

CARD ROOMS

§ 113.30 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CARD ROOM. 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, the use of which is available to the public or any portion of the public; provided, however, the provisions of this section shall not apply to any bona fide nonprofit society, club, fraternal, labor, or other organization as defined in § 113.36 of this chapter.

('63 Code, § 6-5.01) (Ord. 2853, passed 12-6-60)

§ 113.31 CARD ROOM PERMITS.

(A) *Required.*

(1) It shall be unlawful for any person, for himself or for any other person, firm, or corporation, to engage in or carry on, maintain, or conduct, or cause to be engaged in, carried on, maintained, or conducted, any card room in the city without first securing a permit to do so from the city according to the provisions of this chapter or without complying with each and every regulation contained in this chapter pertaining to such card room. The Council shall issue no more than five card room permits. Each permittee and operator of a card room shall employ only those persons who have obtained a work permit pursuant to the provisions of § 113.32(A) of this chapter.

(2) Any provision of this code to the contrary notwithstanding, a card room permit shall not be issued, and any card room permit heretofore issued may be revoked in accordance with the provisions of division (F) of this section, if the applicant proposes to operate, or a permittee operates, a card room in conjunction with, or proposes to engage in or is engaged in, any other business activity on the same or adjacent premises, excepting only the operation of a cafe, billiard parlor, tobacconist, or public premises under a general on-sale liquor or general on-sale beer and wine license.

(3) Card rooms are allowed within the following described "card room" district: All that land lying within the city which is bounded on the north by Second Street, bounded on the south by Fourth Street, bounded on the west by "B" Street, and bounded on the east by "I" Street. Card rooms may be permitted by the City Council outside the card room district after a noticed public hearing. The hearing shall be noticed in manner specified for conditional use permits by the Zoning Regulations, Chapter 155 of this code. All card rooms must be located within a zoning district that allows card rooms as a principal permitted use.

('63 Code, § 6-5.02)

(B) *Issuance of business license.* The permit to carry on the business of a card room shall be obtained before any business license shall be issued pursuant to the provisions of Chapter 110.

('63 Code, § 6-5.03)

(C) *Application.*

(1) An applicant for a card room permit shall file his application with the Council. The application shall be signed and verified by the applicant, and accompanied by the fee required, and shall set forth the following information:

- (a) The name and address of the applicant;
- (b) The nature of the business for which the permit is requested;
- (c) The place where such business is to be conducted;
- (d) The name and address of the person by whom employed, if any;
- (e) A brief description of the nature and amount of equipment to be used in the business;
- (f) A personal description of the applicant;
- (g) Evidence of the identity of the applicant in such character as the Police Chief may require;
- (h) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which photographs shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (i) The true names and addresses of all persons financially interested in the business. "Persons financially interested" shall include all persons who share in the profits of the business on the basis of gross or net revenues;
- (j) The past criminal record, if any, of the applicant and of all persons financially interested in the business; and,
- (k) Fingerprints of the applicant and of persons financially interested in the business.

(2) If an application is made by an entity other than a natural person, the application shall be signed and verified by the president and secretary of such entity and shall disclose the identity of all stockholders of such entity as being persons

financially interested in the business.

('63 Code, § 6-5.04)

(D) *Investigation of applicant.* A copy of the application for a card room permit shall be furnished to the Chief of Police who shall, within a reasonable time thereafter, inspect, or cause to be inspected, the premises at which the card room is to be maintained. The Chief of Police shall also investigate or have investigated the moral character and reputation of the applicant. Upon the conclusion of his investigation, the Chief of Police shall furnish the City Manager with a written report of such inspection and investigation, stating his approval or disapproval for the issuance of such permit and the reasons therefor. Thereupon, the City Manager shall endorse the Chief of Police's report and add thereto any information or remarks considered pertinent and file the same with the City Clerk. The City Clerk shall thereupon place the application on the Council's agenda at the earliest practical date, notifying the applicant of the time at which the application shall be considered by the Council.

('63 Code, § 6-5.05)

(E) *Granting; grounds for denial.* An application for a card room permit may be denied by the Council as set forth in Bus. & Prof. Code § 19850A:

(1) The Council shall deny a license to any applicant who is disqualified for any of the following reasons:

(a) Failure of the applicant to clearly establish eligibility and qualification in accordance with this chapter.

(b) Failure of the applicant to provide information, documentation, and assurances required by this chapter or requested by the Chief of Police, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualifying criteria.

(c) Conviction of a felony, including a conviction by a federal court or a court in another state for a crime that would constitute a felony if committed in California.

(d) Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the ten year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to § 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided, however, that the granting of relief pursuant to § 1203.4, 1203.4a, or 1203.45 of the Penal Code shall not constitute a limitation on the discretion of the Council under § 19847A or affect the applicant's burden under § 19848A.

(e) Association of the applicant with criminal profiteering activity or organized crime, as defined by § 186.2 of the Penal Code.

(f) Contumacious defiance by the applicant of any legislative investigatory body, or other investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by § 186.2 of the Penal Code.

(g) The applicant is less than 21 years of age.

(2) This section shall become operative on the occurrence of one of the events specified in § 66 of the act that added this section to the Business and Professions Code.

(F) *Suspension and revocation.*

(1) *Initiating action.* The Chief of Police may recommend that any card room permit issued pursuant to this chapter be suspended or revoked. Such recommendation shall be filed with the City Manager, setting forth therein the reasons therefor, together with all supporting facts. The City Manager shall thereupon submit the same to the Council with his recommendations.

(2) *Council hearing and action on recommendation.* Upon the presentation of a recommendation for the revocation of a card room permit, the Council may order such permit suspended or revoked if the Council determines that the holder of such permit has been guilty of violating any of the provisions of this chapter or that, because of the manner in which such business has been operated, its continued operation will be injurious to the public health, safety, welfare, or morals of the residents of the city. Any of the grounds upon which the Council shall refuse to issue a permit shall also constitute grounds for such revocation or suspension. Before ordering such revocation or suspension, the Council shall cause written notice to be served upon the holder of the permit that such suspension or revocation has been recommended to the Council and that a hearing on such recommendation shall be held in the Council chambers in the City Hall at a time mentioned in such notice, not less than ten days after the date of such notice. At such hearing, the holder of such permit shall have an opportunity to be heard and present such evidence in opposition to such recommendation as he desires.

('63 Code, § 6-5.07)

(G) *Term.* Card room permits shall continue to be valid from the date of issuance unless suspended or revoked for any of the causes set forth in this chapter.

('63 Code, § 6-5.08)

(Ord. 2853, passed 12-6-60; Am. Ord. 199-C.S., passed 1-5-73; Am. Ord. 446-C.S., passed 7-16-86) Penalty, see § 10.99

§ 113.32 EMPLOYEE WORK PERMITS.

(A) *Employee work permits.* Card room employees shall obtain a work permit from the Chief of Police. **CARD ROOM EMPLOYEES** are hereby defined as any natural person employed in the operation of a card room, including, without limitation, dealers, floor personnel, security employees, countroom personnel, cage personnel, collection personnel, surveillance personnel, data-processing personnel, appropriate maintenance personnel, waiters and waitresses, and secretaries, or any other natural person whose employment duties require or authorize access to restricted card room areas. Applications for such work permits shall be submitted under oath and shall set forth complete information concerning the applicant with respect to those matters enumerated in § 113.31(C) of this chapter and such other information as the Chief of Police may desire.

('63 Code, § 6-5.09)

(B) *Granting; revocation.*

(1) The Chief of Police shall conduct an investigation of each applicant for a work permit and may refuse to issue a work permit and may suspend or revoke a work permit theretofore granted as defined in Cal. Bus. & Prof. Code § 19912A:

(a) Committed, attempted, or conspired to do any acts prohibited by this chapter.

(b) Engaged in any dishonest, fraudulent, or unfairly deceptive activities in connection with controlled gambling, or knowingly possessed or permitted to remain in or upon any premises any card, dice, mechanical devices, or any other cheating device.

(c) Concealed or refused to disclose any material fact in any investigation by the division.

(d) Committed, attempted, or conspired to commit, any embezzlement or larceny against a gambling licensee or upon the premises of a gambling establishment.

(e) Been convicted in any jurisdiction of any offense involving or relating to gambling.

(f) Accepted employment without prior Council approval in a position for which he could be required to be licensed under this chapter after having been denied a license or after failing to apply for licensing when requested to do so by the Council.

(g) Been refused the issuance of any license, permit, or approval to engage in or be involved with gambling or parimutuel wagering in any jurisdiction, or had the license, permit, or approval revoked or suspended.

(h) Been prohibited under color of governmental authority from being present upon the premises of any licensed gambling establishment or any establishment where parimutuel wagering is conducted, for any reason relating to improper gambling activities or any illegal act.

(i) Been convicted of any felony.

(2) The Council shall revoke a work permit if it finds, after hearing, that the holder thereof would be disqualified from holding a state gambling license for the reasons specified in paragraph (6) or (7) of Cal. Bus. & Prof. Code § 19850A.

(3) Nothing in this section shall be construed to limit any powers of the commission with respect to licensing.

(4) This section shall become operative on the occurrence of one of the events specified in § 66 of the act that added this section to the Business and Professions Code.

(5) All applicants for employment work permits are subject to review by the Department of Justice of Gaming Control. The Department of Justice Division of Gaming Control, upon review, may object to the of a work permit on any number of state grounds. Any Department of Justice Division of Gaming Control objections to issuance of a work permit will result in the denial or revocation of the permit by the city.

(6) Notice of such appeal shall be filed with the City Clerk within five days after the denial, suspension, or revocation of the work permit. Upon failure to file such notice within the five-day period, the action of the Chief of Police in denying, suspending, or revoking such work permit shall be final and conclusive.

('63 Code, § 6-5.10)

(C) *Posting.* Employee work permits shall be posted in a conspicuous place on the premises where the person issued such work permit is employed and shall remain so posted during the period such person is so employed on the premises. If the person issued such work permit changes his employment to employment by a different card room permittee, he shall, within 24 hours thereafter, notify the Chief of Police for the purpose of having his employee work permit changed so as to properly designate the name of his new employer. A fee of \$1 shall be paid for such changed permit.

('63 Code, § 6-5.11)

(D) *Term.* Employee work permits shall continue to be valid from the date of issuance unless suspended or revoked for any of the causes set forth in division (B) of this section.

('63 Code, § 6-5.12)

(Ord. 2853, passed 12-6-60; Am. Ord. 637-C.S., passed 11-21-00; Am. Ord. 718-C.S., passed 12-20-07) Penalty, see §

§ 113.33 PERMITS NOT TRANSFERABLE.

No permit issued pursuant to the provisions of this chapter shall be assignable or transferable.

('63 Code, § 6-5.13) (Ord. 2853, passed 12-6-60)

§ 113.34 PERMIT FEES.

(A) The fee required with the submission of an application for a permit shall be as follows:

- (1) For a card room permit, the sum of \$50; and,
- (2) For an employee work permit, the sum of \$25.

(B) The required application fee shall not be returned in the event the permit applied for is refused, revoked, or suspended.

('63 Code, § 6-5.14) (Ord. 2853, passed 12-6-60)

§ 113.35 CARD ROOM REGULATIONS.

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

(A) The operator and his employees shall not extend credit to a player nor shall "I.O.U.'s" be accepted. With verifiable identification, checks, credit cards and debit cards may be accepted in the card room, however it shall be unlawful to accept those checks prohibited under the California Gambling Control Act as it may be amended.

(B) Card rooms shall be located on the ground level floor and shall be so constructed and maintained that a clear and unobstructed view of the interior thereof may at all times be had from at least one entrance to such room and from at least one point outside the building in which the card room is located. No wall, partition, screen, or similar structure shall be permitted if it interferes with such unobstructed view of the interior of the card room.

(C) No minor shall be permitted at any card table or be allowed to participate in any game thereat or remain in a card room.

(D) Hours of operation shall be limited to no more than 159 hours per week, to be specified in the card room operator's permit application and posted on the premises. The card room operator is required to provide on-site private security personnel, unless the operator can demonstrate to the satisfaction of the Police Department that the card room has a security/surveillance system in place. The operator shall comply with all regulations of the Alcohol Beverage Control as they relate to the operator.

(E) All card rooms shall be open to police inspection during all hours of operation.

(F) Only table stakes shall be permitted.

(G) This chapter does not impose a wagering limit at card rooms or limit the amount of wagers on games at card rooms pursuant to Cal. Bus.& Prof. Code § 19860.

(H) Every two card tables, while any games subject to this chapter are played thereat, shall have assigned to them a person holding a valid card room work permit, whose duty it shall be to supervise the games strictly in accordance with the provisions of this chapter and the provisions of the California Penal Code. The card room permittee may act as table supervisor without having a work permit.

(I) Not more than eight tables shall be permitted in one card room.

(J) There shall be conspicuously posted in every card room in letters plainly visible from all parts thereof, a sign bearing the title "Card Room Operating Regulations," which sign shall contain such information relating to the regulations contained in this chapter as the Chief of Police may require.

(K) No person who is in a state of intoxication shall be permitted in any card room.

(L) (1) No charge shall be made and no revenue shall be collected on account of the use of the card room facilities except on the basis of a uniform charge per player per hour, or fraction thereof, or on a predetermined fixed fee per hand assessed of all players at the table and collected prior to the playing of the hand. This fee shall not be tied to the amount of money bet, funds in play, winnings collected, or size of the pot.

(2) A schedule of such rates shall be conspicuously posted in the card room.

(M) Prior to dealing a new deck of cards, the dealer shall scramble the cards face-up.

(N) No person or entity owning, operating, or controlling a card room shall allow, suffer, or cause disorderly conduct or breach of the peace in or around the premises at which a card room is operated. Each card room and each owner, manager, and operator of a card room shall be responsible and liable for the security and safety of its patrons in and around the premises in which the card room is operating. Before it shall be allowed to operate, each card room and each owner, manager and operator of a card room shall adopt a plan to provide for the safety and security of patrons. Such plan shall be

submitted to the Chief of Police for review and approval prior to the operation of each card room. Each card room, and each owner, manager and operator of a card room shall conspicuously post inside the premises in which a card room is operating the approved patron security and safety plan, in order to give law enforcement officials and patrons adequate notice of such plan.

('63 Code, § 6-5.15) (Ord. 2853, passed 12-6-60; Am. Ord. 13-C.S., passed 3-17-64; Am. Ord. 298-C.S., passed 10-17-78; Am. Ord. 547-C.S., passed 7-7-92; Am. Ord. 634-C.S., passed 11-10-99; Am. Ord. 647-C.S., passed 9-4-01; Am. Ord. 718-C.S., passed 12-20-07; Am. Ord. 735-C.S., passed 1-6-09; Am. Ord. 740-C.S., passed 4-7-09) Penalty, see § 10.99

§ 113.36 CLUBS EXCLUDED.

The provisions of this chapter shall not apply to a nonprofit society, club, fraternal, labor, or other organization having adopted by-laws and duly elected directors and members when it appears that the tables are for the exclusive use of members of the society, club, fraternal, labor, or other organization and no charge is made for any of the facilities.

('63 Code, § 6-5.16) (Ord. 2853, passed 12-6-60)

§ 113.37 STATE LAW VIOLATIONS.

The Council hereby declares that it is not the intention of this chapter to permit the licensing of any card room for the playing of any game prohibited by the laws of the state, including but not limited to those games enumerated in Cal. Penal Code § 330, which section includes banking and percentage games.

('63 Code, § 6-5.17) (Ord. 2853, passed 12-6-60)