



CITY OF SACRAMENTO

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DEPARTMENT OF POLICE  
HALL OF JUSTICE  
813 - 5TH STREET  
SACRAMENTO, CALIFORNIA 95314  
TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

18 April 1980  
Ref: 4-62

City Council, Law and  
Legislation Committee  
Sacramento, California

Honorable Members in Session:

SUBJECT: PERMIT TO OPERATE WITHIN TWO BLOCKS OF SCHOOL GROUNDS

SUMMARY

Section 5.30 of the Sacramento City Code disallows the operation of any amusement machines or game machines within two blocks of any public school grounds. Recent enforcement has caused a recognition of the fact that there should be exceptions applicable to 5.30 and therefore submits 5.31 of the Sacramento City Code for passage by your committee and ultimately the City Council.

BACKGROUND INFORMATION

In mid 1974 Section 5.30 was passed by the City Council and enacted as current legislation stating "no person shall place any coin operated machines or games in such a manner so that they may be operated within two blocks of any public school grounds." We have recently determined that there still exists some operations within the city which in fact violate 5.30. One such operator contacted Councilman John Roberts and urged that a device for granting a variance be adopted by the council. This request was made on the part of the citizen in light of the fact that he had an existing operation which was within the two block radius of a public school grounds but that he had the support of the community by way of petition and also had received documentation from the respective school and school district indicating that they had no opposition to his coin operated machine facility.

Councilman Roberts contacted the Sacramento Police Department and requested that we develop some device whereby exceptions to 5.30 of the Sacramento City Code could be entertained and based upon the opinion of the Police Department a permit could be issued. Therefore, 5.31 was drafted and is now before you for passage.

APPROVED  
BY THE CITY COUNCIL

MAY - 8 1980

OFFICE OF THE  
CITY CLERK

*FFP +  
Cont to  
5-13-80*

FILED  
By the City Council  
Office of the City Clerk

*Cont to  
5-20-80*

MAY 13 1980

APPROVED  
BY THE CITY COUNCIL

MAY 20 1980

OFFICE OF THE  
CITY CLERK

The criteria for issuance for such a permit would include but is not limited to the following:

1. An application for such a permit would only be accepted when the school grounds in question are that of an elementary school. That is to say we would not issue a permit in the area of a junior high, middle, or high school.
2. A permit would only be issued for inclusion in a business which is of the type that would normally have coin operated gaming machines on its premises. A permit would not be issued for the placement of machines in a service station or small neighborhood grocery store.
3. Permits would be issued only for existing businesses in the area of public school grounds.

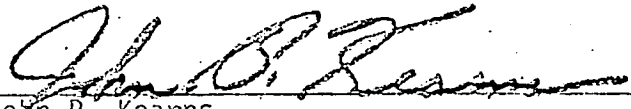
Therefore an applicant who intends to create a new business solely for the purpose of adding coin operated gaming machines to an area within the two block radius of a public school would be denied:

4. The permit would be subject to conditions which are applicable by the Chief of Police. These conditions may include but are not limited to (a) no school children allowed in the facility during normal school hours unless accompanied by a parent.

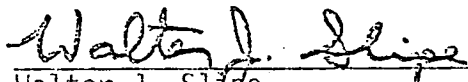
RECOMMENDATION

It is recommended that the Law and Legislation Committee pass on 5.31 of the Sacramento City Code and direct it to the City Council for passage.

Very truly yours,

  
 John P. Kearns  
 CHIEF OF POLICE

Recommendation Approved:

  
 Walter J. Slive  
 CITY MANAGER

JPK:RDR:a1

AN ORDINANCE AMENDING SECTION 5.30 AND  
 ADDING SECTION 5.31, TO THE SACRAMENTO  
 CITY CODE RELATING TO THE PLACING OF COIN-  
 OPERATED GAMING MACHINES WITHIN TWO BLOCKS  
 OF A SCHOOL GROUND

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 5.30 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.30 Proximity of Machines to School Grounds.

No person shall place any ~~machine~~ coin-operated machines or games in such manner so that they may be operated within two blocks of ~~public-school-grounds~~ any school grounds, except that such machines or games may be placed within two blocks of a grammar school upon the issuance of a permit from the chief of police in accordance with the provisions of section 5.31 of this article.

APPROVED  
 BY THE CITY COUNCIL

MAY 20 1980

SECTION 2.

Section 5.31 is hereby added to the Sacramento City Code to read as follows:

OFFICE OF THE  
 CITY CLERK

Sec. 5.31 Permit to Operate Within Two Blocks of School Grounds.

(a) Application. Application for a permit shall be made to the chief of police, on such form as he may require. The application shall include, among other things, the following:

(i) The true name of the applicant, together with the names of all persons directly or indirectly interested in the conducting of such business, including all members of any firm or partnership. A corporate applicant shall list officers, directors and principal owners, including all owners of ten percent or more of the corporate stock.

(ii) Whether the applicant has at any time been convicted of a felony or offense involving moral turpitude or has been convicted of any narcotics violation or violation of any gambling laws or ordinances.

(iii) Whether or not any permit or license heretofore granted to applicant to engage in any business or to do any act within the City has been revoked or denied and, if so, the circumstances surrounding the revocation or denial.

(iv) The location and a description of the premises upon which the applicant proposes to operate such machines or games and a statement of the property interest of the applicant in the premises as owner, lessee or otherwise.

(v) Such further information bearing on the identity and character of the applicant or the use, location or condition of the premises as the chief of police may require.

(b) Notice of Intent to Operate Coin-operated Gaming Machines. Not later than five (5) days after the receipt of the completed application required by subsection (a), a notice of intent to operate coin-operated gaming machines shall be posted in a conspicuous place on the premises for which the application was submitted. Such notice of intent shall contain:

(i) A heading entitled "NOTICE OF INTENT TO OPERATE COIN-OPERATED GAMING MACHINES" in letters not less than one inch in height.

(ii) The name of applicant.

(iii) A statement as to when the chief of police is to act on the application and that any comments or question concerning the application should be directed to the chief as far in advance of said date as possible.

(iv) A statement that any decision of the chief of police concerning the application may be appealed to the City Council pursuant to section 2.320 of the City Code within twenty (20) days of the posting of the notice of decision pursuant to subsection (e) of this section.

(c) Investigation. Applications shall be investigated by the chief of police. The investigation shall take into consideration the character of the applicant, the type of school nearby, whether a grammar, middle or high school, any truancy or delinquency problems experienced by such school, the recommendations, if any, of the administrators and teachers of such school, and any law enforcement problems which the issuance of the permit may create. The chief of police may also consider such other sources of information as are available to him.

(d) Denial, Issuance. The chief of police may deny an application for a permit if, in his opinion, the placing of coin-operated gaming machines is intended to, or will have the effect of, attracting children from the nearby school, or if the operation of such games would tend to create a law enforcement problem or create a public nuisance or where the granting of the permit would be contrary to the public interest. In issuing a permit, the chief of police may impose such reasonable terms and conditions upon the operation of coin-operated gaming machines as he deems necessary and desirable under the circumstances to protect the health, safety, and well being of the public.

No permit shall be issued unless the applicant has first paid to the city collector any fee required under section 5.23 and Chapter 23 of the City Code.

Decisions of the chief of police relating to the granting or denial of an application for a permit shall be rendered in writing not later than thirty days after the date of application. Copies of decisions shall be mailed to the applicants not later than five days after the decision.

(e) Right to Appeal. The decision of the chief of police may be appealed to the City Council pursuant to section 2.320 of the City Code. An applicant must file a notice of appeal with the city clerk within twenty (20) days after the date of decision. Any other person must file a notice of appeal within twenty (20) days after the posting of the notice of decision, as provided in subsection (f).

(f) Notice of decision. Not later than five (5) days after the date of the decision of the chief of police, notice of said decision shall be posted in a conspicuous place on the premises for which the application was submitted and shall state whether the decision of the chief of police was to grant the permit with or without conditions, or deny the permit. Said notice shall show thereon the date of posting and shall contain a notification of appeal rights, which notification may consist of a copy of section 2.320 of the City Code. Such notice shall be entitled "NOTICE OF DECISION ON COIN-OPERATED GAMING MACHINES - APPEAL RIGHTS" in letters not less than one inch in height. Such notice shall also specify that any appeal must be filed within twenty (20) days of the posting of the notice of decision.

(g) Suspension and revocation of permit.

(i) The chief of police shall have the right for cause to revoke or suspend any permit issued hereunder. Any of the grounds upon which he may refuse to issue an initial permit shall also constitute grounds for such revocation or suspension. In addition, the failure of the permittee to comply with the provisions of this article shall also constitute grounds for revocation or suspension of such permit.

(ii) The permittee shall be given ten (10) days notice in writing of the intent to suspend or revoke any permit issued hereunder. Such notice shall state the grounds for the intended suspension or revocation. If, within said ten-day period, the permittee requests a hearing, the chief of police shall set the matter for hearing and shall give the permittee five (5) days notice in writing of the time and place of the hearing. The chief of police shall issue a decision on the appeal in writing. The decision shall be sent to the permittee by mail, postage prepaid, within two (2) days after the date of the decision.

(iii) The decision of the chief of police with respect to the suspension or revocation of a permit may be appealed, by the permittee, to the city council in the same manner as that provided

in section 2.320 of the City Code within ten (10) days of the date of the decision.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

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