

Chapter 5.16

CARD ROOM REGULATIONS

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- 5.16.010** Definitions.
- A. “Applicant” shall mean every Person who applies for a license to operate a card room and every Person who requests a permit as provided for by this Chapter.
- B. “Application Fee” shall mean the fee to be remitted concurrently with any application filed in accordance with this Chapter. Four (4) specific

Application Fees are provided for under this Chapter: Card Room License Application Fee, Owner Permit Application Fee, Key Management Employee Permit Application Fee and Work Permit Application Fee.

C. “Building Owner” shall mean the Person or Persons who own[s] the building in which the Card Room is operated and who may, among other things, lease the building to the Card Room and who may also operate or conduct ancillary services such as food and beverages sales, retail sales, entertainment activities and personal services

D. “Card Room” shall mean any space, room or enclosure, furnished or equipped with a table used or intended to be used as a card table for playing of cards and similar games and the use of which is available to the public, or any portion of the public; provided that this Section shall not apply to a bona fide nonprofit organization as defined in this Chapter, where the use of the Card Room tables are for the exclusive use of its members, no charges are made for the use of the facilities, and the operation of the Card Room is incidental to the main purpose of the nonprofit organization.

E. “Card Room Employees” shall mean dealers, overseers, and others directly connected with the operation and supervision of the card tables, excluding waitresses, bartenders, culinary workers, and others not connected with such operation and supervision.

F. “Chief of Police” shall mean the Chief of Police for the Ripon Police Department.

G. “Key Management Employee” shall mean every individual, whether or not such individual is a named officer or director of the Licensee, with the power to direct operations, or direct supervisory and general employees of a Card Room, any individual with the actual or apparent authority to direct the counting of revenue generated by the Card Room, including any person responsible for managing any aspect of the gaming activities conducted at the Card Room, including a “manager” as defined in the California Rules and Regulations adopted pursuant to the Gaming Registration Act, whether or not employed by the Licensee, and every individual, whether or not such individual is a named officer or

director of the Building Owner, with the power to direct operations, or direct supervisory and general employees of the Building Owner. The term “Key Management Employee” includes, without limitation, those individuals who fill such positions as shall be designated by the Chief of Police as Key Management Employees.

H. “License” or “Card Room License” shall mean a grant from the Chief of Police authorizing a Person to operate a Card Room in the City of Ripon.

I. “Licensee” shall mean the Person to whom a Card Room License has been issued pursuant to this Chapter.

J. “Moral Turpitude” shall mean an act of baseness, vileness, or depravity in the private and social duties which a person owes to fellow persons, or to society in general, contrary to the accepted and customary rule of right and duty between person and person, including conduct contrary to justice, honesty, modesty, or good morals.

K. “Nonprofit Organization” shall mean a nonprofit society, club, fraternal, labor or other organization which has adopted bylaws and duly elected directors and members, and has received a certificate from the California Franchise Tax Board and the United States Internal Revenue Service recognizing its tax exempt status.

L. “Permit” shall mean a grant of permission from the Chief of Police authorizing a Person to become an Owner, Key Management Employee or other employee of a Card Room Licensee within the City. Three (3) types of permits are provided for under this Chapter: Owner Permits, Key Management Employee Permits and Work Permits.

M. “Person” shall mean and include any individual, partnership, corporation or combination thereof.

N. “Owner” shall mean any Person having an interest, legal or equitable, in a Card Room License, or in the ownership of a Card room, or in the division of profits or Financial Revenue of a Card Room, whether directly or indirectly, through a partnership, joint venture, closely held corporation or non-publicly traded corporation, publicly traded

corporation, or an owners or someone or entity that controls at least five (5) percent of stock of the corporation. (Ord. 722 §1, 2005)

5.16.020 License Required.

It shall be unlawful for any person, for himself or herself, or for any other person, firm or corporation, to engage in or carry on, or to maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any Card Room in the City, without first having secured a Card Room License from the City to do so, according to each and every requirement of this Chapter, or without complying with each and every regulation contained herein pertaining to such Card Room. (Ord. 722 §1, 2005)

5.16.030 License is Additional to Other Licenses and Permits.

The Licenses and Permits required by this Chapter shall be in addition to any and all other licenses or permits required by law from any and all other agencies having jurisdiction. Any License or Permit issued by the City shall be contingent upon receipt and retention of any and all other licenses or permits required by law from any and all other agencies having jurisdiction. (Ord. 722 §1, 2005)

5.16.040 Application for Card Room License.

A. An Applicant for a Card Room License shall submit an application to the Chief of Police, which application shall be under oath and shall include, among other things, the true names and addresses of the Applicant, all Owners, Key Management Employees, and Building Owners associated with the Card Room. The past criminal record for the United States, and each and every State, without limitation, if any, of the Applicant, all Owners, Key Management Employees, and Building Owners associated with the Card Room shall be shown on the application. If the Applicant is an individual, the application shall include the residence and business address and personal history record of such Applicant, specifically including any criminal arrest and conviction record, and business and employment history for a period of ten (10)

years before the date of the application. If the Applicant is other than an individual, the application shall include the name, residence and business address, and personal history record of each of the officers, directors, copartners or stockholders who qualify as Owners, specifically including any criminal arrest and conviction record, and business and employment history for a period of ten (10) years prior to the date of application.

B. Concurrently with the filing of the application, the City shall obtain the fingerprints and photographs of the Applicant and all Building Owners associated with the Card Room. The cost of fingerprinting and the photographs shall be included in the Application Fee set forth herein.

C. The Applicant must provide a statement to the Chief of Police to the effect that the applicant understands and agrees that any business or activity conducted or operated under any License issued under such application shall be in full conformity with all the laws of the State of California and the laws and regulations of the City applicable thereto, and that any violation of any such laws or regulations in the Card Room, or in connection therewith, shall render any License therefore subject to immediate suspension or revocation.

D. The Applicant shall submit a physical security plan and security personnel deployment plan for review and approval by the Police Department. The Chief of Police shall determine if the Licensee shall have the security personnel regularly patrol the parking areas. Patrons shall not be allowed to sleep in vehicles parked in the lots controlled by the Licensee. The Applicant's permit shall be subject to suspension and/or revocation for non-compliance with approved plans. The Licensee shall be liable for the security and safety of the patrons.

E. The application should include copies of the Gaming Registration Application previously submitted to the State of California on all qualified persons, unless waived by the Chief of Police. In the event the application for Gaming Registration has not been previously submitted to the State of

California and the Chief of Police has determined to issue a License to the Applicant conditioned upon issuance of the Gaming Registration Certificate by the State of California, the Applicant shall submit a copy of said Registration for Application to the Chief of Police within fifteen (15) days of the granting of the conditional license. Failure to submit the copy of the Gaming Registration Application to the Chief of Police within the specified time frame shall constitute a failure of the License condition and said License shall be deemed to be denied.

F. Any Applicant hereunder is seeking the granting of a privilege. Therefore, the burden of proving qualifications to receive such a Permit or License is at all times on the Applicant. An Applicant must accept all risks of adverse public notice, publicity, embarrassment, criticism, financial loss, or all other actions and consequences which may result from activities with respect to reviewing, processing, approving or disapproving any application. A waiver of any claims for damages against the City or its agent resulting therefrom shall be presumed upon the filing of an application.

G. The Applicant shall pay to the City at the time the application is submitted to the Chief of Police, an Application Fee, which is hereby established at \$500.00. The Application Fee shall be remitted concurrently with the application. The Application Fee may be increased by subsequent resolution of the City Council, which increase shall not require amendment of this Chapter. The Application Fee is exclusive of any other fees charged by other agencies.

H. The Chief of Police shall investigate the Applicant and all Owners, Key Management Employees, and Building Owners associated with the Card Room. The Chief of Police shall have sole discretion to determine whether the information submitted fulfills the requirements set forth on the application form and in this Section.

I. City elected and appointed officials and employees of the City whose job functions involve some element of Card Room regulation or taxation embodied herein and members of their immediate

families (spouse and/or significant cohabitant and children, brothers, sisters and parents who are residing with and/or are dependents of such official or employee) shall not be eligible to apply for Card Room Licenses or Permits hereunder or otherwise apply for registration as a Card Room employee. (Ord. 722 §1, 2005)

5.16.050 Residency Restrictions for Licensees.

A License shall be issued only to Persons who have resided within the County for at least two (2) years preceding the issuance of such License. (Ord. 722 §1, 2005)

5.16.060 Limitation on Number of Licenses and Transferability.

At no time shall there be more additional Card Room License(s) in the City that would result in exceeding the limitation of Card Rooms and/or playing tables established herein. The location of additional Card Room(s) shall be established through the land use approval process. This Section shall not be interpreted to authorize any form of physical or use expansion of the preexisting Card Rooms without conformance with the planning and licensing approval process. There shall be no more than two (2) Card Rooms in the City at any one time, and no more than five (5) card playing tables in any one Card Room. The number of tables for a particular Applicant shall be determined during the land use and licensing approval process. Licensees shall obtain approval from the Chief of Police prior to expanding (for any reason, including special tournaments, etc.) the number of tables allowed by their initial and/or current license. Under no circumstances shall the number of tables in any one card room exceed five (5) card tables. The physical location of any Card Room licensed to operate within the City shall be in conformance with the requirements of the Planning and Zone Code in Chapter 16 of the Ripon Municipal Code. Any and all Card Rooms operated by a Nonprofit

Organization pursuant to this Chapter are not to be considered in calculating the number of Card Rooms in the City. (Ord. 722 §1, 2005)

5.16.070 Amendment of Card Room License.

A. The terms and conditions or other requirements imposed in the Card Room License may be changed by filing an application with the Chief of Police stating the specific terms and conditions that the Licensee desires to change and the reasons therefor. Any application under this Section shall be accompanied by an application fee as established by resolution of the City Council. The Chief of Police shall investigate the application and deny, approve or approve subject to additional terms and conditions the amendment.

B. The Chief of Police may approve the application (whether or not subject to conditions) only if it determines that:

- (1) The proposed amendment will not result in the substantial aggravation of crime or make law enforcement unduly difficult;
- (2) The proposed amendment is not detrimental to the public health, safety or welfare;
- (3) The proposed amendment would not result in the violation of any applicable zoning, fire, building, security regulation or other ordinance; and
- (4) The proposed amendment would be consistent with the purposes and provisions of this Chapter and is not contrary to the public interest. (Ord. 722 §1, 2005)

5.16.080 Permit Required for Owners and Key Management Employees.

All Persons who will serve as an Owner of a Card Room or a Key Management Employee of a Card Room Licensee within the City must obtain a Owner Permit or a Key Management Employee Permit from the Chief of Police. (Ord. 722 §1, 2005)

5.16.090 Application for Owner Permit and Key Management Employee Permit.

A. All Persons intending to serve as an Owner of a Card Room or a Key Management Employee of

a Card Room Licensee shall submit an application for a Permit to the Chief of Police. The application shall be under oath and shall include, among other things, the following information:

- (1) The full name of the applicant and any other names by which the Person has ever been known in the past;
- (2) The residence address of the applicant;
- (3) The business address of the applicant;
- (4) Proof that the applicant is at least twenty-one (21) years of age;
- (5) Proof that the applicant is a citizen of the United States, or legal resident of the United States who has resided in the State of California for at least one (1) year immediately preceding the issuance of such Permit;
- (6) The personal history and past criminal record for the United States, and each and every State, without limitation, if any, of the applicant, specifically including any criminal arrest and conviction record;
- (7) The business and employment history of the applicant for a period of ten (10) years before the date of the application;
- (8) Fingerprints and photographs by the Ripon Police Department or such other person(s) as shall be approved by the Ripon Police Department; and
- (9) Such information as may be deemed by the Chief of Police necessary to determine whether the applicant is a proper Person to be issued an Owner Permit or a Key Management Employee Permit.

B. Each Owner Permit and/or Key Management Employee Permit applicant shall be responsible for providing complete and accurate information and for signing the Permit application. However, it shall be the responsibility of the Card Room License Applicant (or Licensee for subsequent applications) to submit the completed application and pay any Application Fees. In addition to other information as may be required by the application forms, the applicant for a Owner Permit and/or Key Management Employee Permit shall provide the information required by the Chief

of Police. The Chief of Police shall have sole discretion to determine whether the information submitted fulfills the requirements set forth on the application form and in this Chapter.

C. A Permit Application Fee must be paid to the City at the time the application for a Owner Permit and/or Key Management Employee Permit is submitted to the Chief of Police, which is hereby established at \$200.00 per Permit application. The Permit Application Fee shall be remitted concurrently with the application. The Permit Application Fee may be increased by subsequent resolution of the City Council, which increase shall not require amendment of this Chapter. The Permit Application Fee is exclusive of any other fees charged by other agencies. (Ord. 722 §1, 2005)

5.16.100 Card Room License and Owner or Key Management Employee Permit Approval Process.

A. Investigation and Report.

(1) Upon receipt of an application for a License, the Chief of Police shall cause an investigation to be made covering all matters relevant to the proposed activity of the Applicant. Such matters may include, but are not limited to, the following

(a) Identity, character and background of the applicant;

(b) Interior floor plan of buildings and site plan as to parking, traffic movement and aesthetics;

(c) Compliance with the City's General Plan, zoning, security and environmental requirements;

(d) Type of tables to be used and their proposed locations, area where food and beverages are proposed to be served and means for excluding persons under 21 years of age from card playing areas;

(e) Type and degree of security personnel and facilities to be provided; and

(f) The financial stability of the Applicant, Owners and Key Management Employees involved in the application and the financial ability of the Applicant to comply with the conditions and requirements of the City in the event the application

is approved.

(2) Upon receipt of completed applications for a License and all necessary Permits, and payment of fees required herein, the Chief of Police shall cause an investigation to be made covering all matters relevant to the proposed activity of the Applicant. Such matters may include, but are not limited to, the identity, character and background of the Applicant.

(3) The investigation of the application shall be completed as soon as practicable after a complete application is received.

B. Chief of Police Determination.

(1) It shall be the responsibility and duty of the Chief of Police to establish the necessary procedures to implement and administer the provisions of this Section. The information received by the Chief of Police pursuant to the provisions of this Section shall be treated as confidential.

(2) The Chief of Police, in writing, shall either grant, conditionally grant, or deny the application. If the Chief of Police denies the application, the Chief of Police shall state, in writing, the causes for the denial. The Chief of Police may tentatively approve the application of a License applicant, but, disapprove the application for a Permit of one or more of the Owners or Key Management Employees. In such cases, the Chief of Police may grant the License applied for subject to the condition that any Owner or Key Management Employee disapproved be removed as an individual having any involvement with, or interest or control in the Card Room. Compliance with the removal condition shall be monitored, reviewed and approved by the Chief of Police prior to final issuance of the license.

(3) Except as otherwise provided herein, the action of the Chief of Police in accordance with this Part shall be final.

C. Requirements for Issuance of a License or Permit.

(1) In the event a completed application for a license is presented to the Chief of Police, and the fees required herein have been paid, and the investigations and reports required under the

provisions of this Chapter have been duly completed, the Chief of Police shall have jurisdiction to consider such application. The Chief of Police shall, at minimum, consider the following factors during its consideration of the application for a license:

(a) The effect the granting of the License may have on business, employment and economics in the City;

(b) The financial stability of the Applicants, including all Owners;

(c) The business and financial history of the Key Management Employees of the enterprise or other manager or active operating heads, including his or her personal history, moral background, reputation and character;

(d) Whether issuance of the License and subsequent operation will be detrimental to the public health, safety and welfare of the citizens of Ripon; and

(e) Any other relevant data, facts or considerations.

(2) Each Licensee shall file with the Chief of Police for review a copy of the rules by which each game permitted by this Chapter is played. No License shall be granted until it is determined that under the submitted rules, the playing of each game is in accordance with the provisions of this Section and the Penal Code of the State of California. If any game permitted herein is not played by the rules submitted, this will be grounds for suspension or revocation of the License.

(3) Any such License or Permit granted by the Chief of Police shall be conditioned upon compliance with all of the terms, conditions, and provisions, of this Chapter. It shall further be conditioned upon the Applicant agreeing to hold the City of Ripon harmless for all expenses including but not limited to attorneys' fees and court costs should any claims and actions be prosecuted or commenced against the City concerning the validity and legality of the license or any game permitted herein, or any other provisions of this Chapter. (Ord. 722 §1, 2005)

5.16.110 Grounds for Denial of a License or Owner or Key management Employee Permit.

The Chief of Police shall deny or condition a License or Permit application for any of the following reasons, without being limited thereto, or for any reason consistent with the general policy of this Chapter:

A. The Applicant, any Owner, Key Management Employee, or Building Owner is under twenty-one (21) years of age;

B. Conviction of any crime punishable as a felony or of any crime of violence, any crime involving narcotics, fraud, gambling, loan sharking, bookmaking, pimping, pandering, prostitution, thievery, bunko, moral turpitude, or any crime involving evasion of taxes, or any other crime of moral turpitude indicating a lack of business integrity or business honesty, whether committed in the State of California or elsewhere, whether denominated as a felony or as a misdemeanor and notwithstanding the passage of time since the conviction;

C. Association of the Applicant, any Owner, Key Management Employee, or Building Owner with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code; identification by any law enforcement agency, legislative body or crime commission as a member of, or an associate of, organized criminal elements;

D. Failure of the proposed business or activity to be operated in compliance with Federal, State or City law or regulation;

E. Making any false statement in the application or as to any other information presented as part of the application process;

F. Contumacious defiance by the Applicant, any Owner, Key Management Employee, or Building Owner 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 Section 186.2 of the Penal Code;

G. Evidence of prior unlawful or nuisance-creating operation as a Card Room or gaming licensee or permittee in another jurisdiction, and/or State, without regard to whether disciplinary action was taken at that time or whether the acts were sufficient to justify revocation of a license or permit;

H. Applicant does not have the financial capability or business experience to operate a card room in a manner which would adequately protect the patrons of the card room and the citizens of the community;

I. Applicant is presently under indictment or the subject of a criminal complaint for any of the crimes described in paragraph (B) above;

J. Making or causing to be made any statement in an application or document provided to the Chief of Police or his/her agent(s) or orally to a City Council member(s) or agent(s) in connection with an application, which statement was at the time and in the light of the circumstances under which it was made, knowingly false or misleading;

K. Failure of any Person named in the application for a License or Permit when summoned by the Chief of Police or his/her agent(s) to appear and testify and provide additional information at such time and place as the Chief of Police or his/her agent(s) may specify;

L. Failure to satisfy the Chief of Police as to the source of funds to be invested in the proposed venture;

M. Lack of evidence that there is adequate financing available to pay potential current obligations and, in addition, to provide adequate working capital to finance opening of the Card Room proposed;

N. Applicant does not have the financial capability or business experience to operate a Card Room in a manner which would adequately protect the patrons of the Card Room and the citizens of the community;

O. Inadequate security plan; or

P. Proposed location of a new Card Room in

an area not authorized by this Chapter or the General Plan or Chapter 16 of the Ripon Municipal Code, and a use permit to operate a Card Room at the proposed location has not been obtained from the Planning Commission or the City Council. (Ord. 722 §1, 2005)

5.16.120 Appeal from Denial of License or Owner or Key Management Employee Permit.

The action of the Chief of Police in denying a License or Permit shall be subject to an appeal to the City Administrator. Notice of such appeal, in writing stating the grounds for such appeal, and admitting and denying those determinations of the Chief of Police included in the notice of denial, shall be filed with the City Administrator within ten (10) City business days after the denial of said License or Permit. Upon failure to file such notice within the ten (10) day period, the action of the Chief of Police in denying such License or Permit shall be final and conclusive. If the Notice of Appeal is timely filed, accompanied by payment of an appeal fee in an amount as may be established from time to time by resolution of the City Council, the City Council shall schedule the matter for hearing. (Ord. 722 §1, 2005)

5.16.130 Card Room Employees – Work Permit Required.

A. Card Room Employees shall obtain a Work Permit from the Chief of Police prior to working at the Card Room. It shall be unlawful for any Card Room Building Owner or Licensed Card Room to employ any person in connection with their Card Room operations or to allow any person to do business on their premises who is not the holder of a valid Work Permit issued by the Chief of Police.

B. Every Card Room Building Owner and Licensee shall, before employing any person in connection with the Licensed Card Room, ascertain that such person holds a valid Work Permit issued in accordance with this Chapter, and shall cause its

employment records to reflect such fact. It shall be a condition of any Card Room Licensee to inform the Chief of Police of any change in the employment status of a registered Employee within ten (10) days of the effective date of the change in employment status. A change in employment status includes termination, leave of absence, promotion or any other change in position or title.

C. Every Employee granted a Work Permit shall be issued a registration card by the Chief of Police, which must be prominently displayed at all times the Employee is at the Card Room premises on the Employee's outermost garment at approximately chest height. Such identification card shall be in good and readable condition and a replacement card shall be issued by the Chief of Police upon payment of a fee established by resolution of the City Council. Undercover security personnel, with prior approval of the Police Department, need not wear such registration card in a prominently visible place. (Ord. 722 §1, 2005)

5.16.140 Card Room Employee Work Permit Approval Process.

A Applications for Work Permits shall be completed and submitted under oath to the Chief of Police, together with the Application Fee described herein, no fewer than thirty (30) days before the Employee is scheduled to begin work for the Licensee.

B. Applications must contain the following information:

(1) Proof that the Employee is at least twenty-one (21) years of age;

(2) Proof that the Employee is a citizen of the United States, or legal resident of the United States who has resided in the State of California for at least one (1) year immediately preceding the issuance of such Work Permit.

(3) The past criminal record, if any, of the Employee;

(4) Such information as may be deemed by the Chief of Police necessary to determine whether the applicant is a proper person to be issued a Card Room Employee Work Permit.

(5) Fingerprints and photographs by the Ripon Police Department or such other person(s) as shall be approved by the Ripon Police Department.

C. It shall be the responsibility and duty of the Chief of Police to establish the necessary procedures to implement and administer the provisions of this Section. The information received by the Chief of Police pursuant to the provisions of this Section shall be treated as confidential. Applications for Work Permits shall be reviewed subject to the procedures to be adopted and implemented by the Chief of Police. The Chief of Police shall deny an application for a Work Permit for any relevant cause denoted in Section 5.16.210. An applicant for an Employee Work Permit shall authorize the City to obtain any available criminal arrest and conviction offender record information relating to the applicant and shall further authorize the updating of that information on an annual basis if a Work Permit is issued.

D. Each Employee Work Permit applicant shall be responsible for providing complete and accurate information and for signing the Work Permit application. However, it shall be the responsibility of the Card Room License Applicant (or Licensee for subsequent applications) to submit the completed application and pay any Application Fees. In addition to other information as may be required by the application forms, the applicant for a Employee Work Permit shall provide the information required by the Chief of Police. The Chief of Police shall have sole discretion to determine whether the information submitted fulfills the requirements set forth on the application form and in this Chapter.

E. An Application Fee must be paid to the City at the time the application for a Employee Work Permit is submitted to the Chief of Police, which is hereby established at \$100.00 per Employee Work Permit application. The Application Fee shall be remitted concurrently with the application. The Application Fee may be increased by subsequent resolution of the City Council, which increase shall

not require amendment of this Chapter. The Application Fee is exclusive of any other fees charged by other agencies.

F. Any fees paid in conjunction with issuance of an Employee Work Permit shall not be returned in the event that such Work Permit is refused, revoked or suspended as herein provided.

G. A validly issued Employee Work Permit shall be valid even though the holder the Work Permit may change his place of employment within the City of Ripon. (Ord. 722 §1, 2005)

5.16.150 Grounds for Denial of Card Room Employee Work Permit.

The Chief of Police shall deny the application for an Employee Work Permit if the Chief of Police makes any one of the following determinations:

A. That the Employee has within five (5) years immediately preceding the filing of the application been arrested or convicted in a court of competent jurisdiction of an offense, and, if convicted, a period of five (5) years has not elapsed from the date of termination of confinement, parole and/or probation, or has engaged in conduct constituting any such offense, listed as follows:

(1) Any offense involving gambling specified in Sections 319 through 337.9, including any amendments thereto, of the California Penal Code;

(2) Any offense involving the violation of the Controlled Substances Act of the California Health and Safety Code, including any amendments thereto, or any other offense associated with illegal controlled substance use, manufacture, sale or purchase;

(3) Any offense specified in Sections 266(I), 315, 316, 318 or subdivision (a) or (b) of Section 647 of the California Penal Code, including any amendments thereto;

(4) Any offense which requires registration as a sex offender under Section 290 of the California Penal Code, including any amendments thereto;

(5) Any offense involving the use of force or violence upon the person of another;

(6) Any offense involving theft, embezzlement or Moral Turpitude;

(7) Any offense in another state, which, if committed in this state, would have been punishable as one or more of the foregoing offenses; or

(8) Any offense which relates directly to the operation of a Card Room

B. That the Employee has made one or more false statements in the application.

C. That the Employee has done any act involving dishonesty, Moral Turpitude, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

D. That the Employee has failed to comply with one or more provisions of this Chapter, or of this Code, or other laws or regulations applicable to the premises, equipment, ownership or operation of the Card Room where the Employee will be employed.

E. That the issuance of the proposed Work Permit would violate an applicable provision of this Chapter.

F. That the Employee is engaged in organized crime, or has substantial, regular or continuous personal, professional or financial associations with one or more persons engaged in organized crime.

G. That the Employee, if he or she (1) works in the card playing area, (2) supervises anyone who works in the card playing area, or (3) is involved in anyway in cash transactions, is under the age of twenty-one (21) years old. Issuance of any Work Permit pursuant to this Chapter shall be further subject to the objection to issuance by the State Division of Gambling Control for any cause that it deems to be reasonable. (Ord. 722 §1, 2005)

5.16.160 Appeal from Denial, Suspension or Revocation of Card Room Employee Work Permit.

A. Whenever the Chief of Police denies an application for an Employee Work Permit, or suspends or revokes a Work Permit, the Chief of Police shall notify the Employee in writing by either personal delivery or by first class mail addressed to the Employee at the address listed in the application,

or at any more recent address furnished to the Chief of Police by the Employee. The notice shall state that the application has been denied or that the Employee Work Permit has been suspended or revoked and the grounds for the action. The notice shall further state that the Employee shall have the right to appeal the action to the City Administrator by filing a Notice of Appeal with the City Administrator no later than ten (10) City business days from the date of the Notice.

B. A notice of any appeal must be filed with the City Administrator not later than ten (10) City business days from the date of notice of denial, suspension or revocation of the Employee Work Permit. If a Notice of Appeal is timely filed, accompanied by payment of an appeal fee in the amount as may be established from time to time by resolution of the City Council, the City Administrator shall schedule the matter for hearing. (Ord. 722 §1, 2005)

5.16.170 Expiration of Licenses and Permits.

A. Licenses and Permits issued pursuant to this Chapter shall be and remain valid until the earlier of expiration of the permit term, suspension or revocation by the Chief of Police or City Administrator as provided in this Chapter, or voluntary surrender in writing by the Licensee or Permittee. The permit term shall be a period of one (1) year, commencing the date of issuance.

B. Except as herein provided, Licenses and Permits shall be renewed annually on the anniversary date of their issuance in accordance with the provisions of Section 5.16.140.

C. The Card Room license shall be dated as of the day upon which the same is issued and, unless sooner revoked or surrendered and shall renew at midnight of the anniversary of the date the Card Room commenced operations. All other permits issued under the provisions of this Chapter shall, unless renewed, expire at midnight on December 31 of each year.

D. In the event of surrender, suspension, revocation or expiration, no Permit Fee or License Fee, or any portion thereof shall be refunded.

E. In the event that a public agency takes possession of the property subject to a Card Room License under threat or actual exercise of the power of eminent domain, the License shall be deemed to be valid and remain in effect for a period of twelve (12) months from the date of closing of the Card Room, notwithstanding any contrary provisions of this Chapter.

F. In the event a Card Room License is deemed to remain valid pursuant to this Section, and in the event the holder of such Card Room License plans to establish another location for operation of a Card Room, such holder must submit to the Chief of Police an application in accordance with this Chapter, and must obtain the approval of the Chief of Police prior to commencing Card Room operations in accordance with the new application. (Ord. 722 §1, 2005)

5.16.180 Annual Investigations of Licensees and Permittees.

All Licensees and Permittees shall have their background and criminal history investigations updated annually. The Fee to cover the cost of such investigations shall be paid at the time of submission of the application for renewal of the License or Permit as set forth in Sections 5.16.190 and 5.16.200. The Fee may be increased by subsequent resolution of the City Council, which increase shall not require amendment of this Chapter, and is exclusive of any other fees charged by other agencies. (Ord. 722 §1, 2005)

5.16.190 Renewal of License.

A. The holder of a valid Card Room License issued pursuant to the provisions of this Chapter shall be entitled to have the license renewed annually in accordance with the following procedures:

(1) An application for renewal of any such License shall be filed with the Chief of Police no later than thirty (30) days before the anniversary date of the License for which renewal is sought;

(2) If such application for renewal is not filed within the time specified herein, the Licensee may thereafter file a written application for renewal of any such License, but in such event, the Licensee shall pay a penalty fee, as established by resolution of the City Council, for each table or unit affected by such renewal, for each day of delinquency;

(3) The application for renewal shall be accompanied by the full amount of the required License Renewal Fee, which is hereby established at \$250.00. The License Renewal Fee may be increased by subsequent resolution of the City Council, which increase shall not require amendment of this Chapter. The License Renewal Fee is exclusive of any other fees charged by other agencies; and

(4) The Card Room Licensee shall file with the Chief of Police an affidavit made subject to the penalties of perjury on a form approved by the City Attorney containing a full and complete statement including the following information:

(a) Any change in individuals with whom the Licensee has any operating agreements pertaining to the licensed operation, including any and all Building Owner;

(b) Any change in Owners, the full, true and correct names and addresses of such new Owners, or trustors for Owners;

(c) The full, true and correct names and addresses of each and every new Key Management Employee; and

(d) If no changes have occurred from the previous renewal, Licensee shall so certify and attest.

B. Failure to make full payment of annual Fees or failure to file or filing any false statement in any affidavit and/or certification and attestation as is required by this Section may be deemed grounds for the revocation of a License pursuant to the procedures set forth in this Chapter.

C. If the Licensee is in compliance with the requirements of this Section, and if there have been no material changes in the operation of the Card Room or in the Owners, Building Owners or Key Management Employees that have not been

previously approved by the City, the Card Room License shall be deemed renewed for another one (1) year period and the Chief of Police shall issue such renewal.

5.16.200 Renewal of Permits.

Any person who holds a valid Permit may obtain a new Permit for the succeeding year by applying for the same during the month preceding the expiration date of the current Permit. The Renewal Fee for a new Permit is hereby established at \$50.00 per Employee Work Permit and \$100.00 per Owner or Key Management Employee Permit. The Renewal Fees set forth herein may be increased by subsequent resolution of the City Council, which increase shall not require amendment of this Chapter, and is exclusive of any other fees charged by other agencies. (Ord. 722 §1, 2005)

5.16.210 Failure to Obtain Renewal of License or Permit.

If the holder of a License or Permit fails to renew the same, the License or Permit shall cease to be valid and the Licensee or Permittee must make application for a new License or Permit, if desired, as provided in this Chapter. (Ord. 722 §1, 2005)

5.16.220 Suspension and Revocation of License or Permit.

All Permits and Licenses authorized and issued under the provisions of this Chapter shall be subject to:

A. Immediate suspension by the Chief of Police if the Chief of Police finds that:

(1) The Attorney General has denied, suspended or revoked an Applicant's registration under the California Gambling Control Act (Bus. and Prof. Code §§ 19800, et seq.) or any successor thereto;

(2) A Permittee or Licensee, or any agent or employee thereof with the knowledge of such Permittee or Licensee, has violated, or permitted, allowed or caused the violation of any provision of

this Chapter, any regulation issued pursuant to this Chapter, any condition of approval imposed upon the issuance of the Permit or Card Room License, or any State law or regulation relating to the operation of a Card Room where the continued operation of the Card Room in light of such violation jeopardizes, or threatens to jeopardize, the public health, safety or welfare; or

(3) Based on ascertainable facts, the operation of the Card Room substantially aggravates the crime problems in the City, makes law enforcement unduly difficult, or is detrimental to the public health, safety or welfare of the City.

B. Suspension or revocation by the Chief of Police after not less than thirty (30) days written notice to the Permittee or Licensee and after testimony has been taken from the Permittee or Licensee and/or any other interested person, if the Chief of Police finds that:

(1) The Attorney General has denied, suspended or revoked an Applicant's registration under the California Gaming Registration Act or any successor thereto;

(2) A Permittee or Licensee or any agent or employee thereof, with the knowledge of the Permittee or Licensee, has violated or permitted, allowed or caused the violation of any provisions of this Chapter, any regulation issued pursuant thereto, any condition of approval imposed upon the issuance of the Card Room License, or any State or Federal law or regulation relating to the operation of a Card Room;

(3) A Permittee or Licensee has failed to pay, when due and payable, any of the Fees or taxes provided for in this Chapter within ten (10) days after written notice of any such failure;

(4) A Permittee or Licensee has made any fraudulent statements as to a material fact on an application form or as to any other information presented as part of the application process;

(5) A Permittee or Licensee knowingly commits any act which would have constituted grounds for denial of an application for a Permit or License;

(6) The Permittee or Licensee has knowingly

continued to employ in any Card Room any individual whom any court has found guilty of any of the crimes which would have constituted grounds for denial of an application for a Work Permit or Permit for the employee, Owner or Key Management Employee, or of cheating or using any improper device in connection with any game, whether as a Licensee or player at a licensed game, or any Person whose conduct of a licensed game as an employee of a Licensee resulted in revocation, or suspension of the Permit of such Permittee;

(7) The Permittee or Licensee has been convicted of a crime enumerated in 5.16.080(B). A conviction is suitable grounds for revocation or suspension of the Permit or License, prior to the exhaustion of the Licensee's appellate rights; or

(8) The Permittee or Licensee has failed to comply with the cash transaction reporting and recording requirements of this Chapter.

C. Except as otherwise provided in this Chapter, the imposition of a limit, condition, suspension or revocation of a Permit of an individual Owner, Key Management Employee or other employee will not affect the License of the Card Room.

D. The Chief of Police may order the sale or transfer of points or interest held by an individual Owner whose Permit has been revoked.

E. The Chief of Police may order a Licensed Card Room to keep an individual Owner or Key Management Employee whose Permit has been revoked from coming onto the premises of the Card Room, or not to pay such Owner or Key Management Employee any remuneration for services as an employee and/or any profits, income or accruals on his or her investment as a Owner in the Card Room.

F. In the event of a violation described in this Section, a civil penalty, not to exceed Ten Thousand Dollars (\$10,000.00) per day for each violation, may be imposed on the Licensee in lieu of suspension or revocation. In the event the violation is for non-payment of fees, the civil penalty shall amount

to five percent (5%) of the unpaid fees plus one and one-half percent (1½%) per month accrued daily after the first thirty (30) days. Imposition of such civil penalties shall be in accordance with the Administrative Adjudication procedures established in the Ripon Municipal Code.

G. When appropriate, in addition to or in lieu of suspension, revocation or imposition of a civil penalty, the Chief of Police may impose other appropriate penalties, including but not limited to restitution to victims and modifications and limitations on the terms and conditions of the License or Permit. (Ord. 722 §1, 2005)

5.16.230 Procedure for Suspension and Revocation of Licenses and Permits.

A. In the event the Chief of Police determines that a License or Permit issued pursuant to the terms of this Chapter shall be suspended or revoked, the Chief of Police shall issue a Notice of Decision which shall state the grounds upon which the suspension or revocation or other penalty is based. The Notice shall be in writing and addressed to the Licensee or Permittee and the Building Owner at the addresses of record. The notice shall be personally served or sent by certified mail.

B. Unless the Licensee or Permittee files a written Notice of Appeal with the City Administrator within fifteen (15) calendar days from the date of mailing or personal service of the Notice of Decision, the Decision shall become effective on the close of business after twenty-one (21) days. The Notice of Appeal shall state all of the grounds of appeal and shall admit or deny the determination in the Notice of Decision. Failure to timely file the written appeal shall constitute a waiver of such person's right to the administrative appeal to the hearing officer.

C. The City Administrator shall select a hearing officer who shall schedule and conduct the hearing in accordance with procedures specified in regulations to be promulgated by the City Administrator pursuant to this Chapter.

D. The cost of the appeal, including but not limited to the costs of the services of the hearing

officer and for the preparation of the transcript, shall be borne by the Licensee or Permittee. The City Attorney shall provide an estimate of costs which must be deposited with the City Clerk before the scheduled start of the hearing. Failure to deposit the estimated costs before the hearing is scheduled to begin shall be deemed a waiver of the appeal.

E. In the event a Licensee or Permittee files an appeal pursuant to this Section, the effective date of the decision shall be stayed pending determination by the hearing officer.

F. Any Licensee or Permittee aggrieved by the decision of the hearing officer shall have the right to file a written Notice of Appeal to the City Council with the City Clerk within fifteen (15) calendar days from the date of mailing of the hearing officer's decision. The Notice of Appeal to the City Council shall state all of the grounds of appeal and shall admit or deny each and every determination of the hearing officer. Failure to file the Notice of Appeal to the City Council within the time period specified herein shall constitute a waiver of such person's right to the administrative appeal. The City Council, within twenty-one (21) days after receipt of the Notice of Appeal, shall set the time and date for the hearing on the appeal. Such hearing shall occur within sixty (60) days after receipt of the Notice of Appeal, unless it is mutually agreed between the appellant and the City Council to continue such hearing to a subsequent date. The hearing before the City Council shall be in a public forum, and shall be a hearing de novo. The City Council shall have the right to grant or deny the appeal in whole or in part and to modify the determination of the hearing officer. The determination of the City Council shall be final. (Ord. 722 §1, 2005)

5.16.240 No Application Upon Revocation of License or Permit.

In the event of revocation of a License or Permit issued pursuant to this Chapter, no new License or Permit shall be issued to such Licensee or Permittee, except upon application made thereafter as in the

case of a new applicant. (Ord. 722 §1, 2005)

5.16.250 Licenses and Permits Not Transferable.

No License or Permit issued pursuant to this Chapter shall be assignable or transferable. (Ord. 722 §1, 2005)

5.16.260 Audit and Reporting Requirements.

A. Statement of Revenue.

(1) Each Licensee, shall file with the City, a statement, under oath, showing the true and correct amount of gross revenue derived from the Card Room, operated pursuant to Licenses issued pursuant to this Chapter, for the operations in the preceding applicable time period. A signed certification shall be attached to the statement or included therein, which certification or declaration shall be substantially in the following form:

"I hereby declare under penalty of perjury that the foregoing is true and correct."

Licensee, Managing Partner, or Owner

(Strike out the titles which are not applicable)

(2) Any failure or refusal of any such Licensee to make any statement as required within the time required, or to pay such sums due as gross revenue license tax when the same are due and payable in accordance with the provisions of this Chapter, shall be and constitute full and sufficient grounds for the revocation or suspension of the Permits and Licenses issued pursuant to this Chapter in the sole discretion of the Chief of Police.

B. Not later than January 1 of each calendar year, the Licensee shall execute under penalty of perjury and file with the Chief of Police a declaration providing the following information:

(1) A list of the minimum buy-in, time charged or other fees charged players for the use of the tables;

(2) A set of the then current posted detailed house rules applicable to the games played;

(3) That all taxes have been paid; and

(4) The declaration shall be accompanied by a complete copy of all registration and re-registration applications (and exhibits) filed by the Licensee and

all persons having a financial interest in the Licensee under the Gaming Registration Act. (Ord. 722 §1, 2005)

5.16.270 Access to Records and Facilities.

A. The Licensee shall allow the City Administrator, Chief of Police or a designee unrestricted access to all books, records, facilities, and all audio and video tapes pertaining to the Card Room, including, but not limited to, cash counting rooms and vault. Any information obtained pursuant to this Section or any statement filed by the Licensee shall be deemed confidential in character and shall not be subject to public inspection except in connection with the enforcement of the provisions of this Chapter. It shall be the duty of the City Administrator to preserve and keep such statements so that the contents thereof shall not become known except to the persons charged by law with the administration of the provisions of this Chapter or pursuant to the order of any court of competent jurisdiction.

B. Any failure or refusal of any Licensee to make and file any statement within the time required, or to permit inspection of such books, records, accounts and reports of such Licensee in accordance with the provisions of this Chapter shall be full and sufficient grounds for the revocation or suspension of the License and all Permits associated therewith in the sole discretion of the Chief of Police. (Ord. 722 §1, 2005)

5.16.280 Card Room Regulations.

A. Under the direction of the City Administrator, the Chief of Police may from time to time enact rules and regulations to effectuate the purposes of this Chapter, specifically including rules governing the operation of Card Rooms and the activity conducted in Card Rooms by patrons. All such rules and regulations shall be given to all Licensees concurrently with or prior to the effective date. In the event a Licensee is aggrieved by a rule or regulation enacted by the Chief of Police, such

Licensee shall have the right to file a Notice of Review to the City Administrator for review of the enacted rule or regulation. Such written Notice of Review must be filed with the City Administrator within ten (10) City business days of the effective date of the enacted rule or regulation. Failure to file the written notice of Review within the time frame specified herein shall be deemed to be a waiver of the Licensee's right to City Administrator review. The City Administrator or designee shall conduct a review hearing within sixty (60) days of receipt of the Notice of Review and may approve, disapprove or modify such rule or regulation. The decision of the City Administrator shall be final.

B. Unless modified, supplemented, or abrogated by later action of the Chief of Police, City Administrator or City Council, the following rules and regulations shall govern all Card Rooms Licenses and Permits to be issued:

(1) Acceptance of a Permit or License issued under the provisions of this Chapter shall be deemed to be acceptance of and agreement to be bound by and observe each and all of the terms, conditions and provisions of this Chapter and of the rules and regulations established thereby relating to such Permits or Licenses;

(2) No Permittee, Licensee, or other individual in charge or control thereof shall use, operate, or permit the use or operation of more tables or units than those for which Licensee holds then current and valid authorization to operate or use in the City and for which the prescribed License Fee has been paid to the City;

(3) No Permittee, Licensee or other individual in charge or control of any Card Room operating under any License held or issued pursuant to the provisions of this Chapter shall operate or use any table or unit or manage, conduct, or carry on any business or activity authorized by this Chapter during anytime that such License or Permit issued by the City has been or is suspended or revoked;

(4) Each and all of the games conducted or operated in the City pursuant to the provisions of this Chapter shall be conducted and operated in full conformity with, and subject to, all the provisions of

the laws of the State and of the City;

(5) Employment of persons to stimulate play prohibited:

(a) It shall be unlawful for any Card Room Licensee, Owner, Key Management Employee or Employee to engage or persuade any person to play cards for purposes of stimulating play where such person is to receive any reward, whether financial or otherwise, present or promised, or where such reward or revenue is to be diverted to the Card Room Licensee or Owner except as allowed under subsection (b) of this Section.

(b) The Licensee may utilize proposition players. A proposition player must wear a badge at all times identifying the player as an Employee of the Licensee. Other than compensation for the time spent in acting in such activities as an Employee of the Licensee, no gifts, rewards or any other thing of value shall be given to the proposition player by the Licensee or any Owner, Key Management Employee or Employee.

(6) It shall be unlawful to operate a Card Room in violation of any of the following regulations and rules:

(a) Not more than one (1) Card Room shall be located at any one address on any one (1) parcel;

(b) The Card Room shall not allow any game specifically prohibited by Section 330 of the Penal Code or any banking or percentage game played with cards, dice or any device, for money, checks, credit or other representative value;

(c) Not more than five (5) tables shall be permitted in any Card Room, or more tables than authorized by the applicable Use Permit issued by the City;

(d) No more than eight (8) players shall be permitted at any one (1) card table;

(e) Card Rooms shall be located on the ground floor, and so arranged that card tables and the players at the tables shall be plainly visible from the front door opening when said door is opened. No wall, partition, screen, or similar structure between the front door opening on the street and any card

table located in the Card Room shall be permitted if it interferes with said visibility. The front door of the establishment and doorways between the front door and playing area are to remain unlocked during all hours of operation;

(f) No person under twenty-one (21) years of age shall be permitted at any card table, or participate in any game played thereat;

(g) All Card Room shall be closed at 2:00 a.m. and shall remain closed until 12:00 p.m., except that conditions in the applicable Use Permit may dictate an earlier closure time, later opening time, or different period of being open for business. Card Rooms may operate seven (7) days a week. Hours of operation may not be expanded for any reasons, such as special tournaments, etc.;

(h) All Card Rooms shall be open to police inspection during all hours of operation;

(i) Each card table shall have assigned to it a monitor whose duties include:

(1) Providing for adequate security of the premises;

(2) Providing for adequate security of the persons on the premises;

(3) Supervising the games so that they are played in accordance with the rules submitted to the City, the terms set forth in this Chapter, the terms of an applicable Use Permit, and the provisions of the Penal Code of the State of California. The monitor shall be fluent in the English language. In the event another language is the predominant language spoken among the players during a game, the licensee shall assign a monitor who is fluent in that language in order to assure compliance with the provisions of this Code.

(j) The monitor may have more than one (1) table under his/her supervision. The monitor shall not, however, participate in the game;

(k) There shall be posted in every Card Room, in letters plainly visible from all parts thereof, signs which shall contain all house rules, including all limitations on wagering, the method and amount of house compensation, and such other information relating to the regulations contained herein as the Chief of Police may require;

(l) No person who is in a state of intoxication shall be permitted in any Card Room;

(m) The sale, purchase, transfer, assignment, or pledge of any property, or of any document evidencing title to the same is prohibited in any Card Room;

(n) No Card Room Licensee, Permittee, Owner, Key Management Employee or Employee shall engage in the lending of money, chips, tokens or anything of value, either real or promised, to any person including other employees for any purpose and expressly for the purpose of allowing that person to eat, drink or play cards at the premises;

(o) No Card Room Licensee, Permittee, Owner, Key Management Employee or Employee shall engage in the lending of money, chips, tokens or anything of value to any City employee or elected City official;

(p) No Card Room Licensee, Permittee, Owner, Key Management Employee or Employee shall offer or accept employment or favorable job or table assignments within a Card Room in exchange for anything of value, either real or promised;

(q) No alcoholic beverages shall be purchased, sold, given away, or in any manner provided, or consumed in the Card Room; and

(r) No Licensee or any other person in charge or control of any card game at a Card Room shall derive revenues from games being played in the gaming room other than from collection of a time rental fee for occupancy at the card table, a predetermined fixed fee assessed to all players at the table and collected prior to the playing of the hand, and/or a management or service fee, if not prohibited by state law; and

(s) The total number of card tables authorized to be operated within the City of Ripon shall be ten (10). No additional card tables shall be allowed for tournaments or other special events. (Ord. 722 §1, 2005)

5.16.290 Wagering Limits.

All wagering established by a Card Room

licensed under this Chapter shall be conspicuously displayed on at least two (2) signs posted on the premises where the Card Room facility is located as set forth below. The signs required by this Section shall each be a minimum of three (3) feet by two (2) feet with lettering no smaller than one (1) inch in height. Such signs shall be placed so that they may be read from every card table. (Ord. 722 §1, 2005)

5.16.300 Violations and Penalties.

It shall be unlawful for any Owner, Building Owner, Permittee, Licensee or other person to violate any of the rules or regulations set forth in this Chapter. Any individual violating any of the provisions of this Chapter or any of the rules and regulations set forth, established or promulgated in this Chapter shall be guilty of a misdemeanor. (Ord. 722 §1, 2005)

5.16.310 State Law Violations.

The City 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 laws of the State, including, but not limited to, those games enumerated in the California Penal Code Section 330, which section includes banking and percentage games.

5.16.320 State License and Permit Review.

Prior to the issuance of any License or Permit under this Chapter, the Chief of Police shall submit to the State Department of Justice, Division of Gambling Control all applications for their review.

No License or Permit shall issue if the Division of Gambling Control objects. (Ord. 722 §1, 2005)

5.16.330 Patron Safety and Security.

The holders of Licenses granted under this Chapter shall assure and be liable, without limitation, for those safety and security of their patrons while such patrons are in their respective Card Room facilities. (Ord. 722 §1, 2005)

5.16.340 Location of Card Rooms/C-4 Zoning Classification

Card Rooms may be located only on property with a C-4 zoning designation, subject to first obtaining a Use Permit pursuant to Chapter 16.76. (Ord. 722 §1, 2005)

5.16.350 Exemptions.

A Nonprofit Organization may operate a Card Room, up to two (2) times per year, without having to comply with the requirements of this Chapter when the following conditions are met: it is using the Card Room tables for the exclusive use and benefit of its members and the Organization; it is not charging for use of any of the facilities; and where operation of the Card Room is incidental to the main purpose of the Nonprofit Organization. Any such operation of a Card Room by a Nonprofit Organization shall not have any effect on the issuance of a License or Permit to any other Person. (Ord. 722 §1, 2005)