

ORDINANCE NO. 2253

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 1.20.020 AND CHAPTER 9.12 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING SECTIONS 9.12.250 THROUGH 9.12.340 REGULATING THE OPERATION OF CASINO PARTIES

The City Council of the City of Chula Vista does ordain as follows:

WHEREAS, the use of casino parties for fundraising has increased rapidly, and

WHEREAS, violation of state gambling laws have been observed during Police Department inspections of these casino parties, and

WHEREAS, it is the intent of the City Council of the City of Chula Vista to regulate the operation of casino parties to combat illegal gambling and protect the public from fraudulent charitable events.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chula Vista as follows:

SECTION I: That Sections 9.12.250 through 9.12.340 are hereby added to Chapter 9.12 of the Chula Vista Municipal Code to read as follows:

Sec. 9.12.250 License Required.

- A. It shall be unlawful for any person to conduct any casino party in the City of Chula Vista unless such person is a member of a nonprofit charitable organization, as defined in this section, acting on behalf of such nonprofit charitable organization and such organization has been issued a license as provided by this section.
- B. The operation of any casino party without a license or failure to operate in full compliance with all provisions of this section shall be grounds for all casino equipment to be seized and held by the Police Department of the City of Chula Vista.

Sec. 9.12.260 License Not Transferable.

Each license issued hereunder shall be issued to a specific individual on behalf of a nonprofit charitable organization to conduct a casino party at a specific location and on one specific date and shall in no event be transferred from one person to another nor from one location or date to another.

Sec. 9.12.265 Limit of Two in One Year.

No individual organization may conduct more than two casino parties in one calendar year.

Sec. 9.12.270 Definitions.

For the purpose of this section, the following words and phrases shall mean:

- A. Casino party shall mean any event at which the public is permitted or invited to play games of chance as are listed in Section 330 of the California Penal Code and which are played for no consideration.
- B. Nonprofit charitable organization shall mean any organization exempted from the payment of the Bank and Corporation tax by Section 23701(d), 23701(f) and Business Leagues and Chambers of Commerce which are exempted under 23701(e) of the Revenue and Taxation Code.
- C. Casino Manager shall mean the individual who shall manage, supervise, and be responsible for the conduct of the event.
- D. Donation shall mean a free contribution of any tangible item, goods, wares, merchandise, money, cash, consideration, services or any other thing of value.
- E. Minor shall mean any person under the age of eighteen (18) years.
- F. Volunteer shall mean a person who offers his services without wages, salary or reimbursement while having no legal concern or interest.
- G. Chips or Scrip shall mean simulated paper currency or tokens having no face value.

- H. Advertisement shall mean any printed material, flyers, signs, pamphlets, leaflets, handbills, verbal broadcasting, or any other method normally utilized to call something to the attention of the public.
- I. Raffle or Lottery shall mean any scheme for the disposal or distribution of property or merchandise by chance for no consideration.

Sec. 9.12.280 Application, Fee.

An application for a casino party shall be made to the Chief of Police on forms prescribed by the Chief of Police not less than fifteen (15) days prior to the proposed date of the party. The application shall be accompanied by a fee for conducting an investigation as set forth in the Master Fee Schedule as it currently exists or may in the future be amended. The application for a casino party shall contain at a minimum the following:

- A. A list of all volunteers who will operate the casino games or devices, including full names of each volunteer, date of birth, place of birth, physical description, home address and home telephone number.
- B. Name and address of company or individual that will be furnishing casino equipment or devices.
- C. The date, hours of the date, and place of the proposed casino party.
- D. Casino Manager. Concurrently with the filing of an application for a casino party license, each applicant shall file a statement specifying the name and address of two persons who shall manage, supervise and be responsible for the conduct of the casino party. The casino managers shall be present on the premises at all times during which a casino party is being conducted.

Sec. 9.12.290 Application Investigation.

Upon receipt of an application for a license, the Chief of Police shall make an investigation of the applicant. The Chief of Police may send copies of such application to any office or department which the Chief of Police deems essential in order to conduct a proper investigation of the applicant.

The Chief of Police and every officer and/or City Department to which an application is referred may investigate the truth of any matters set forth in the application, the character of the applicant, and may examine the premises to be used for the casino party to ensure that it complies with all health, fire and zoning regulations.

The Chief of Police shall issue the license unless he finds that the applicant has knowingly made any false, misleading, or fraudulent statement or omission of material fact in the application for the license or that the organization is not a nonprofit charitable organization, or that the applicant or any of its volunteers who will operate the casino party have been previously convicted of violating any of the provisions of this section or any provisions of State law relating to unlawful gambling or of theft, or if the applicant has had a previous casino party license revoked or denied within five (5) years immediately preceding the date of the application, or that the applicant has conducted a casino party in the City of Chula Vista within the last six (6) months or that such organization has not been located and operating within the limits of the City of Chula Vista for a period of more than 180 days prior to the date of application.

Sec. 9.12.300 Denial or Revocation of License.

If the license is denied or revoked, the Chief of Police shall prepare a notice setting forth the reasons for such denial or revocation. Such notice shall be sent by certified mail to the applicant's address provided in the application or be personally delivered. Any person who has had an application for a casino party license denied or revoked by the Chief of Police may appeal the decision of the Chief of Police to the City Council.

Sec. 9.12.310 Regulations.

- A. Any police officer shall have free access to any casino party licensed under this section. The licensee shall have the casino party license and a list of approved volunteers of the nonprofit charitable organization who will operate the casino party available for inspection at all times during the event.
- B. Each casino party shall be held at a fixed location easily accessible for inspection by the Chief of Police.

- C. No minors shall be allowed to participate in any casino party.
- D. No casino party shall be conducted between the hours of 2:00 a.m. and 6:00 a.m.
- E. All casino parties shall be opened to the public free of charge and no advance reservation shall be required for attendance.
- F. All chips or scrip must be dispensed free of charge. There can be no correlation between the amount of chips or scrip dispensed and the amount of money donated by a prospective participant.
- G. No cash or checks may be used or displayed at any gaming table or device.
- H. No chips or scrip may be redeemed for cash, but may be exchanged for drawing tickets. All prizes or merchandise must be awarded by means of a raffle or similar lottery, and no single prize shall exceed \$2,500 in fair market value and the total fair market value of prizes awarded at any one casino party shall not exceed \$5,000, and no cash prize shall be awarded.
- I. No organization shall operate a casino party in violation of any law.
- J. All advertisements relating to a casino party must indicate that no purchase nor donation is necessary to participate and the event is open to the general public.
- K. All cashiers, volunteer, supervisors, or persons assigned to operate any gaming tables, or persons who participate in the promotion of any games during the operation of the casino party must wear on his or her outside clothing, in plain view, at chest height, an identification insignia or badge specifying the full name and title of such person.

Sec. 9.12.320 Revocation of License.

The Chief of Police may, in addition, to other penalties provided by law, immediately revoke a casino party license and cause the party to cease operation if he finds that the licensee or any agent or representative thereof is not operating in full compliance with all provisions of this section.

Sec. 9.12.330 Penalties.

Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed 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.

Sec. 9.12.340 Severability.

If any provision, clause, sentence or paragraph of this section or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are hereby declared to be severable.

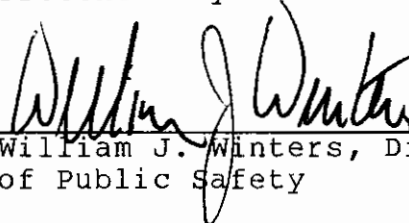
SECTION II: That Section 1.20.020 of the Chula Vista Municipal Code is hereby amended to read as follows:

Sec. 1.20.020 Specified Misdemeanors.

- A. Notwithstanding Section 1.20.010, the following offenses are misdemeanors and punishable as such: Sections 9.09.010, 9.12.280 through 9.12.340 and 9.15.010. However, violation of said sections shall be infractions when:
1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor or;
 2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

SECTION III: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by



William J. Winters, Director
of Public Safety

Approved as to form by



Thomas J. Harron, City
Attorney

3417a

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD February 2, 19 88, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD February 9,
19 88, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen Cox, McCandliss, Nader, Moore
NAYES: Councilmen None
ABSTAIN: Councilmen None
ABSENT: Councilmen Malcolm

Gregory R. Cox

Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 2253, and that the same has not been amended or repealed.

DATED December 16, 1988



CITY OF
CHULA VISTA

Jennie M. Fulasz

City Clerk

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At the meeting of February 9, 1988, the City Council
unanimously placed the ordinance on second reading and
adoption (Councilman Malcolm was absent).

The ordinance provides : new Sections to the Municipal Code
delineating guidelines for licensing and lawful operations
of Casino Night Parties. This ordinance establishes
non-profit, charitable organizations with a viable and
legal alternative for their fund raising events.

Copies of the ordinance are available at the office of the
City Clerk, City Hall, 276 Fourth Avenue, Chula Vista.

Dated: 2/12/88


Jennie M. Fulasz, CMC, City Clerk