



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Introduction of Ordinance No. 1671 Amending the City's Card Room Ordinance in Order to Bring it into Compliance with State Law

**MEETING DATE:** April 21, 1999

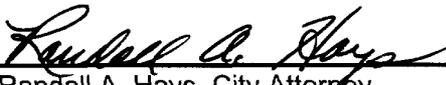
**PREPARED BY:** City Attorney

**RECOMMENDATION:** That the City Council introduce Ordinance No. 1671 Amending Chapter 5.12 "Cardrooms" of the Lodi Municipal Code in order to bring it into compliance with State Law.

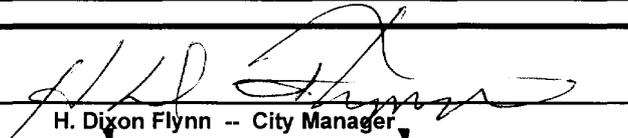
**BACKGROUND:** The State of California has adopted various amendments to the California Business & Professions Code relative to gambling within the State of California. The Gambling Control Act has specific provisions in it relative to card rooms. In order to have the City's Ordinance comply with the directives of the State Law, the attached ordinance has been prepared. The amendments that are proposed provide some strengthening of our current ordinance relative to the licensing of card room employees as well as the licensing of card rooms themselves. Of specific note is that under the State Law we are required to not only indicate the number of tables per card room which our current ordinance does, but we are also required to set the number of tables allowed in the City. At the moment the City of Lodi has one card room within the City that is licensed. The ordinance amendment has been prepared so that it states that within the City of Lodi there can be only six (6) card room tables. The remaining amendments provide additional specificity with regard to hours of operation and patron safety, which actually provides the City with some additional knowledge relative to the cardrooms.

**FUNDING:** None

Respectfully submitted,

  
Randall A. Hays, City Attorney

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

ORDINANCE NO. 1671

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING CHAPTER 5.12 OF THE LODI MUNICIPAL CODE BY REPEALING AND REENACTING SECTION 5.12.070 "WORK PERMIT – REQUIRED" AND SECTION 5.12.140 (C), (E), AND (G) AND ADDING SECTION 5.12.140 (R) "RULES AND REGULATIONS" RELATING TO CARDROOMS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

**SECTION 1. Chapter 5.12 – “Cardrooms” Section 5.12.070 – Work Permit – Required is hereby repealed and reenacted to read as follows:**

**5.12.070 Work Permit – Required.**

- A. Each cardroom employee must obtain and possess a valid work permit issued by the Chief of Police. “Cardroom employees” for the purpose set forth in this section, means dealers, overseers and others directly connected with the operation and supervision of the cardtables excluding waitresses, bartenders, culinary workers and others not connected with such operation and supervision. Applications 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 necessary to determine whether the applicant is a proper person to be employed in a cardroom. Fingerprints of the applicant shall accompany the application. A work permit shall be issued only to persons twenty-one years of age or older.
- B. Any application for a work permit shall be subject to objection by the State division. If the division objects to the issuance of a work permit it shall be denied. Such a denial may be reviewed in accordance with the Gambling Control Act (Business & Professions Code §19801 et sec.).

**SECTION 2. Chapter 5.12 – “Cardrooms” Section 5.12.140 (C), (E) and (G) of “Rules and Regulations” is hereby repealed and reenacted to read as follows:**

- C. Not more than six (6) tables shall be permitted in any cardroom. No more than six (6) tables shall be permitted to operate within the City of Lodi.
- E. Cardrooms shall be located on the ground floor, and so arranged that cardtables and the players at the tables shall be plainly visible from the front door opening when the door is opened. No wall, partition, screen or similar structure between the front door opening on the street and any cardtable located in the cardroom shall be permitted if it interferes with the visibility.

No gambling establishment may be located in any zone which has not been specifically approved for such a business. Additionally none may be located near any of the unsuitable areas, as specified in Business & Professions Code §19852 (a) (3).

- G. All cardrooms shall be closed at two a. m. and shall remain closed until ten a.m. of the following day. Cardrooms may be operated seven days a week. A cardroom shall adopt a schedule of hours of operation before it shall be allowed to operate. Such schedule shall be approved by the City of Lodi. Such approved schedule of hours shall be clearly posted at the cardroom in order to provide adequate notice of its hours of operation.

**SECTION 3. Chapter 5.12 – “Cardrooms” Section 5.12.140 (R) is hereby added to “Rules and Regulations” to read as follows:**

- R. Patron Security and Safety. Each cardroom license shall be responsible and liable for its patrons safety and security in and around the cardroom establishment. Before it shall be allowed to operate, each cardroom shall adopt a plan, to be approved by the City of Lodi, to provide for the safety and security of its patrons.

**SECTION 4 - No Mandatory Duty of Care.** This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 5 - Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 6.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**SECTION 7.** This ordinance shall be published one time in the “Lodi News Sentinel”, a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_ day of \_\_\_\_\_, 1999

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KEITH LAND  
Mayor

Attest:

ALICE M. REIMCHE  
City Clerk

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1671 was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 1999 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1999 by the following vote:

Ayes:	Council Members -
Noes;	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1671 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE  
City Clerk

Approved as to Form:



RANDALL A. HAYS  
City Attorney