

(O-85-142)

ORDINANCE NUMBER O- 16501 (NEW SERIES)

ADOPTED ON SEP 9 1985

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 41 REGULATING THE OPERATION OF CASINO
PARTIES

WHEREAS, the use of casino parties for fundraising has
increased rapidly; and

WHEREAS, violations of state gambling laws have been observed
during Police Department inspections of these casino parties; and

WHEREAS, it is the intent of the Council of The City of San
Diego to regulate the operation of casino parties to combat
illegal gambling and protect the public from fraudulent
charitable events; 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
Municipal Code be and the same is hereby amended by adding
Division 41 to read as follows:

DIVISION 41

CASINO PARTY

SEC. 33.4101 LICENSE REQUIRED

(a) It shall be unlawful for any person to conduct any
casino party in the City of San Diego unless such person is a
member of a nonprofit charitable organization, as defined in
this Division, acting on behalf of such nonprofit charitable

organization and such organization has been issued a license as provided by this Division.

(b) The operation of any casino party without a license or failure to operate in full compliance with all provisions of this Division shall be grounds for all casino equipment to be seized and held by the Police Department of the City of San Diego.

SEC. 33.4102 LICENSE NOT TRANSFERABLE

Each license issued hereunder shall be issued to a specific individual on behalf of a nonprofit charitable organization to conduct a casino party at a specific location and on one specific date and shall in no event be transferred from one person to another nor from one location or date to another.

SEC. 33.4103 DEFINITIONS

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

(a) CASINO PARTY shall mean any event at which the public is permitted or invited to play games of chance as are listed in section 330 of the California Penal Code and which are played for no consideration.

(b) NONPROFIT CHARITABLE ORGANIZATION shall mean any organization exempted from the payment of the Bank and Corporation tax by Section 23701(d), 23701(f) and Business Leagues and Chambers of Commerce which are exempted under 23701(e) of the Revenue and Taxation Code.

(c) CASINO MANAGER shall mean the individual who shall manage, supervise, and be responsible for the conduct of the event.

(d) DONATION shall mean a free contribution of any tangible item, goods, wares, merchandise, money, cash, consideration, services or any other thing of value.

(e) MINOR shall mean any person under the age of eighteen (18) years.

(f) VOLUNTEER shall mean a person who offers his services without wages, salary or reimbursement while having no legal concern or interest.

(g) CHIPS or SCRIP shall mean simulated paper currency or tokens having no face value.

(h) ADVERTISEMENT shall mean any printed material, flyers, signs, pamphlets, leaflets, handbills, verbal broadcasting, or any other method normally utilized to call something to the attention of the public.

(i) RAFFLE or LOTTERY shall mean any scheme for the disposal or distribution of property or merchandise by chance for no consideration.

SEC. 33.4104 APPLICATION

An application for a casino party shall be made to the Chief of Police on forms prescribed by the Chief of Police not less than thirty (30) days prior to the proposed date of the party. The application for a casino party shall contain at a minimum the following:

(a) A list of all volunteers who will operate the casino games or devices, including full names of each volunteer, date of birth, place of birth, physical description, home address and home telephone number. The Chief of Police may waive the thirty (30) day application requirement for volunteers upon a showing of good cause.

(b) Name and address of company or individual that will be furnishing casino equipment or devices.

(c) The date, hours of the day, and place of the proposed casino party.

(d) Casino Manager. Concurrently with the filing of an application for a casino party license each applicant shall file a statement specifying the name and address of two persons who shall manage, supervise and be responsible for the conduct of the casino party. The casino managers shall be present on the premises at all times during which a casino party is being conducted.

SEC. 33.4105 APPLICATION INVESTIGATION

Upon receipt of an application for a license the Chief of Police shall make an investigation of the applicant. The Chief of Police may send copies of such application to any office or department which the Chief of Police deems essential in order to conduct a proper investigation of the applicant.

The Chief of Police and every officer and/or City Department to which an application is referred may investigate the truth of any matters set forth in the

application, the character of the applicant, and may examine the premises to be used for the casino party to ensure that it complies with all health, fire and zoning regulations.

The Chief of Police shall issue the license unless he finds that the applicant has knowingly made any false, misleading, or fraudulent statement or omission of material fact in the application for the license or that the organization is not a nonprofit charitable organization, or that the applicant or any of its volunteers who will operate the casino party have been previously convicted of violating any of the provisions of this Division or any provisions of State law relating to unlawful gambling or of theft, or if the applicant has had a previous casino party license revoked or denied within five (5) years immediately preceding the date of the application, or that the applicant has conducted a casino party in the City of San Diego within the last six (6) months or that such organization has not been located and operating within the limits of the City of San Diego for a period of more than 180 days prior to the date of application.

SEC. 33.4106 DENIAL OR REVOCATION OF LICENSE

If the license is denied or revoked the Chief of Police shall prepare a notice setting forth the reasons for such denial or revocation. Such notice shall be sent by certified mail to the applicant's address provided in the application or be personally delivered. Any person who has had an application for a casino party license denied or revoked by

the Chief of Police may appeal the decision of the Chief of Police in the manner provided by this Article.

SEC. 33.4107 REGULATIONS

(a) Any police officer shall have free access to any casino party licensed under this Division. The licensee shall have the casino party license and a list of approved volunteers of the nonprofit charitable organization who will operate the casino party available for inspection at all times during the event.

(b) Each casino party shall be held at a fixed location easily accessible for inspection by the Chief of Police.

(c) No minors shall be allowed to participate in any casino party.

(d) No casino party shall be conducted between the hours of 2:00 a.m. and 6:00 a.m.

(e) All casino parties shall be opened to the public free of charge and no advance reservation shall be required for attendance.

(f) All chips or scrip must be dispensed free of charge. There can be no correlation between the amount of chips or scrip dispensed and the amount of money donated by a prospective participant.

(g) No cash or checks may be used or displayed at any gaming table or device.

(h) No chips or scrip may be redeemed for cash but may be exchanged for drawing tickets. All prizes or merchandise must be awarded by means of a raffle or similar lottery, and

no single prize shall exceed \$2,500 in fair market value and the total fair market value of prizes awarded at any one casino party shall not exceed \$5,000, and no cash prize shall be awarded.

(i) No organization shall operate a casino party in violation of any law.

(j) All advertisements relating to a casino party must indicate that no purchase nor donation is necessary to participate and the event is open to the general public.

(k) All cashiers, volunteers, supervisors, or persons assigned to operate any gaming tables, or persons who participate in the promotion of any games during the operation of the casino party must wear on his or her outside clothing, in plain view, at chest height, an identification insignia or badge specifying the full name and title of such person.

SEC. 33.4108 REVOCATION OF LICENSE

The Chief of Police may, in addition, to other penalties provided by law, immediately revoke a casino party license and cause the party to cease operation if he finds that the licensee or any agent or representative thereof is not operating in full compliance with all provisions of this Division.

SEC. 33.4109 PENALTIES

Any person violating any of the provisions or failing to comply with any of the requirements of this Division shall be guilty of a misdemeanor and upon conviction thereof, shall be

punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

SEC. 33.4110 SEVERABILITY

If any provision, clause, sentence or paragraph of this Division or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Division which can be given effect without the invalid provision or application, and to this end the provisions of this Division are hereby declared to be severable.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage.

APPROVED: John W. Witt, City Attorney

By


~~Grant Richard Teller~~
Deputy City Attorney

GRT:mem
7/31/85
Or.Dept:Police
O-85-142
Form=o.none

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input 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 Struikasma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7	<input 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 Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Vacant

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 Baxter*, 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

AUG 19 1985

SEP 9 1985

, and on

~~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 Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16501** Adopted SEP 9 1985

SEP 9 1985

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible	
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input 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 Struikama	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Roger 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 Baxter, Deputy.

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_____ and on _____

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CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16501 Adopted SEP 9 1985

CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
202 "C" STREET - 12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3 OF THE SAN
DIEGO MUNICIPAL CODE.



I, Martha Duran, 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 NUMBER O-16501 (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:

September 23, 1985

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 23rd day of Sept., 1985

Martha Duran
(Signature)

2x2x9.76 = 39.04

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