

ORDINANCE NUMBER O- 20110 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 09 2011

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3,  
DIVISION 39 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 33.3911 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 Cardroom 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, notwithstanding those state law provisions that restrict expansion of gambling, Business and Professions Code section 19961.06 allows an increase of two tables per cardroom over the authorized amount in place on January 1, 2010; and

WHEREAS, San Diego Municipal Code section 33.3911, amended in April 2008, allowed nine tables per cardroom, for a total of eighteen; and

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

WHEREAS, pursuant to 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 3, Division 39 of the San Diego Municipal Code is amended by amending section 33.3911 to read as follows:

§ 33.3911 Regulations

[No change in text.]

(a) – (b) [No change in text.]

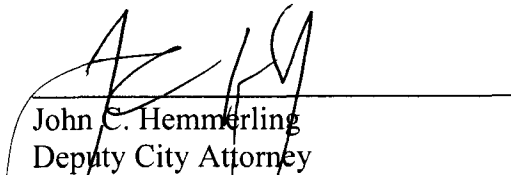
(c) No establishment licensed under this Division as a cardroom shall contain more tables for the playing of cards than the number for which the license fee has been paid. In no case shall any establishment contain more than eleven tables for the playing of cards. No more than twenty-two card tables 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)– (h) [No change in text.]

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

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
John C. Hemmerling  
Deputy City Attorney

JCH:jdf  
10/5/2011  
Or.Dept:Police

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ~~NOV 01 2011~~

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-9-11  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor