

ORDINANCE NO. 99-17

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF AMERICAN CANYON REGULATING CARDROOMS
WITHIN THE CITY**

The City Council of the City of American Canyon does hereby ordain as follows:

Section 1. A new Chapter regarding the regulation of cardrooms within the City of American Canyon ("City") be added as Chapter 5.12 to the American Canyon Municipal Code to read as follows:

**CHAPTER 5.12
CARDROOMS**

Sec. 5.12.010	Concurrent regulation with the state.
Sec. 5.12.020	Cardroom permit required.
Sec. 5.12.030	Cardroom permit--original application--renewal.
Sec. 5.12.040	Cardroom permit--conditions of denial--appeal.
Sec. 5.12.050	Cardroom permit--fee.
Sec. 5.12.060	Cardroom permit--display.
Sec. 5.12.070	Cardroom permit--restrictions and nonassignability.
Sec. 5.12.080	Cardroom work permit--application and denial.
Sec. 5.12.090	Permit revocation or suspension.
Sec. 5.12.100	Hours of operation.
Sec. 5.12.110	Playing fees--posting required.
Sec. 5.12.120	Number of card tables permitted in each cardroom.
Sec. 5.12.130	Number of card tables permitted within the city.
Sec. 5.12.140	Wagering limits.
Sec. 5.12.150	Operating restrictions.
Sec. 5.12.160	Location of cardroom establishments.
Sec. 5.12.170	Patron security and safety in and around a cardroom establishment.
Sec. 5.12.180	Minors prohibited.
Sec. 5.12.190	Loitering prohibited.
Sec. 5.12.200	Persons under the influence of alcohol, narcotics, or drugs prohibited.
Sec. 5.12.210	New cardrooms prohibited.
Sec. 5.12.220	Violations and penalties.

Section 5.12.010 Concurrent regulation with the state.

It is the stated intent of this Ordinance to regulate cardrooms and tables within the City, concurrently with the State of California, to the extent authorized by and as required by, Business and Professions Code section 19800, (popularly referred to as the Gambling

Control Act and, together with the regulations of the State of California Department of Justice Division of Gambling Control promulgated thereunder, hereinafter collectively referred to in this chapter as the "Act").

Section 5.12.020 Cardroom permit required.

It is unlawful for the operator, or any person having charge, control, or management of any establishment, social club, or place of business open to the public, or to which an admission fee is charged, to conduct, operate, or participate in any card game, or to permit or suffer upon or in such premises the conduct or operation of any card game regulated by the Act, or participation therein by others, unless such operator or other person having charge, control, or management of such establishment, club or place of business shall have first obtained from the City, a cardroom permit to conduct such card game.

Section 5.12.030 Cardroom permit--original application--renewal.

- A. An application for a cardroom permit, or for the renewal of a cardroom permit, shall submit an application to the Chief of Police of the City ("Chief"), which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business and the plan for patron security, and safety required by section 5.12.170. The term "persons financially interested" means and shall include all persons who share in the profits of the business, on the basis of gross or net revenue. The past criminal record, if any, of the applicant and of all persons financially interested in the business shall be shown on the application. The application shall also be accompanied by fingerprints and recent photographs of the applicant and of all persons financially interested in the business, and an amount equal to any fingerprint processing fee required by the City.
- B. An application for renewal of a cardroom permit need not be accompanied by fingerprints or a recent photo or such fee if the application for renewal contains no additional names to the original cardroom permit application.
- C. An application for renewal of a cardroom permit shall be completed and filed within thirty (30) days prior to expiration of the existing permit. If an application for renewal is not filed, or the application fee is not paid within the thirty (30) day time limit, the cardroom permit shall expire one (1) year after the date of its issuance or last renewal.
- D. A cardroom permit may be issued only to citizens or legal residents of the United States.

Section 5.12.040 Cardroom permit--conditions of denial--appeal.

- A. The Chief shall deny an original or renewal of a cardroom permit application to any applicant who is disqualified for any of the following reasons:
1. Failure of the applicant to clearly establish eligibility and qualification in accordance with this chapter.
 2. Failure of the applicant to provide the information, documentation, and assurances required by this chapter or requested by the Chief, or failure of the applicant to reveal any fact material to qualifications, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria.
 3. Conviction of the applicant of any 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.
 4. Conviction of the applicant of any misdemeanor involving dishonesty or moral turpitude within the ten (10) year period immediately preceding the submission of the application.
 5. Association of the applicant with criminal profiteering activity or organized crime, as defined by Penal Code section 186.2.
 6. Contumacious defiance by the applicant of any legislative investigatory body, or other official 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 Penal Code section 186.2.
 7. The applicant is less than twenty-one (21) years of age.
- B. The action of the Chief denying a cardroom permit on the basis of this section shall be subject to appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after notice of denial of the permit. Upon failure to file notice of appeal within the ten (10) day period, the action of the Chief denying the permit shall be final and conclusive.

Section 5.12.050 Cardroom permit--fee.

Every person conducting, carrying on, or managing a cardroom, or permitting the conduct or operation of any card game in premises open to the public, or to which an

admission fee is charged, as provided in section 5.12.020 of this chapter, whether separately or in conjunction with any other business, shall pay to the City the sum of five hundred dollars (\$500.00) annually, payable in advance, plus an additional permit fee of two hundred dollars (\$200.00) annually, payable in advance, for each table in such cardroom or cardrooms. The City Council may change such fees by resolution adopted from time to time.

Section 5.12.060 Cardroom permit--display.

Cardroom permits shall be prominently displayed in the cardroom area.

Section 5.12.070 Cardroom permit--restrictions and nonassignability.

- A. No person shall be granted a permit to operate more than one (1) cardroom.
- B. No cardroom permit shall be sold, transferred or assigned by the permittee or by operation of law. Any sale, transfer, or assignment, or attempt to sell, transfer, or assign the permit shall be deemed to constitute a voluntary surrender of the permit, which shall thereafter be deemed terminated and void. This section does not restrict the right of any cardroom owner to sell, transfer, or assign ownership interest in the cardroom itself. Anytime a cardroom changes ownership the new owner must apply and qualify for a cardroom permit as provided by this chapter.
- C. The City Council may, by resolution, in the best interest of the public welfare, limit the number of cardroom permits issued within the City.

Section 5.12.080 Cardroom work permit--application and denial.

- A. Cardroom employees must obtain a cardroom work permit from the Chief. For the purpose of this chapter, "cardroom employees" are defined, to include dealers, overseers and others directly connected with the operation and supervision of card tables, and excludes waiters, waitresses, bartenders, culinary workers and others not connected with such operation and supervision. Applications for cardroom work permits shall be submitted under oath and contain the past criminal record, if any, of the applicant, and such information as may be deemed necessary by the Chief to determine whether the applicant is a proper person to be issued a cardroom work permit. The application also shall be accompanied by fingerprints, a recent photograph of the applicant and an amount equal to any fingerprint processing fee required by the City.
- B. A cardroom work permit shall not be issued to any person who would be disqualified from holding a state gambling license for the reasons specified in

paragraphs (1) through (7), inclusive of subdivision (a) of section 19850A of the Act, or regarding whom the Division of Gambling Control of the State of California has filed an objection with the City.

- C. The Chief may deny issuance of a cardroom work permit for any further cause deemed reasonable by the Chief. The action of the Chief denying a cardroom work permit on the basis of this section shall be subject to appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after notice of denial of the permit. Upon failure to file notice of appeal within the ten (10) day period, the action of the Chief denying the permit shall be final and conclusive.
- D. Cardroom work permits shall be prominently displayed in the cardrooms when the holder of the permit is working.
- E. Each application for a cardroom work permit shall be accompanied by a fee of two hundred dollars (\$200.00). The fee shall not be returned in the event that the permit is refused, revoked, or suspended, as provided in this chapter. The permit shall be valid for one (1) year from the date of issue; however, it may be prorated quarterly. The date of expiration shall be prominently displayed on the face of the permit.
- F. The holder of a cardroom work permit shall not be restricted as to place of employment.

Section 5.12.090 Permit revocation or suspension.

The Chief may revoke or suspend, and take possession of any cardroom permit or cardroom work permit issued under this chapter, upon any violation of the provisions of this chapter. The action of the Chief shall be subject to appeal to the City Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after notice of revocation or suspension action. Upon failure to file notice of appeal within the ten (10) day period, the revocation or suspension of the permit shall be final and conclusive.

Section 5.12.100 Hours of Operation.

Before any cardroom shall be allowed to operate, each cardroom, and each owner, manager and operator of a cardroom, shall adopt a schedule of hours of operation, which such schedule shall first be approved by the Police Chief. Each cardroom shall conspicuously post schedules of its hours of operations at all entrances and exits of the premises in which the cardroom is operating in order to give law enforcement officials and patrons adequate notice of the hours during which the cardroom will be open for business. Cardrooms which comply with all requirements of this chapter shall be authorized to operate 24 hours each day.

Section 5.12.110 Playing fees--posting required.

Each establishment having a cardroom open to the public shall prominently post signs, in English and Spanish languages, stating the fees charged for playing cards in such cardrooms.

Section 5.12.120 Number of card tables permitted in each cardroom.

The total number of card tables allowed in each establishment issued a cardroom permit shall not exceed twelve (12).

Section 5.12.130 Number of card tables permitted within the City.

The total number of card tables permitted within the City shall not exceed twelve (12).

Section 5.12.140 Wagering limits.

Each cardroom and each owner, manager and operator of a cardroom, shall adopt and enforce wagering limits for each controlled game. Each cardroom and each owner, manager and operator of a cardroom shall submit such rules to the Police Chief for approval prior to operation of each cardroom. Such rules for wagering limits shall be conspicuously posted at or near each card table in order to give patrons adequate notice of the applicable wagering limits.

Section 5.12.150 Operation restrictions.

- A. No tables other than a table for which a permit has been issued shall be kept or maintained in the same room in which there is a kept or maintained or operated a card game or a card table permitted under the provisions of this chapter.
- B. No premises shall be licensed for a card game or card table without approval, both as to location and the number of tables for the location, by both the City Building Department and the subsidiary Fire Protection District of the City.
- C. A card game or card table permit does not authorize the permittee to engage in any other business, and in the event that the permittee conducts another business or businesses, the permittee must secure any additional City licenses or permits otherwise required for such other business or businesses.

Section 5.12.160 Location of cardroom establishments.

- A. A cardroom permit is valid only for the location provided for in the permit.

- B. In the interest of promoting the public peace, safety and general welfare, as may be authorized by applicable law, any new cardrooms shall be prohibited in any of the following locations:
1. On a parcel with any type of residential zoning.
 2. Within one thousand (1,000) feet of the following areas:
 - a. public or private pre-school or K-12 school;
 - b. A licensed hospital, medical clinic, alcohol or other drug abuse recovery or treatment center, or community care residential facility providing mental and/or social rehabilitation services;
 - c. A public park or playground;
 - d. A public library;
 - e. A church.
 3. Licensed cardrooms existing within the City of American Canyon as of the date of this ordinance are exempt from subparagraphs B and C.
- C. The footage distance shall be measured from the closest point on the exterior property lines of the cardroom establishment to the closest point on the exterior property lines of the other property.

Section 5.12.170 Patron security and safety in and around a cardroom establishment.

- A. Each applicant for a cardroom permit, at the time of application, and each holder of a cardroom permit annually thereafter, at the time of permit renewal, shall present a plan for security and safety of patrons of the cardroom in and around the cardroom establishment. The plan shall set forth such provisions as are necessary to ensure the safety and security of patrons, including measures taken or instituted to avoid follow home robberies. The holder of a cardroom permit shall be liable for the safety and security of patrons to the fullest extent under the law. Any effort on the part of a cardroom permittee to limit such liability shall be clearly posted in such a manner as to give adequate notice to patrons. The plan shall include a detailed summary of all known incidents involving or affecting patron security and safety in and around the cardroom establishment for the preceding year.

- B. The Chief may require, in his or her discretion, all cardroom permittees to implement reasonable security measures to insure the safety of patrons including, but not limited to, hiring private uniformed security guards. If security guards are required, the Chief shall determine the number and hours of coverage.
- C. During all hours of operation, doors to the cardroom establishment shall be unlocked and accessible to the general public and open to police inspection. Cardrooms shall be located and so arranged that card tables and the players at the tables are plainly visible from the door opening of the cardroom when the door is opened. No wall, partition, screen, or similar structure between the front door opening and any card table located in the cardroom shall be permitted if it interferes with such visibility.

Section 5.12.180 Minors prohibited.

No persons under the age of twenty-one (21) shall be permitted in or about any cardroom establishment.

Section 5.12.190 Loitering prohibited.

No cardroom owner, operator, or employee shall permit any person to loiter within the cardroom while card games are in progress.

Section 5.12.200 Persons under the influence of alcohol, narcotics, or drugs prohibited.

No cardroom owner, operator, or employee shall permit any person to enter or remain on the premises of a cardroom, or to play any card game while such person is under the influence of any intoxicating beverage, narcotic, or drug.

Section 5.12.210 New cardrooms prohibited.

- A. The issuance of any new cardroom permits, or the commencement or operation of any new cardrooms or card games is prohibited.
- B. The cardrooms presently operating within the City are specifically exempt from this prohibition as long as the required permits are obtained and annually renewed.

Section 5.12.220 Violations and Penalties.

Any person guilty of violating any of the provisions of this chapter, or performing any act declared by this chapter to be unlawful shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and/or imprisonment, in accordance with the general penalty provision then in effect in the City.

Section 2. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

Section 3. Severability. This chapter shall be liberally construed to achieve its purposes and preserve its validity. If any provision or clause of this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application. To this end, the provisions of this chapter are declared to be severable and are intended to have independent validity.

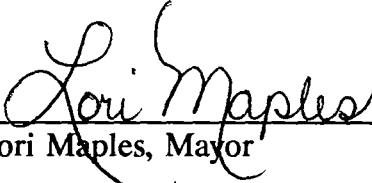
The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 18th day of November, 1999 and was passed and adopted after a second reading at a regular meeting of the City Council of the City of American Canyon, State of California held on the 18th day of November, 1999 by the following vote:

AYES: Maples, Colcleaser, Canziani, Shaver

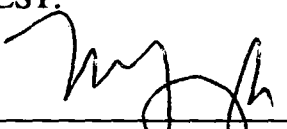
NOES: None

ABSTAIN: None

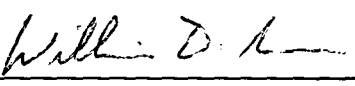
ABSENT: Andersn



Lori Maples, Mayor

ATTEST:


Mark Joseph, City Clerk

APPROVED AS TO FORM:


William D. Ross, City Attorney