

(O-2000-29)

ORDINANCE NUMBER 18730 (NEW SERIES)

ADOPTED ON DEC 06 1999

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 39, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3906 AND 33.3911, AND ADDING SECTIONS 33.3921, 33.3922, AND 33.3923, RELATING TO CARD ROOM REGULATIONS.

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

Section 1. That Chapter III, Article 3, Division 39 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.3906 - 33.3920, and adding sections 33.3921, 33.3922, and 33.3923 to read as follows:

DIVISION 39

Cardrooms

SEC. 33.3901 through 33.3905 - NO CHANGE IN TEXT

SEC. 33.3906

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, or any of its officers, directors, holders of five percent or more of the corporations's stock, has within five 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) Section 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 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. In addition to any other restrictions provided by law, the City may not issue a work permit to anyone who is disqualified from holding a state cardroom license, for any of the reasons specified in Business and Professions Code section 19850. Any application for a work permit shall be subject to objection by the state Division of Gambling Control. If the Division objects to the issuance of a work permit, it shall be denied. Such denial may be reviewed in accordance with the Gambling and Control Act (Business and Professions Code sections 19801- 19958).

SEC. 33.3907 - 33.3910 NO CHANGE IN TEXT

SEC. 33.3911

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, Holdum, Omaha, and Seven Card Stud, each 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. In no case shall any establishment contain more than seven tables for the playing of cards. No more than twenty-one card tables shall be allowed to operate in the City at any time. This number is derived from the maximum number of card tables permitted at each cardroom, as provided in section 33.3911(c), multiplied by the maximum number of licensed cardrooms allowable under this division.
- (d) Not more than nine 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 2:00 a.m., and shall remain closed until 9:00 a.m. of every day.

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

SEC. 33.3912 through SEC. 33.3920 NO CHANGE IN TEXT.

SEC. 33.3921 Patron Security and Safety

Each licensee shall be responsible and liable for its patrons' safety and security in and around the cardroom. Before a license to operate is approved for renewal, each cardroom licensee shall implement a plan to provide for patron safety and security. The plan shall be subject to approval by the Chief of Police.

SEC. 33.3922 Location of Cardroom

It is unlawful for any cardroom to be located in a zone that has not been specifically approved for such a business. The location of cardrooms shall comply with the zoning provisions of this Code and the requirements of Business and Professions Code section 19852(a)(3).

SEC. 33.3923 Wagering Limits

Each cardroom licensee shall adopt rules for wagering limits in each card game. The rules shall be subject to approval by the Chief of Police. The rules shall be clearly posted at each card table.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By Carol A. Trujillo
Carol A. Trujillo
Deputy City Attorney

cat:jp
11/15/99
Or.Dept:PS&NS
Aud.Cert:
O-2000-29

STRIKEOUT ORDINANCE

**OLD LANGUAGE: STRUCK OUT
NEW LANGUAGE: UNDERLINED**

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Safety Code; (c) Section 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. In addition to any other restrictions provided by law, the City may not issue a work permit to anyone who is disqualified from holding a state cardroom license, for any of the reasons specified in Business and Professions Code section 19850. Any application for a work permit shall be subject to objection by the state Division of Gambling Control. If the Division objects to the issuance of a work permit, it shall be denied. Such denial may be reviewed in accordance with the Gambling and Control Act (Business and Professions Code sections 19801-19958).

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