonrefundable investigation fee. The past criminal record, if any, of all persons financially or otherwise interested in the business shall be shown on such application. The application shall also be accompanied by fingerprints of persons financially interested.

(c) If an application for renewal is not filed, or the application fee is not paid within the time specified by subsection (a) herein, the license shall expire one (1) year after the date of its issuance or last renewal.

SEC. 33.3905 APPLICATION FOR WORK PERMIT--CONTENTS

Employees in cardrooms must obtain a work permit from the Chief of Police; applications for such work permits

shall be submitted under oath and contain such information as may be deemed by the Chief of Police necessary to determine whether the applicant is a proper person to be employed in a cardroom. Each application for a work permit shall be accompanied by a nonrefundable investigation fee. An annual, separate, nonrefundable renewal fee shall be to defray, in part, the cost of inspection, investigation and enforcement of the cardroom provisions.

SEC. 33.3906 LICENSE--WORK PERMIT--ISSUANCE

Except as otherwise provided in this code, upon completion of the investigation, the Chief of Police shall approve the application for the license or issue the work permit, unless the applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, holders of five percent (5%) or more of the corporation's stock, has, within five (5) years immediately preceding the date of filing of the application, been convicted in a court of competent jurisdiction of any of the following offenses: (a) any offense involving gambling specified in Sections 319-337.9 of the California Penal Code; (b) any felony offense, involving the sale of any controlled substance specified in Sections 11054, 11055, 11056, 11057 or 11058 of the Health and Safety Code; (c) Sections 266(i), 315, 316, 318 or subdivision (b) of Section 647 of the California Penal Code; (d) any offense which requires registration as a sex

offender under Penal Code Section 290; (e) any offense in another state which, if committed in this state, would have been punishable as one or more of the heretofore mentioned offenses; (f) any offense involving the use of force or violence upon the person of another; or (g) any offense of theft, embezzlement or moral turpitude; or any statute, ordinance, or regulation pertaining to the same or similar business operation; or which would manifest a disability to perform properly the duties of the business or occupation.

The license or work permit approved or issued by the Chief of Police shall remain valid for a period of one (1) year from the date of issuance unless sooner revoked or suspended. No person shall be granted a license to operate more than one cardroom. No cardroom license shall be assignable or transferable.

SEC. 33.3907 REVOCATION OR SUSPENSION

In addition to the grounds enumerated in Section 33.0401, in the event that any person holding a license or permit issued pursuant to this Division is convicted of any of those crimes enumerated in Section 33.3906, or in the case of a license, attempts to transfer ownership or control of same except as provided by this Division, the Chief of Police may, in addition to other penalties provided by law, suspend or revoke the license or permit.

SEC. 33.3908 TRANSFER OF OWNERSHIP OR CONTROL  
PROHIBITED -- INCORPORATION PROHIBITED

(a) Except as provided in Section 33.3908, no cardroom license may be sold, transferred, or assigned by the licensee or by operation of law, to any other person, persons, or legal entity, and any such sale, transfer, or assignment, or attempted sale, transfer, or assignment, shall be deemed a voluntary surrender of the license, which license shall thereupon be terminated and void; provided, however, that if the license is held by a partnership or corporation, and one or more of the partners or shareholders dies, or chooses to divest himself or herself of his or her entire interest in the cardroom, the remaining partners or shareholders may acquire the interest of such partner or shareholder without effecting a surrender or termination of the license. No new partners or shareholders are permitted to acquire any interest in the cardroom upon the death of, or sale by any existing partner or shareholder. A license issued to an individual shall terminate with the death of the individual.

(b) A licensee may not incorporate after approval of the license. Any such incorporation, or attempted incorporation, shall be deemed a voluntary surrender of such license, and the license shall thereupon be terminated.

SEC. 33.3909 EXCEPTIONS TO PROHIBITION OF TRANSFER  
OF OWNERSHIP OR CONTROL

Any person or persons who are licensed to operate a cardroom under the San Diego Municipal Code as of the

effective date of this ordinance shall be permitted to transfer this license to any qualified person or persons within two (2) years after this effective date. The person or persons acquiring this license shall be required to discontinue said cardroom business within ten (10) years after the date of said transfer of license. The person or persons who are to receive such license shall comply with all the provisions of this Division and must be approved by the Chief of Police as qualifying under the standards of Section 33.3906 prior to any transfer of license becoming effective.

SEC. 33.3910 LIMITATIONS ON NUMBER OF CARDROOMS

At no time shall there be issued and in effect cardroom licenses for more than the number of cardrooms in existence as of the effective date of this ordinance; provided, however, that if and when any existing license is surrendered, revoked, or not renewed as required by the provisions hereof, the maximum number of cardroom licenses shall be deemed reduced to that extent.

SEC. 33.3911 REGULATIONS

It shall be unlawful to operate a cardroom in violation of any of the following regulations and rules:

(a) Not more than one cardroom shall be located at any one address.

(b) No games except high and low draw poker without

variation as defined by Hoyle's Modern Encyclopedia of Card Games by Walter B. Gibson, and contract bridge or auction bridge shall be played in any cardroom.

(c) No establishment licensed under this Division as a cardroom shall contain more tables for the playing of cards than the number for which the license fee has been paid, but, in no case shall any establishment contain more than seven (7) tables for the playing of cards.

(d) Not more than eight (8) players shall be permitted at any one card table.

(e) Cardrooms shall be located on the ground floor and so arranged that the playing surface of each table is plainly visible from the sidewalk immediately adjacent to said cardroom. As used in this section, "sidewalk" means that portion of a public highway or public street other than the roadway, which is set apart by curbs, barriers, markings or other delineations for pedestrian travel.

(f) No minor shall be permitted at any card table, or participate in any game played thereat.

(g) All cardrooms shall be closed at 12 midnight, and shall remain closed until 10 a.m. of every day except Sunday, during all of which day they shall remain closed.

(h) All cardrooms shall be open to police inspection during all hours of operation.

SEC. 33.3912 STAKES

Only table stakes shall be permitted.



SEC. 33.3913 INTOXICATING LIQUOR PROHIBITED

No alcoholic liquor or beverages shall be served, sold, consumed, or given away in any cardroom, and no cardroom shall have an entrance leading to any establishment which serves or sells intoxicating liquor.

SEC. 33.3914 TABLES SUPERVISED--IDENTIFICATION

Each card table shall have assigned to it a person whose duty shall be to supervise the game, and see to it that it is played strictly in accordance with the terms of this Division and with the provisions of the Penal Code of the State of California. It shall be unlawful for any permittee, manager, employee, or any other person employed by or having any financial interest in any establishment holding a license under the provisions of this Division, to be physically present at any time upon said premises without his or her identification card identifying him or her with the cardroom. Such identification card is to be prominently displayed on the outermost garment at approximately chest height, and such identification card shall, at all times, be readable, legible, and in good condition. No employee shall be allowed to commence work or remain upon said licensed premises who does not possess an identification card as issued by the Chief of Police.

SEC. 33.3915 EXTERIOR SIGNS

No sign or other insignia advertising or relative to cardrooms shall be permitted upon the exterior of any

premises occupied as a cardroom or placed within the interior of the cardroom for the purpose of being displayed to the exterior of the cardroom, except the word "cardroom" and the name of the operator thereof. Such a sign shall be flush with the building and shall be not more than one and one-half feet by six feet in size.

SEC. 33.3916 INTERIOR SIGNS

There shall be posted in every cardroom, in letters plainly visible from all parts thereof, signs stating that only draw poker and/or bridge is permitted to be played and stating the charge per hour exacted from each player for the privilege of playing.

SEC. 33.3917 CHARGES

No charge in excess of Two Dollars and Fifty Cents (\$2.50) per hour shall be collected from any player for the privilege of participating in any game.

SEC. 33.3918 REGULATORY FEES

In accordance with the policy of The City of San Diego, set forth in Section 33.0104, the costs of the required enforcement of laws regulating cardrooms, police regulated businesses, shall be borne by the applicant, licensee or permittee and current costs shall be reflected in the fees required for such license or permit.

Where a fee or a sum of money is referred to in this Division, the exact amount of such fee or sum of money

shall be found in the City Clerk's Composite Rate Book. A graduated table fee, based on the number of tables, is authorized by this Section.

SEC. 33.3919 EXCEPTIONS TO LICENSE REQUIREMENTS

(a) Establishments which are members of and sanctioned by the American Contract Bridge League and which permit only duplicate bridge games shall not be required to comply with the provisions of this Division, however such establishments shall be open to members of the San Diego Police Department for reasonable inspection.

(b) A nonprofit society, club, fraternal or other organization having adopted by-laws and duly elected directors and members may be granted a license without fee by the Chief of Police when it appears that the tables are for the exclusive use of the members of the society, club, fraternal or other organization, and no charge is made for any of the facilities.

(c) The license issued pursuant to this Section may be revoked or suspended by the Chief of Police pursuant to Section 33.0401.

(d) Any society, club, fraternal, or other organization to whom a license shall have been issued pursuant to this Section shall be open to any duly authorized member or members of the Police Department of the City for reasonable inspection.

(e) Any society, club, fraternal or other organization to whom a license shall have been issued pursuant to this Section shall not be required to comply with the sections

of this Division except Section 33.3919.

SEC. 33.3920 SEVERABILITY

If any provision or clause of this Division or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this Division or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end, the provisions and clauses of this Division are declared to be severable.

REPEALED:

~~SEC 33.3919 - CARDS LOOKS REPEALED~~

~~It shall be unlawful for any person, for himself, or for any other person, to issue or attempt to issue any card, or to issue or attempt to issue any card which is not a card issued by the State of Michigan, or to issue or attempt to issue any card which is not a card issued by the State of Michigan, or to issue or attempt to issue any card which is not a card issued by the State of Michigan, or to issue or attempt to issue any card which is not a card issued by the State of Michigan.~~

~~SEC 33.3919 - CARDS LOOKS DEFINED~~

~~For the purpose of this Division, "card" means any card which is issued or attempted to be issued by any person, or any card which is issued or attempted to be issued by any person, or any card which is issued or attempted to be issued by any person, or any card which is issued or attempted to be issued by any person, or any card which is issued or attempted to be issued by any person.~~

~~SEC 33.1022 APPLICATION - CONTENTS - LICENSE WORK PERMIT~~

~~Applicant for a license to operate a motor vehicle shall file an application with the Chief of Police of the City of Detroit, which application shall be in the form prescribed by the Chief of Police and shall include the following information: (a) the name and address of the applicant; (b) the name and address of the person who issued the license; (c) the name and address of the person who issued the license; (d) the name and address of the person who issued the license; (e) the name and address of the person who issued the license; (f) the name and address of the person who issued the license; (g) the name and address of the person who issued the license; (h) the name and address of the person who issued the license; (i) the name and address of the person who issued the license; (j) the name and address of the person who issued the license; (k) the name and address of the person who issued the license; (l) the name and address of the person who issued the license; (m) the name and address of the person who issued the license; (n) the name and address of the person who issued the license; (o) the name and address of the person who issued the license; (p) the name and address of the person who issued the license; (q) the name and address of the person who issued the license; (r) the name and address of the person who issued the license; (s) the name and address of the person who issued the license; (t) the name and address of the person who issued the license; (u) the name and address of the person who issued the license; (v) the name and address of the person who issued the license; (w) the name and address of the person who issued the license; (x) the name and address of the person who issued the license; (y) the name and address of the person who issued the license; (z) the name and address of the person who issued the license.~~

0-15974  
00559

THE  
FOLLOWING  
DOCUMENT  
IS THE BEST  
COPY  
AVAILABLE  
FOR  
FILMING

Except as otherwise provided in this code, upon completion of the investigation, the Chief of Police shall issue the license or permit, unless the applicant, if an individual, or if a partner or partner of a corporation or partnership, any of its officers, directors, partners or partners, or if a partner or partner of a partnership, has within five (5) years prior to the filing of the application been convicted in any court of competent jurisdiction of any of the following offenses - any offense involving gambling specified in Sections 333.333 of the California Penal Code, any felony offense involving the sale of controlled substances specified in Sections 11354, 11355, 11356, 11357 or 11358 of the Health and Safety Code, Sections 266(h), 265, 266, 267, or subdivision (b) of Section 267 of the California Penal Code, any offense which requires registration as a sex offender under Penal Code Section 260, or any offense in another state, which if committed in this state would have been punishable as one or more of the offenses mentioned, or any offense involving the use of force or violence upon the person of another, any offense of child abuse or neglect, or any offense which would result in a disability to perform properly the duties of the business or occupation.

- (Adopted 1-22-52 by Ord. 3046 N.S., contained in Ord. 2909 N.S. of April 4-11-44.)
- (Amended 3-18-71 by Ord. 10326 N.S.)
- (Amended 10-21-76 by Ord. 11062 N.S.)
- (Amended 1-2-80 by Ord. 11155 N.S.)

**SEC. 11.1611 REVOCATION OR SUSPENSION OF LICENSE.**

In addition to the grounds contained in Section 333.333, the Chief of Police may, in addition to the grounds provided by ordinance, suspend or revoke the license of any person.

- (Adopted 1-22-52 by Ord. 3046 N.S., contained in Ord. 2909 N.S. of April 4-11-44.)
- (Amended 1-2-80 by Ord. 11155 N.S.)

**SEC. 11.1614 ONE LICENSE PER PERSON - NON-TRANSFERABLE**

No person shall be granted a license to conduct more than one card room. No card room license shall be transferable.

- (Adopted 1-22-52 by Ord. 3046 N.S., contained in Ord. 2909 N.S. of April 4-11-44.)

**SEC. 11.1615 REGULATIONS**

It shall be unlawful to operate a card room in violation of any of the following regulations and rules:

- (a) No room that contains a card room shall be located at any one address.
- (b) No person except the licensee and his employees as defined by statute, and no other individual shall be permitted to play in any card room.
- (c) No establishment licensed under this article as a card room shall contain more tables for the playing of cards than the number for which the license fee has been paid, but in no case shall any establishment contain more than seven (7) tables for the playing of cards.
- (d) Not more than eight (8) players shall be permitted to sit at one card table.
- (e) Card rooms shall be located on the ground floor and so arranged that the playing surface of each table is plainly visible from the sidewalk immediately adjacent to each card room entrance in the portion "sidewalk" means the portion of a public highway or public street other than the roadway, which is set apart by curbs, barriers, markings or other delineations for pedestrian travel.
- (f) No minor shall be permitted to sit at any card table or participate in any game played thereat.
- (g) All card rooms shall be closed at 11 o'clock and shall remain closed until 10 o'clock on any day except Sunday, during all of which days they shall be closed.
- (h) All card rooms shall be open to public inspection during all hours of operation.

- (Adopted 1-22-52 by Ord. 3046 N.S., contained in Ord. 2909 N.S. of April 4-11-44.)
- (Amended 11-15-75 by Ord. 11104 N.S.)
- (Amended 11-21-76 by Ord. 11062 N.S.)
- (Amended 1-2-80 by Ord. 11155 N.S.)
- (Amended 1-2-80 by Ord. 11155 N.S.)

**SEC. 11.1618 CHARGES**

No charge in excess of Two Dollars and Fifty Cents (\$2.50) per hour shall be collected from any player for the privilege of participating in any game.

- (Adopted 1-22-52 by Ord. 3046 N.S., contained in Ord. 2909 N.S. of April 4-11-44.)
- (Amended 3-22-61 by Ord. 8281 N.S.)
- (Amended 6-18-71 by Ord. 10122 N.S.)
- (Amended 11-13-75 by Ord. 11104 N.S.)
- (Amended 11-21-76 by Ord. 11062 N.S.)

**SEC. 11.1619 STAKES**

Only table stakes shall be permitted.

- (Adopted 1-22-52 by Ord. 3046 N.S., contained in Ord. 2909 N.S. of April 4-11-44.)

**SEC. 11.1621 INTOXICATING LIQUOR PROHIBITED**

No alcoholic liquor or beverage shall be served, sold, consumed, or given away in any card room, and no card room shall have an entrance leading to any establishment which serves or sells intoxicating liquor.

- (Adopted 1-22-52 by Ord. 3046 N.S., contained in Ord. 2909 N.S. of April 4-11-44.)
- (Amended 1-2-80 by Ord. 11155 N.S.)

15974  
00560

**SEC 23.1623.9 - CHECK CASHING PROHIBITED**

(Amended 1-25-77 by Ord. 1044 N.S., re-enacted in Ord. 2205 N.S. adopted 4-11-84.)  
(Repealed 12-21-76 by Ord. 11966 N.S.)

**SEC 23.1623.10 TABLES SUPPLEMENTED - IDENTIFICATION**

Each card table shall have assigned to it a person whose duty shall be to supervise the game, and see to it that it is played strictly in accordance with the terms of the Division and with the provisions of the Penal Code of the State of California. It shall be unlawful for any person, manager, employee, or any other person employed by or having any financial interest in any establishment holding a permit under the provisions of this Division, to be physically present at any time upon said premises without their identification card identifying themselves with the cardroom. Such identification card is to be prominently displayed on the outermost portion of approximately chest height, and such identification card shall at all times be readable, legible, and in good condition. No employee shall be allowed to commence work on permit upon said permitted premises who does not possess an identification card as issued by the Chief of Police.

(Amended 1-25-77 by Ord. 1044 N.S., re-enacted in Ord. 2205 N.S. adopted 4-11-84.)  
(Repealed 1-7-85 by Ord. 11111 N.S.)

**SEC 23.1623.11 EXTERIOR SIGNS**

No sign or other insignia advertising or relative to cardroom shall be permitted upon the exterior of any premises occupied as a cardroom or placed within the interior of the cardroom for the purpose of being displayed to the exterior of the cardroom, except the words "card room" and the name of the operator thereof. Such a sign shall be flush with the building and shall be not more than one and one-half feet by six feet square.

(Amended 1-25-77 by Ord. 1044 N.S., re-enacted in Ord. 2205 N.S. adopted 4-11-84.)  
(Repealed 1-7-85 by Ord. 11111 N.S.)

**SEC 23.1623.12 INTERIOR SIGNS**

There shall be posted in every card room in letters plainly visible from all parts thereof signs stating that such a sign shall be placed and shall be removed from each player for the privilege of playing.

(Amended 1-25-77 by Ord. 1044 N.S., re-enacted in Ord. 2205 N.S. adopted 4-11-84.)

**SEC 23.1623.13 LICENSE FEE**

(Amended 1-25-77 by Ord. 1044 N.S., re-enacted in Ord. 2205 N.S. adopted 4-11-84.)  
(Repealed 12-21-76 by Ord. 11966 N.S.)

**SEC 23.1623.14 EXCEPTIONS TO LICENSE**

(a) A non-profit society, club, fraternal or other organization having adopted by laws and duly elected officers and members may be granted a permit without fee by a resolution of the Council when it appears that the tables are furnished and in charge is made for any of the facilities.

(b) The permit issued pursuant to this section may be revoked, amended, temporarily suspended or withdrawn by the Council of San Diego, or San Diego, and the Director of said Council shall be final.

(c) Any society, club, fraternal or other organization to whom a permit shall have been issued pursuant to this section shall be open to any duly authorized reader or members of the Police Department of the City for reasonable inspection.

(d) Any society, club, fraternal or other organization to whom a permit shall have been issued pursuant to this section shall not be required to comply with Section 23.1623 and shall receive a permit.

(Amended 1-25-77 by Ord. 1044 N.S., re-enacted in Ord. 2205 N.S. adopted 4-11-84.)

AMENDED:

SEC. 31.0396 LICENSE TAX--CARDROOM TABLES

~~There shall be collected for each cardroom table licensed hereunder the sum of Forty Dollars (\$40.00) per table per month for the first two tables, One Hundred Dollars (\$100.00) per table per month for the third and fourth tables and Two Hundred Fifty Dollars (\$250.00) per table per month for the fifth, sixth and seventh tables, payable quarterly in advance.~~

SEC. 31.0396 LICENSE TAX--CARDROOMS

There shall be collected for each cardroom table licensed hereunder the sum of Twenty-Five Dollars (\$25.00) per year per table, plus Two Dollars (\$2.00) per employee per year for the average number employed during the preceding six (6) months, payable annually.



Passed and adopted by the Council of The City of San Diego on MAY 23 1983,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Barbara Burridge, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction <sup>as amended</sup> and the day of its final passage, to wit, on

MAY 9 1983, and on MAY 23 1983.

~~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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Burridge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15974 Adopted MAY 23 1983

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C St., Twelfth Floor  
San Diego, CA 92101  
  
B. Berridge

IN THE MATTER OF

NO.

ORDINANCE NO. O-15974

**ORDINANCE NO. O-15974  
(New Series)**

**AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 39, SECTIONS 33.3901 THROUGH 33.3920; BY REPEALING DIVISION 18, SECTIONS 33.1825 THROUGH 33.1825.14; AND BY AMENDING ARTICLE 1, DIVISION 3, SECTION 31.0398, RELATING TO THE REGULATION OF CARDROOMS.**  
This ordinance adds a division to the San Diego Municipal Code prohibiting new cardrooms in the City of San Diego except those with valid licenses on the effective date of the ordinance; prohibiting the transfer of ownership of existing cardrooms after two years from the effective date of this ordinance; and establishing a regulatory fee to recover the costs of investigation and enforcement of cardroom laws.  
The ordinance repeals the existing sections regulating cardrooms and reestablishes these regulations for the operation of cardrooms as part of Chapter III, Article 3, Division 39 of the San Diego Municipal Code.  
The ordinance further amends the section establishing the business license tax on cardrooms and fixes such tax at twenty-five dollars (\$25.00) per card table, plus two dollars (\$2.00) per employee per year.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of The City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced as amended MAY 9, 1983.  
Passed and adopted by the Council of The City of San Diego MAY 23, 1983.  
AUTHENTICATED BY:  
ROGER HEDGECOCK Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR City Clerk of The City of San Diego, California  
(SEAL)  
By BARBARA BERRIDGE Deputy  
Publish June 6, 1983

I, Carrie Gedeon, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-15974  
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:  
June 6, 1983

I certify under penalty of perjury that the foregoing is true and correct.  
Dated at San Diego, California this 6th day of June, 1983.

Carrie Gedeon  
(Signature)

6 3/4" x 8.87 =  
59.87

00564