

ARTICLE III. POOLROOMS, BOWLING ALLEYS AND CARD, ETC., ROOMS

DIVISION 2. CARDROOM LICENSE

Sec. 4-76.1. Required.

It shall be unlawful for any person to engage in the business of maintaining and conducting lawful games played with cards, dominoes or other devices involving the use of a table or tables or similar equipment, either by maintaining or conducting such business alone or in connection with another business or businesses, unless such person shall first have obtained from the city a license so to do as provided in this division.

Sec. 4-76.2. Concurrent regulation with state.

It is the stated intent of this chapter to regulate cardrooms and tables in the City of El Centro concurrently with the State of California, to the extent authorized by, and as required by, the Gambling Control Act codified at Business and Professions Code, section 19800 et seq., and the regulations of the State of California Department of Justice Division of Gambling Control.

Sec. 4-76.3. License or registration permit required.

- (a) *State gambling license and city cardroom license required.* Any person or entity must receive a license from the attorney general of California prior to owning or operating a cardroom within the City of El Centro. In addition, no person shall establish, maintain or operate any cardroom or permit or suffer any cardroom to be established, maintained or operated, upon or within any building, structure, premises or place owned, occupied or controlled by him or her, unless such cardroom is maintained and operated pursuant to a valid, unexpired and unrevoked cardroom license issued pursuant to the provisions of this chapter.
- (b) *Employee registration permit required.* No person shall serve as an employee of any cardroom or public place for the playing of a card game which is located within the city, without having a registration permit therefor, as provided in this chapter. It is also unlawful for the licensee of any cardroom licensed under this chapter to employ any person without such person having a valid registration permit issued pursuant to this chapter.

Sec. 4-76.4. License—Application.

Only a person or entity operating a cardroom licensed pursuant to the provisions of this chapter by the City of El Centro as of January 1, 1998, or that person or entity's successor in interest to the same cardroom operation, is eligible to apply for a cardroom license. Application for the required license shall be made to the city finance department. The application shall certify the contents of the application under penalty of perjury, and shall be signed by the applicant. The application shall contain all of the following:

- (a) The location of the business for which the license is sought, including a specific description of the building or structure within which the cardroom is to be situated, and the specific portion of such building or structure for which a cardroom license is requested. If the entire building or structure is proposed to be used as a cardroom, the application shall so state and shall request license for the entire building or structure. If

- only a portion of the building or structure is proposed to be used as a cardroom, the application shall so state, shall describe such portion, and shall request a license for only such portion. No license shall be deemed issued for any portion of any building which the application fails to state is to be used for cardroom purposes, or for which the application fails specifically to request a license therefor;
- (b) The true and complete name(s), social security number(s), residence address(es), and date(s) of birth of the owner or owners of the building or structure within which the cardroom is proposed to be maintained;
 - (c) The true and complete name(s), social security number(s) residences address(es), and date(s) of birth of the person or persons to whom it is requested that a cardroom license be issued;
 - (1) If the proposed licensee is an individual, the application shall set forth that individual's name, residence and business address, social security number, and date of birth;
 - (2) If the proposed license is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its home address and its local address. In addition, the names, addresses, social security numbers, and dates of birth of the president and secretary, and the names, addresses, social security numbers, and dates of birth of each shareholder who owns or will own more than ten (10) percent of all outstanding shares of the corporation shall be provided;
 - (3) If the proposed licensee is a partnership, the application shall set forth the full name of all of the partners, and the firm name under which they do business, the addresses, social security numbers, and dates of birth of all such partners shall also be given;
 - (d) A set of clearly identifiable fingerprints and photographs of all of the persons required to be named in the application;
 - (e) A statement of any other cardroom licenses or employee registration permits issued to the proposed licensee or permittee within the past five (5) years and identifying the issuing jurisdiction and any licenses or permits which have been revoked;
 - (f) A statement that the applicant understands and agrees that any business or activities conducted or operated under such application shall be operated in full conformity with all the laws of the state, and with the applicable laws and regulations of this city, and that any violation of any such laws or regulations in such a place of business, or in connection therewith, shall render any registration permit and license therefor subject to suspension or revocation;
 - (g) A statement that the applicant understands and agrees that if a license is issued, the chief of police or designated representative shall have authority to inspect the premises and record of any licensee without a search warrant. Those city agencies required to investigate the cardroom premises shall have reasonable access to the premises, and applicants, to enable those agencies to properly and thoroughly conduct their investigation;

- (h) The license fee as established by resolution of the City Council of the City of El Centro.

Sec. 4-76.5. License—Investigation—Grant or denial.

- (a) Upon receipt of a complete application for a cardroom license, the city finance department shall forward a copy to the chief of police with a request that an investigation of the applicant be conducted. The director of the city finance department, or their designee, shall not issue a license or employee registration permit without the clearance of the applicant by the chief of police, or their designee. The clearance shall not be issued for any applicant if any of the following circumstances apply:
 - (1) The applicant does not possess a current license in good standing from the attorney general of the State of California to operate a cardroom.
 - (2) Either the applicant himself or herself, or any person specified in section 4-76.4(c)(1), (2) or (3):
 - a. The applicant is under the age of twenty-one (21) years;
 - b. Has had a previous cardroom license or registration permit revoked for cause by any jurisdiction within the past five (5) years; or
 - c. Has been convicted of a misdemeanor involving dishonesty or moral turpitude (as described in California Business and Professions Code section 19859(c)) within the past ten (10) years or has been convicted of a felony, convicted of any crime involving gambling, or convicted of a violation of the gambling Control Act codified at Business and Professions Code section 19800 et seq. and specifically section 19859(d) thereof. Crimes of moral turpitude may include but are not limited to offenses involving dishonesty (such as theft, fraud and extortion), lotteries, gambling, larceny, perjury, bribery, prostitution and illicit drugs.
 - (3) The applicant has made a false statement in the application for the permit or license.
- (b) Applicants denied a license shall be notified in writing by the director of the city finance department, or their designee, of the reason(s) for such denial.

Sec. 4-76.6. Revocation of license.

A license to operate a cardroom may be revoked or suspended for any of the following reasons:

- (a) The attorney general revokes the owner's operator's state license.
- (b) The owner or manager of the cardroom violated any of the provisions in this chapter.
- (c) The owner or manager of the cardroom is convicted of a felony, convicted of any state or federal law involving gambling including but not limited to a violation of the Gambling Control Act codified at Business and Professions Code section 19800 et seq. and specifically section 19859 thereof.
- (d) The owner fails to inform the director of the city finance department, or their designee, of any change in employment status of a registered employee within ten (10) days of

the change in employment. "Change in employment status" shall include termination of employment, leave of absence, promotion or other change in job title.

Sec. 4-76.7. Employment Registration permit—Application.

- (a) Application for the registration permit required pursuant to section 4-76.3(b) hereof shall be made to the chief of police on forms to be provided by the police department. The application shall certify the contents of the application under penalty of perjury, and shall be signed by the applicant.
- (b) Each and every applicant, prior to the beginning of any employment in a cardroom, shall submit an application for a cardroom registration permit to the city police department during normal business hours.
- (c) Each applicant shall also:
 - (1) Be fingerprinted for the purpose of completing a criminal background check;
 - (2) Be photographed;
 - (3) Provide any other information that the chief of police may require.
- (d) The information received by the chief of police pursuant to the provisions of this section shall be treated as confidential, shall not be mixed or included in any criminal history files, and shall be accessible only to the chief of police, his, or her designated representatives, and the licensee of the respective licensed cardroom.

Sec. 4-76.8. Employment Registration permit—Investigation—Grant or denial.

- (a) Upon receipt of all information required pursuant to section 4-76.7, the chief of police, or their designee, shall make an investigation of the applicant, which shall include but not be limited to making contact with the division of gambling control of the state department of justice. Within thirty (30) days after receipt of the above information, the chief of police shall either grant or deny a registration permit to the applicant. A permit shall not be issued to any person who:
 - (1) Would be disqualified based on any of the applicable licensing criteria set forth in California Business and Professions Code section 19859;
 - (2) Has had a previous cardroom license or registration permit revoked for cause by any jurisdiction within the past five (5) years; or
 - (3) Has been objected to in writing by the division of gambling control of the state department of justice.

Crimes of moral turpitude may include, but are not limited to, offenses involving dishonesty (such as theft, fraud and extortion), illegal lotteries, gambling, larceny, perjury, bribery, prostitution and illicit drugs. Applicants denied a registration permit shall be notified in writing by the chief of police, or his or her designee, of the reason(s) for such denial.

- (b) When the chief of police approves the application of any person for a cardroom registration permit, the chief of police, or their designee, shall issue such person an identification card, which shall be worn in sight, by the permit holder, according to regulations established by the chief of police.

Sec. 4-76.9. License or registration permit—Scope—Renewal.

Each license or permit shall only allow the conduct of the business therein licensed, and only by the specified licensee or registration permit holder, and only at the place of business therein specified. Each license or permit issued shall be valid only for the fiscal year for which it was issued, and must be renewed for each subsequent fiscal year. In connection with the renewal of each such license or permit, the licensee or registration permit holder shall furnish the license or permit renewal fee established by resolution of the city council, and the city finance department may require that a complete new application form be filed, pursuant to the requirements of sections 4-76.4 and 4-76.7, and the chief of police may carry out an investigation as specified in sections 4-76.5 and 4-76.8.

Sec. 4-76.10. Hearing and denial, suspension or revocation.

- (a) Any applicant, licensee or permittee who is aggrieved by any action taken in regard to a cardroom license or registration permit may request an appeal hearing before the city council. Request for such hearing shall be in writing and filed with the city clerk, not later than ten (10) days after the action appealed from was taken, and shall state the grounds upon which the aggrieved party claims there was improper denial, suspension or revocation of his or her license or registration permit.
- (b) Upon receipt of such request for hearing, the matter shall be set for hearing not later than thirty (30) days thereafter. The city manager may stay the suspension or revocation pending decision on the appeal. Written notice of the time and place of hearing on the matter shall be given by the city clerk to the aggrieved party. The city council and the appellant shall be provided a report on this action.
- (c) Upon hearing the matter, the city council may take such action or make such orders as the council deems just and proper in the disposition of the matter.

Sec. 4-76.11. Alcoholic beverages.

No cardroom owner, operator or employee shall allow alcoholic beverages to be stored, sold, served or consumed without a valid license from the California Alcohol and Beverage Control Board.

Sec. 4-76.12. Intoxicated persons prohibited.

No cardroom owner, operator or employee shall permit any person to play any cardroom game while such person is obviously under the influence of intoxicating beverage or drug.

Sec. 4-76.13. Location requirements.

In the interest of promoting the public peace, safety and general welfare, cardrooms shall be prohibited in any of the following locations:

- (a) A parcel with residential zoning.
- (b) Within six hundred (600) feet of the following uses:
 - (1) A public or private preschool or K-12 school;

- (2) A licensed hospital, medical clinic, alcohol or other drug abuse recovery or treatment facility, or community care residential facility providing mental health/social rehabilitation services;
- (3) A public park or playground; or
- (4) A public library.

Sec. 4-76.14. Wagering limits.

- (a) No cardroom owner, operator or employee shall permit a person making aggregate bets in excess of two hundred forty-nine dollars (\$249.00) in the same hand. However, simultaneous hands or betting squares by the same player is permitted.
- (b) House players are permitted so long as such players are identified as such.

Sec. 4-76.15. Required posting.

The following information must be posted in a conspicuous place in the cardroom:

- (a) The minimum buy in, table limits, and any other charges assessed of players at a table. Players shall not be charged based on the amount of the bets made, the size of the "pot," the winnings collected, or the amount of money changing hands.
- (b) A set of detailed house rules applicable to the games played, which shall be posted in the form of a printed rule book.
- (c) A copy of the current valid city cardroom license and the state license issued by the attorney general under the Gambling Control Act.
- (d) Copies of the identifying badges of each owner, operator and employee.
- (e) Each cardroom's hours of operation.
- (f) If the cardroom is to remain open between the hours of 2:00 a.m. and 6:00 a.m., a notice that a security guard who has a current license or permit under chapter 16, article IX of this Code shall be on duty on the premises.
- (g) A notice that doors of the cardroom shall remain unlocked during all hours of operation.
- (h) A notice of the wagering limits established pursuant to section 4-76.14 of this chapter.

Sec. 4-76.16. Identification.

Each owner, operator and employee of a cardroom (including without limitation a house player) shall wear an identifying badge approved by the chief of police and bearing on its face a legend identifying the bearer, while the owner, operator, or employee is in or around the cardroom premises. The badge shall be worn in a location visible to the public. If a person required to wear a badge is present during a card game, the badge shall be worn in a location easily visible to all persons playing in the card game.

Sec. 4-76.17. Number of card tables permitted.

A maximum of five card tables within the City of El Centro shall be permitted. There shall be no more than ten (10) players and one dealer at any table.

Sec. 4-76.18. Number of cardrooms permitted.

A maximum of one cardroom shall be permitted to operate within the City of El Centro.

Sec. 4-76.19. Nonassignability of license.

Any time a cardroom changes ownership, the new owner must apply and qualify for a cardroom license as provided by this chapter. No license may 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 license shall be deemed to constitute a voluntary surrender of such license 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.

Sec. 4-76.20. Use of blank checks prohibited.

No cardroom owner, operator or employee shall accept or cash any personal check which does not bear a dollar amount on the face of the check.

Sec. 4-76.21. Gamblers Anonymous literature.

All cardrooms shall make literature published by Gamblers Anonymous easily available in a visible location in the cardroom.

Sec. 4-76.22. Security measures.

All cardrooms shall adopt a written plan, reviewed and approved in advance by the chief of police, to provide for the safety and security of patrons. In addition, each cardroom shall take the following security measures:

- (a) The business records, papers, reports, audits, and books of account shall be made available for inspection and copying by the director of finance.
- (b) Any owner, operator or employee of the cardroom shall have an affirmative duty to immediately report all crimes occurring on the premises to the chief of police.

Sec. 4-76.23. Hours of operation.

Card tables or cardrooms may operate twenty-four (24) hours a day. It is unlawful for any owner, proprietor, manager or other person having charge or control of any public place kept for the purpose of playing cards to permit any person other than such owner, proprietor or manager and the employees regularly employed in and about the same, to enter, remain or be therein between the hours of 2:00 a.m. and the hour of 6:00 a.m. of each and every day of the week, including Sunday; unless, if during the hours of 2:00 a.m. and 6:00 a.m., when the cardroom is open, a security guard who has a current license or permit under chapter 16, article IX of this Code is on duty on the premise. The doors of a cardroom shall remain unlocked during all hours of operation.

Sec. 4-76.24. Loitering prohibited.

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

Sec. 4-76.25. Prohibited games.

This chapter is not intended to permit or license any business for the playing of any game prohibited by the laws of the State of California, nor to permit or license any employee for such unlawful purpose.

Sec. 4-76.26. Exceptions to chapter regulations.

The provisions set forth in this chapter shall not apply to card tables maintained in any bona fide hotel, or in any private residence or clubroom, where, for the use of which, no consideration is charged.

Sec. 4-76.27. Violation; penalty.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each person is guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person, firm or corporation and is punishable therefor as provided by this chapter.

Sec. 4-76.28. Card room fees.

Every person conducting, managing or carrying on as a business lawful games played with cards either by maintaining or conducting such business alone or in connection with other business or businesses, shall pay the following fees to the City:

- (a) A cardroom license issuance fee of one thousand two hundred dollars (\$1,200.00) upon granting the license.
- (b) A quarterly table license fee of one hundred and four-hundred fifty dollars (\$450.00) per quarter for all tables not exceeding three (3) and one-hundred thirty-five dollars (\$135.00) per quarter for each table in excess of three (3).
- (c) A quarterly license fee in addition to the fees in subsections (a) and (b) of five percent of gross revenue.
- (d) The cardroom owner shall, within thirty (30) days after the close of each calendar quarter, submit on forms provided by the city department of finance the following:
 - (1) Total number of tables in operation
 - (2) The calculated quarterly table license fee
 - (3) Total revenues received from the cardroom operation
 - (4) The calculated quarterly license fee
 - (5) The full payment of the quarterly table fee and quarterly license fee owed

Sec. 4-76.29. Expiration of card room license for nonuse; renewal.

- (a) Any card room license granted pursuant to the provisions of this division but under which the thing herein permitted has not been done, carried on or maintained within six (6) months

from the time of the issuance or renewal of such license, shall expire by limitation and cease to be valid for any purpose.

- (b) The director of the city finance department, or their designee, may renew such license upon written application being made prior to its expiration.

Secs. 4-77—4-93. Reserved.