

ORDINANCE O2019-xx

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, AMENDING
MANTECA MUNICIPAL CODE TITLE 5, BUSINESS TAXES,
LICENSES AND REGULATIONS CHAPTER 5.24, CARD
ROOMS

WHEREAS, the City of Manteca has a responsibility in keeping its municipal code current; and

WHEREAS, the proposed changes will make the ordinance clearer, less likely to legal challenges and ensure the owners economic freedom to work with the law; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment. Manteca Municipal Code section 5.24 is hereby amended to read as follows:

Chapter 5.24 CARD ROOMS

5.24.010 Definitions.

For the purposes of this chapter:

“Controlled gambling” means to deal, operate, carry on, conduct, maintain or expose for play any controlled game.

“Controlled game” means a game as defined by Penal Code Section 337j subdivision (e).

“Gambling enterprise employee” means any natural person employed in the operation of a gambling enterprise, including, without limitation, dealers, floor personnel, security employees, courtroom 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 gambling establishment areas.

“Gambling establishment,” which includes card rooms, means one or more rooms where there is conducted any controlled gambling or activity directly related thereto. (Ord. 1396 § 2, 2008; Ord. 1272 § 1, 2004; prior code § 6-1)

5.24.020 License—Required.

No person, for himself, or for any other person shall engage in or carry on, or maintain, or conduct, any card room without first having secured a license so to do, according to the requirements of this chapter or without complying with every regulation contained in this chapter pertaining to such card room. (Prior code § 6-2)

5.24.030 License—Application—Fingerprinting.

An applicant for a card room license shall submit his or her application to the police 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. "Persons financially interested" includes 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 such application. The application shall also be accompanied by fingerprints of the applicant and of persons financially interested in the business. Fingerprints are only required of each applicant upon initial application and not each subsequent application. (Prior code § 6-3)

5.24.040 License—Denial.

The police chief shall deny any applicant for a card room license, a license to operate such card room under any of the following circumstances:

- A. The applicant is under twenty-one years of age;
- B. Conviction of the applicant for any crime punishable as a felony;
- C. Conviction of the applicant for any dangerous drug, controlled substance or narcotics violation;
- 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 Section 1203.4, 1203.4a, or 1203.45 of the Penal Code;
- E. Association of the applicant with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code;
- F. 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 Section 186.2 of the Penal Code;
- G. Failure of the applicant to provide information, documentation and assurances required by this chapter or requested by the police chief, 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 qualification criteria. (Ord. 1272 § 2, 2004; Ord. 1087 §6, 1998; prior code §6-5)

5.24.050 License—Number limit—Nontransferable.

No card room license shall be assignable or transferable. Upon a card room being sold the new or additional owners shall be licensed in accordance with section 5.24.020 of this chapter.

(Prior code § 6-6)

5.24.060 License—Additional to business license.

The licenses and permits required by this chapter shall be in addition to any licenses or permits required by this title. (Prior code § 6-6)

5.24.070 Employees—Work permits required.

A. Gambling enterprise employees shall obtain a work permit from the police chief. Application for such 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 by the police chief necessary to determine whether the applicant is a proper person to be issued a card room work permit. The application shall also be accompanied by fingerprints of the applicant. A work permit shall be issued only to citizens of the United States or legal residents of the United States. The police chief shall deny to such applicants a work permit under any of the following circumstances:

1. The applicant is under twenty-one years of age.
2. Conviction of the applicant for any crime punishable as a felony.
3. Conviction of the applicant for any dangerous drug, controlled substance or narcotics violation.
4. 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 Section 1203.4, 1203.4a, or 1203.45 of the Penal Code.
5. Association of the applicant with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.
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 Section 186.2 of the Penal Code.

7. Failure of the applicant to provide information, documentation and assurances required by this chapter or requested by the police chief, 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 qualification criteria.

B. Each application for a work permit shall be accompanied by a fee established from time to time by resolution of the city council. The fee shall not be returned in the event the work permit is refused, revoked or suspended. Only one such work permit shall be required each year even though the holder of the work permit may change their place of employment within the city.

C. The action of the police chief in denying such a work permit on the basis of the applicant not being a person of good moral character shall be subject to an appeal to the city manager. Notice of such appeal shall be filed with the city clerk within ten days after the denial of the work permit. Upon failure to file such notice within the ten-day period, the action of the police chief in denying such work permit shall be final and conclusive. The decision of the city manager shall be final. (Ord. 1454 § 1, 2010; Ord. 1396 § 4, 2008; Ord. 1272 § 2, 2004; Ord. 1087 § 7, 1998; Ord. 1081 § 1, 1998; Ord. 844 § 1, 1989; prior code § 6-8)

5.24.080 Employees—License and permit suspension or revocation.

The police chief shall have the right for cause to revoke or suspend any card room license or card room work permit issued pursuant to this chapter and to take possession of such permits. Any of the grounds upon which the police chief shall be required to refuse to issue an initial card room license or card room work permit shall also constitute grounds for such revocation or suspension. In addition the failure of a holder of a card room license or card room work permit to comply with the provisions of this chapter shall also constitute grounds for revocation or suspension of such license or work permit. The action of the police chief in this respect shall be subject to an appeal to the city manager. The decision of the city manager in such appeals shall be final. Notice of such appeal shall be filed with the city clerk within ten days after the revocation or suspension. Upon failure to file such notice within the ten-day period, the action of the police chief in revoking or suspending the license or work permit shall be final and conclusive. (Ord. 1454 § 1, 2010; prior code § 6-9)

5.24.090 Rules and regulations for operation.

It is unlawful to operate a card room in violation of any of the following regulations and rules:

- A. Not more than one card room shall be located at any one address.
- B. No game of faro, monte, roulette, lansquenet, rouge et noire, rondo, tan, fan-tan, stud-horse poker, seven-and-a-half, twenty-one, hokey-pokey or any banking or percentage game played with cards, dice or any device, for money, checks,

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credit or other representatives of value shall be played in any card room. Every person who violates this subsection is guilty of a misdemeanor.

C. Not more than thirteen tables shall be permitted in any card room.

D. No more than ten players shall be permitted at any one 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 inside the front of the card room. 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 visibility.

F. No person under the age of twenty-one years shall play, be allowed to play, place wagers at or collect winnings, whether personally or through an agent, from any card or other gambling game.

No person under the age of twenty-one years shall loiter or be permitted to loiter in or about any room wherein any card or gambling game is operated or conducted.

G. All card rooms may be open twenty-four hours per day and seven days per week.

H. All card rooms shall be open to police inspection during all hours of operation.

I. There shall be no wagering limit.

J. The cashing of checks drawn against any federal, state or county fund, including but not limited to social security, unemployment insurance, disability payments or public assistance is prohibited. However, cashing any payroll checks or checks for the delivery of goods or services that are drawn against federal, state or county fund is permitted.

K. Each card table shall have assigned to it a person whose duty shall be to supervise the game and to see to it that it is played strictly in accordance with the terms of this chapter, and with the provisions of the Penal Code of the state. This person may have more than one table under this supervision. He or she shall not, however, participate in the game.

L. No signs or other insignia advertising or relative to card rooms shall be permitted upon the exterior of any premises occupied as a card room.

M. No person who is in an obvious state of intoxication, is unable to care for themselves or a nuisance to others, shall be permitted in any card room.

N. The total number of card tables authorized to be operated within the city of Manteca shall be thirteen. No additional card tables shall be allowed for tournaments or other special events.

O. No alcoholic beverage as defined by the Business and Professionals Code shall be kept or stored, between the hours of two a.m., and six a.m., within any area where gambling is permitted. (Ord. 1570 §§ 1, 2, 2015; Ord. 1499 § 1, 2011; Ord. 1396 §§ 1, 3, 2008; Ord. 1353 §§ 1, 2, 2007; Ord. 1272 §§ 5, 6, 2004; Ord. 1087 § 4, 1998; Ord. 844 § 24, 1989; prior code § 6-10)

5.24.100 Patron safety and security.

The holders of licenses granted under this chapter shall assure and be liable, without limitation, for the safety and security of their patrons while such patrons are in their respective card room facilities. (Ord. 1087 § 1, 1998)

5.24.101 Locations of gambling establishments.

No license to operate a card room shall be issued unless the card room establishment is located in an area permitted under Title 17 of this code. (Ord. 1087 § 2, 1998)

5.24.102 Wagering limits.

The type and limits of wagering of every game that is in progress must be prominently displayed on at least one sign with letters at least one inch high. Further each table where a game is being conducted shall display a similar sign with letters at least one-half inch in height. (Ord. 1353 § 3, 2007; Ord. 1087 § 3, 1998)

5.24.103 State license and permit review.

Prior to the issuance of any license or work permit under this chapter, the police chief 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. 1087 § 5, 1998)

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: _____
BENJAMIN J. CANTU

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ATTEST: _____
LISA BLACKMON, CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Lisa Blackmon, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ___ day of ____, 20__, and had its second reading and was adopted and passed during the public meeting of the City Council on the ___ day of ____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
LISA BLACKMON
City Clerk