

ORDINANCE NO. 2265

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 1.20.020, ADDING CHAPTER 9.11, AMENDING SECTIONS 9.12.010, 9.12.020 AND REPEALING SECTIONS 9.12.030 AND 9.12.040 RELATING TO GAMBLING AND REGULATION OF OPERATION OF FRATERNAL SOCIETY GAMEROOMS

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

SECTION I: 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, 9.12.010, any provision in Chapter 9.11 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 II: That Chapter 9.11 is added to the Chula Vista Municipal Code to read as follows:

CHAPTER 9.11 FRATERNAL BENEFIT SOCIETY GAMEROOMS

Sec. 9.11.010 Fraternal Benefit Society Gameroom
-Authorized.

Notwithstanding the provisions of Chapters 5.20 and 9.12 of this Code, the playing of card games by a fraternal benefit society is lawful under the terms and conditions of this chapter.

Sec. 9.11.020 Definitions.

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

- A. "Chief" means Chief of Police of the City of Chula Vista.
- B. "Fraternal Benefit Society" means a fraternal benefit society as defined in Section 23701(b) of the Revenue and Taxation Code.
- C. "Card games" means only draw poker, lo-ball poker, contract bridge and auction bridge.
- D. "Gameroom" means any space, room, or enclosure furnished or equipped with a table(s) used or intended to be used as a card table for the playing of cards or similar games on the premises of and the use of which is limited to members of the Fraternal Benefit Society.

Sec. 9.11.030 License Required.

- A. It shall be unlawful for any person to hold a card game in a gameroom unless the Fraternal Benefit Society has been issued a license as provided by this Chapter.
- B. The operation of any gameroom without a license or failure to operate in full compliance with all provisions of this Chapter shall be grounds for revocation of the license, or denial of the request to obtain a license by the violating organization.

Sec. 9.11.040 Application.

Application for license shall be made to the Chief on forms prescribed by the Chief. The Chief shall have a reasonable time in which to investigate the application and background of the applicant. 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 fraternal gameroom license shall contain at a minimum the following names and addresses:

- A. Gameroom manager/supervisor. The person(s) who will be responsible for supervising the games.
- B. Leadership of the Society, including officers and Board of Directors.

- C. Those persons who may have a financial interest in the organization, including landlords, lessors, lessees, owner(s) of the building, fixtures, or equipment.

Sec. 9.11.050 Application Investigation.

- A. Upon receipt of an application for a license, the Chief shall make an investigation of the application. The Chief may send copies of such application to any office or department which the Chief deems essential in order to conduct a proper investigation of the applicant organization.
- B. The Chief 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 gameroom to ensure that it complies with all health, fire, and zoning regulations.
- C. The Chief shall issue the license unless he/she 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 Fraternal Benefit Society, or that the gameroom managers or responsible organization leadership have been previously convicted of violating any of the provisions of this Chapter or any provisions of state law relating to unlawful gambling or of theft, or had a previous gameroom license revoked or denied within five (5) years immediately preceding the date of the application.

Sec. 9.11.060 Denial or Revocation of License.

If a license is denied or revoked, the Chief 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 license denied or revoked by the Chief may appeal the decision to the City Council.

Sec. 9.11.070 Regulations.

- A. A Fraternal Benefit Society shall conduct its gameroom only on property which is either owned or leased by it, and used by such organization for an office, lodge, or for the performance of the purposes for which the organization is organized. Prior to the application for a license pursuant to

this Chapter, each organization applying for a gameroom license shall have been established within the community of Chula Vista for two (2) years.

- B. All card games shall be held at a fixed location, and, notwithstanding Section 1.16.010, shall allow for full access for police inspection whenever in operation.
- C. Gamerooms shall be operated from 10:00 a.m. to 12:00 a.m. only. Days of operation shall be limited to two (2) days per week. No card games shall take place on Sundays.
- D. No more than eight (8) players shall be permitted at any one gameroom card table.
- E. No more than two (2) tables shall be permitted at any licensed gameroom.
- F. Gameroom card players shall be limited to members in good standing of the licensed Fraternal Benefit Society. Card games shall not be open to the general public or guests.
- G. No intoxicated players shall be permitted in the gameroom. No alcohol shall be consumed or served at the gameroom card tables.
- H. No person under twenty-one years of age shall be permitted to play any game at any gameroom card table. No person under twenty-one years of age shall be employed to work in the area designated as the "gameroom".
- I. All gameroom card tables shall be supervised by the person designated on the application, or their representative. This supervisor shall ensure that the games played on the tables are being played in strict accordance with the terms of this Chapter and not in violation of Section 330 and 330a of the Penal Code of the State of California.
- J. No member shall be charged a fee or required donation to participate in playing cards in the gameroom.
- K. No bet or wager in a game shall exceed \$1.00. There shall be no more than three raises, no tablestakes, or jackpots will be permitted.

Sec. 9.11.080 No Exterior Signs.

There shall be no exterior signs advertising the playing of cards within the licensed organizations' facility. The organization shall not advertise the playing of cards in any medium other than an organization newsletter or other written material which is delivered/made available to organization members only.

Sec. 9.11.090 Penalties.

Notwithstanding Section 1.20.010, 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) 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. 9.11.100 Severability.

If any provision, clause, sentence or paragraph of this Chapter 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 III: Section 9.12.010 of the Chula Vista Municipal Code is amended to read:

Sec. 9.12.010 ~~operations////prohibitions////provides////or considerations/ro/player/prohibited/~~
Gambling prohibited.

~~It/As/unlawful/for/any/person/to/social/club/to/set up//manage//conduct//or/maintain/any/game//machine/or enterprise/wherein/~~

~~A/ A/consideration/is/paid/by/the/player/~~

~~B/ Prizes/are/awarded/as/determined/by/skill/or/by/any combination/of/skill/and/chance/and~~

~~C/ Such//game//machine//or//enterprise//as//played concurrently//with//or//alternately//or//in conjunction/or/connection/with/~~

~~1/ Any/lottery/~~

~~2/ Any//game//of//chance//whether//or//not//a~~

~~consideration//is//paid//for//playing//the//game or//chance//prohibited//however//that//the//game~~

~~of/bingo//as/conducted/under/the/laws/of/the~~

~~state/of/California//is/hereby/exempted/from~~

~~the/prohibitions/contained/herein/~~

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- B. Otherwise lawful card games carried on pursuant to a license issued under Chapter 5.20.
- C. Otherwise lawful card games carried on pursuant to a license issued under Chapter 9.11.

SECTION V: Sections 9.12.030 and 9.12.040 of the Chula Vista Municipal Code are hereby repealed.

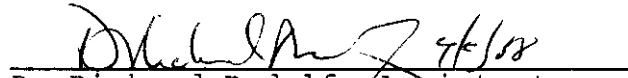
SECTION VI: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented by

Approved as to form by



William J. Winters, Director
of Public Safety



D. Richard Rudolf, Assistant
City Attorney

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FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD April 19, 1988, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD April 26, 1988, BY THE FOLLOWING VOTE, TO-WIT:

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

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. 2265, and that the same has not been amended or repealed.

DATED _____



CITY OF
CHULA VISTA

City Clerk