

ORDINANCE NUMBER O- 19735 (NEW SERIES)

DATE OF FINAL PASSAGE APR 08 2008

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION 39 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3911 AND 33.3923, RELATING TO REGULATIONS INVOLVING THE OPERATION OF CARDROOMS.

WHEREAS, on May 23, 1983, the City of San Diego, acting through the City Council, adopted Ordinance O-15974, new series, regulating the existence and operation of cardrooms; and

WHEREAS, the purpose and intent of the City's Card Room Ordinance is to eliminate the deleterious effects cardrooms have on the safety, welfare, and morals of the City by enacting regulations and provisions governing the establishment, operation, management, and continued existence of cardrooms in the City of San Diego; and

WHEREAS, the City originally had three licensed cardrooms and twenty-one total allowable card tables; and

WHEREAS, regulation of cardrooms by local governments is authorized and governed by state law, specifically California Business and Professions Code sections 19960 through 19972, formerly Business and Professions Code sections 19950 through 19958; and

WHEREAS, state law permits the City of San Diego to issue gambling licenses to gambling establishments because prior to January 1, 1984, there was in effect an ordinance in the City of San Diego that expressly authorized the operation of one or more cardrooms; and

WHEREAS, state law mandates that any amendment to an ordinance authorizing cardrooms that would result in an expansion of gambling in a local jurisdiction shall not be valid if the amendment results in an increase of twenty-five percent or more in the number of gambling tables in the jurisdiction, number of licensed cardrooms in the jurisdiction, number of gambling tables that may be operated in a specific gambling establishment, (up to 25-percent or two tables, whichever is greater), hours of operation of a gambling establishment, and maximum amount permitted to be wagered in a game, as compared to that authorized on January 1, 1996; and

WHEREAS, the state law also requires each jurisdiction to have established wagering limits set by the local governing body; and

WHEREAS, Municipal Code section 39.3923 currently allows the individual cardrooms to set wagering limits as approved by the Police Chief; and

WHEREAS, per recent interpretations by the Attorney General and Bureau of Gambling Control this section is not in compliance with the intent of state law; and

WHEREAS, the Council desires to amend San Diego Municipal Code section 33.3923 as needed and required to bring its regulations into compliance with state law; and

WHEREAS, the Council also now desires to amend San Diego Municipal Code section 33.3911 to increase the number of tables for the playing of cards; and

WHEREAS, per the Business and Professions Code section 19961.1, the California Department of Justice, Bureau of Gambling Control has reviewed and approved these proposed ordinance changes; NOW, THEREFORE,

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

Section 1. That Chapter 3, Article 6, Division 39, of the San Diego Municipal Code is amended by amending sections 33.3911 and 39.3923 as follows:

§33.3911 Regulations

[No change in text.]

(a) – (b) [No change in text.]

(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 nine tables for the playing of cards. No more than eighteen 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)– (g) [No change in text.]

§33.3923 Wagering Limits

Cardrooms shall be permitted to have no limit wagering at each card game.

Wagering rules shall be clearly posted at each card table.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By *John C. Hemmerling* for
John C. Hemmerling
Deputy City Attorney

JCH:aml
11/23/07
02/19/08 REV
02/19/08 COR
Or.Dept:CA

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,
at its meeting of MAR 25 2008.

ELIZABETH S. MALAND, City Clerk

By *Elizabeth S. Maland*
Deputy City Clerk

Approved: 4-8-08
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRIKEOUT
NEW LANGUAGE: UNDERLINE

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§33.3911 Regulations

[No change in text.]

(a) – (b) [No change in text.]

(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~~ nine tables for the playing of cards. No more than ~~twenty one~~ eighteen 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)– (g) [No change in text.]

§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.~~

Cardrooms shall be permitted to have no limit wagering at each card game. Wagering rules shall be clearly posted at each card table.

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