

**ORDINANCE NO. 95-009**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF FEB 14 1995

**AN ORDINANCE AMENDING CHAPTER 5.01 OF TITLE 5 OF THE  
SACRAMENTO CITY CODE, RELATING TO CARDROOM LICENSES**

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

**SECTION 1.**

Title 5, Chapter 5.01, Section 5.01.003-1 of the Sacramento City Code is hereby amended to incorporate Sections 5.01.003-1 and 5.01.003-12 and to read as follows:

5.01.003-1 Cardroom License--required.

It shall be unlawful for any person to engage in, carry on, maintain or conduct or cause to be engaged in, carried on, maintained or conducted any cardroom or tables which are used by the public for playing of cards and at which money or anything of value is wagered or for the use of which a fee or compensation is charged players, without first obtaining a license from the City.

No cardroom license or employee work permit shall be required for cardrooms of fraternal organizations not open to the general public and whose membership is restricted to those persons regularly and formally admitted to membership therein and paying regular dues to such organizations; provided, however, that exempt organizations and employees hereunder shall register with the Chief of Police by completing a form requiring such information as the Chief deems necessary and shall be subject to the cardroom regulations set forth in Section 5.01.003-17.

**SECTION 2.**

Title 5, Chapter 5.01, Section 5.01.003-2 is hereby added to the Sacramento City Code to read as follows:

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5.01.003-2 Statement of purpose.

The regulatory provisions of this Title are necessary to ensure that cardrooms are operated reasonably for the protection of public health, safety, and welfare and to conform to State-mandated requirements set by The Gaming Registration Act found in the Business and Professions Code commencing with Section 19800, et seq. Although many operators are highly reputable, some are not. Gaming can bring enjoyment and entertainment for patrons, but also undesirable elements such as compulsive gambling, cheating, dishonesty, criminal violations and peace disturbances.

If all licensees were reputable and vigilant, very little supervision would be necessary. However, the City has found that some licensees require exhaustive monitoring and enforcement. Thorough screening of applicants prior to licensure is desirable. Pursuant to Section 5.01.003-5, the City Manager, with the assistance of the Chief of Police, will conduct a thorough investigation into the background of applicants in order to assure that potential licensees will not foster criminal activity, will not be detrimental to the health, safety and welfare of the City, are of sound moral character, and that licensure is in the public interest.

Section 5.01.003-6 limits the number of cardroom licenses issued to one for each 100,000 residents of the City, with a maximum of four (4). The purpose of this limitation is to limit the gambling within this community to a level which will be a source of entertainment and recreation for local citizens while preventing a casino-like atmosphere in this community. A casino-like atmosphere, where gambling becomes a major industry or attraction and the community a center for gamblers from other jurisdictions, is detrimental to the development of this community. Increased and unrestrained gambling creates greater law enforcement problems, thereby compromising the ability of law enforcement to control the criminal and peace-disturbing effects thereof and diverting police resources from other law enforcement activity. Limiting the number of licenses and cardrooms to one for each 100,000 residents, with a maximum of four (4), assists in the accomplishment of these goals as opposed to permitting a greater number of licensed cardrooms.

Accordingly, the Chief of Police has determined, and the City Council finds, that a limitation of one cardroom per 100,000 residents of the City, with a maximum of four (4), will minimize many of the above-mentioned problems without undue burden on stable and reputable cardrooms. The purpose of this Title is to protect the health, safety, and welfare of the citizens of the community, to assure that City law enforcement resources are efficiently allocated, and to provide cardrooms where citizens of this City can safely enjoy the entertainment provided by reputable cardrooms.

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**SECTION 3.**

Title 5, Chapter 5.01, Section 5.01.003-2 of the Sacramento City Code is hereby renumbered to 5.01.003-3, and amended to read as follows:

**5.01.003-3 Application for cardroom license.**

An applicant for a cardroom license shall submit an application to the City Manager or the City Manager's designee. The application shall include, among other things, the following:

1. The true name of the applicant, together with the names of all persons directly or indirectly interested in conducting the 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.
2. Whether the applicant has at any time been convicted of a felony, or any other offense involving moral turpitude, or has been convicted of any narcotics violation or violation of any gambling laws or ordinances.
3. Whether or not any permit or license heretofore granted to applicant to engage in any business or do any act within any jurisdiction has been revoked or denied and, if so, the circumstances surrounding the revocation or denial.
4. The location and a description of the premises upon which the applicant proposes to conduct a cardroom and a statement of the property interest of the applicant in the premises as owner, lessee or otherwise. If premises is leased or rented, applicant shall submit a copy of the lease and/or rental agreement.
5. The number of card tables which will be operated on the premises. The number of tables shall not exceed seven (7), as provided in Section 5.01.003-17(b).
6. Such further information bearing on the identity and character of the applicant or the use, location, or condition of the premises as the City Manager or designee may require.

**SECTION 4.**

Title 5, Chapter 5.01, Section 5.01.003-3 of the Sacramento City Code is hereby renumbered to 5.01.003-4, and amended to read as follows:

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5.01.003-4 Fees and surety bond.

Cardroom licensees shall pay annually a business operations tax as required by Title 23 of this Code. In addition to the aforementioned business operations tax, under Title 23 of this Code, a nonrefundable application fee established by resolution of the City Council shall be charged and collected from the applicant at the time of making application under Section 5.01.003-3.

In addition to any application fee and business operation taxes imposed by the City on the business of a cardroom, each licensee shall be charged a quarterly table operation fee for each card table operated by the licensee or to be operated by the applicant. The amount of this quarterly fee shall be set by resolution of the City Council and shall be based upon any and all costs incurred by the City related to this Title, including but not limited to the cost to the City of enforcement and revenue administration of this Title.

The quarterly table operation fee shall be paid quarterly in advance by the applicant or licensee to the Revenue Division. The first quarterly fee shall be due at the filing of the initial application for a cardroom license. Thereafter, the quarterly table operation fee shall be paid, in advance, for the succeeding quarter. Payment shall be made on or before January 1, April 1, June 1, and September 1; except that, if any of these days falls on a Sunday or a City holiday, the quarterly due date for payment shall be the day before such Sunday or City holiday. The quarterly table operation fee shall be delinquent if not received or postmarked on or before the quarterly due date for payment as such quarterly due date is defined above. All licensees shall pay the quarterly table operation fee commencing April 1, 1995.

Prior to the beginning of each quarter, the licensee shall notify the Chief of Police as to the number of tables to be operated for that new quarter and shall pay to the Revenue Division the table operation fee accordingly. Upon payment of the quarterly table operation fee, the Revenue Division shall issue a receipt indicating the number of tables the licensee is permitted for that quarter. In the event that the licensee reduces the number of tables in operation during a quarter, the City shall not rebate any of the previously paid table operation fee for that quarter. In the event that the licensee desires to increase the number of tables in operation during a quarter, the licensee shall pay to the Revenue Division the additional table operation fee for that entire quarter regardless of when during the quarter the additional table(s) are added.

Exempted from this quarterly fee are tables in excess of the number specified on the license and which are used for promotional or tournament play; provided, however, that pursuant to Section 5.01.003-17(b) or (l), the total number of regular tables and promotional/tournament tables in use shall not exceed seven (7). Such promotional or tournament play and the use of such additional tables for such promotions and tournaments shall not exceed four days in any calendar month. The Chief of Police shall be notified seven days

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in advance of the promotional or tournament events and shall be notified of the duration and dates of such events.

On the denial by the City of an application of a cardroom license, the quarterly table operation fee paid by the applicant or licensee shall be rebated to the applicant or licensee by the Revenue Division. The rebate shall not be made by the Revenue Division until the appeal period on the denial has elapsed or, if an appeal is filed, until a final decision upholding the denial has been made and the appeal has become final in the administrative or judicial process, whichever is applicable.

If the applicant's or licensee's appeal of the denial is granted, the applicant or licensee shall owe and pay the appropriate table operation fee to the Revenue Division prior to the issuance of the cardroom license.

#### **SECTION 5.**

Title 5, Chapter 5.01, Section 5.01.003-4 of the Sacramento City Code is hereby renumbered to 5.01.003-5, and amended to read as follows:

#### **5.01.003-5 City Manager's action on application.**

An application for a cardroom license shall be investigated by the City Manager who shall obtain recommendations and reports from the Chief of Police concerning the character of the applicant and any law enforcement problems which the issuance of the license might tend to create, from the Planning Director concerning the compatibility of the proposed use of the premises with existing zoning regulations and with neighborhood land uses, and from such other sources, including residents and businesses in the area, as the City Manager may deem appropriate.

The City Manager may deny an application for a cardroom license if, in the City Manager's opinion, the cardroom is to be located in an area of the City where, or operated under circumstances in which it might tend to create a public nuisance, where the granting of the license would be contrary to the public interest, or issuance of a license to the applicant is, in the opinion of the City Manager, contrary to the interests and health, safety and welfare of the City.

#### **SECTION 6.**

Title 5, Chapter 5.01, Section 5.01.003-4 of the Sacramento City Code is hereby further amended and renumbered to 5.01.003-6, to read as follows:

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5.01.003-6 Limitation on the number of cardroom licenses.

No cardroom license shall be granted when the number of cardroom licensees in the City exceeds the ratio of one cardroom for every 100,000 population of the City according to the latest population figures from the California Department of Finance; provided, however, that the maximum number of cardroom licenses which may be issued shall not exceed four.

At the time the amendment to this ordinance is adopted there are six (six) cardroom licensees. All cardroom licensees may continue to hold their license so long as they meet the requirements of this Title. The number of cardroom licenses shall be reduced whenever any cardroom license is revoked, surrendered, expires without renewal or the licensee is no longer licensed by the State of California. No current licensee whose license is hereafter revoked or surrendered, or expires without renewal, shall be eligible for a new license until the number of cardroom licenses in the City is fewer than four and he/she is selected according to the procedure described in this Title for selection of new licensees.

Any cardroom licensee who is not operating a cardroom at the time this ordinance is enacted shall have 90 days in which to open and continue to maintain a cardroom. The 90-day period shall run from the date this ordinance is enacted. Inasmuch as the cardroom regulations existing just prior to the effective date of this ordinance provides that a cardroom license not active for 90 days is automatically revoked, if any cardroom licensee who is not currently operating a cardroom fails to open and continue to maintain a cardroom within 90 days from the date this ordinance is adopted, then that cardroom license shall be automatically revoked. Any cardroom licensee whose license is automatically revoked may appeal the revocation within the time prescribed and in the manner set forth in this Title.

No application pending at the time this ordinance is enacted shall be processed any further. Any application fee paid shall be promptly refunded to the applicant.

**SECTION 7.**

Title 5, Chapter 5.01, Section 5.01.003-5 of the Sacramento City Code is hereby renumbered to 5.01.003-7, and amended to read as follows:

5.01.003-7 Work permits required for cardroom employees.

Cardroom employees shall be required to obtain a work permit from the Chief of Police. For the purpose of this section, cardroom employees are defined as dealers, overseers and others directly connected with the operation and/or supervision of the card tables and excluding waitresses, bartenders, culinary workers and others not connected with card table operation and/or supervision. Only one work permit shall be required each year even though the holder

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of a work permit may change his/her place of employment within the City. Each cardroom employee shall pay the sums established by resolution of the City Council for his/her first permit, and for a permit renewal.

The Chief of Police shall deny an application for a work permit if, in the opinion of the Chief of Police, approval of the application is contrary to the interest and the health, safety and welfare of the City, or if the applicant has been convicted of a felony or any other offense involving moral turpitude, or has been convicted of any narcotics violation or violation of any gambling laws or ordinances.

**SECTION 8.**

003-8

Title 5, Chapter 5.01, Section 5.01.008 is hereby added to the Sacramento City Code to read as follows:

**5.01.003-8 Issuance of new cardroom licenses.**

Commencing on the date of enactment of this ordinance, no new cardroom license shall be issued, except as provided in this Chapter, as long as there are four or more valid cardroom licenses in the City. Whenever the number of licenses falls below four, the City Manager shall notify all persons who have expressed interest in obtaining a cardroom license that a cardroom license is available, requesting that any person who wishes to be considered for the license should notify the City Manager. The City Manager shall also place an advertisement in a newspaper of general circulation in the City of Sacramento and give additional public notice of the availability of a license as he/she deems appropriate. Notice shall be deemed sufficient when it is provided pursuant to Government Code Section 6063.

The City Manager shall thereafter conduct a lottery among all those expressing interest in the available cardroom license, for the purpose of establishing the sequence in which potential applicants shall be considered for the available license. Specific rules and procedures for the lottery shall be established by the Chief of Police and approved by resolution of the City Council.

If the selected applicant fails to qualify for a license or elects not to proceed with the license process, applicants drawn in sequence in the lottery shall be considered until the cardroom license is issued.

**SECTION 9.**

003-6

Title 5, Chapter 5.01, Section 5.01.006 of the Sacramento City Code is hereby renumbered to 5.01.009, and amended to read as follows:

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5.01.003-9 Appeals of action on applications or conditions.

Any applicant wishing to appeal the decision of the City Manager in granting or denying an application for or a renewal of a cardroom license or the decision of the Chief of Police in denying an application for a work permit or imposing conditions on a license to the City Council may do so by filing a written notice of appeal with the City Clerk not later than ten (10) days after the date of the decision. Upon failure to file a notice of appeal within the ten-day period, the action of the City Manager or Chief of Police shall be final and conclusive.

Appeals to the City Council shall follow the procedures set forth in City Code Sections 2.05.400 to 2.07.500, including referring appeals to a hearing examiner.

**SECTION 10.**

Title 5, Chapter 5.01, Section 5.01.003-7 of the Sacramento City Code is hereby renumbered to 5.01.003-10, and amended to read as follows:

5.01.003-10 Suspension and revocation of cardroom license or work permit.

The City Manager shall have the right for cause to revoke or suspend any cardroom license issued hereunder, and the Chief of Police shall have the right for cause to revoke or suspend any cardroom work permit issued hereunder. Any of the grounds upon which the City Manager and the Chief of Police may refuse to grant a cardroom license application or cardroom work permit application shall also constitute grounds for such revocation or suspension. In addition, the failure of a cardroom licensee or cardroom work permit holder to comply with the provisions of this Title shall also constitute grounds for revocation or suspension of the license or work permit.

Cardroom licensees shall continuously operate a cardroom while holding a valid cardroom license. If any person licensed hereunder fails to maintain and continuously operate a cardroom for a period of ninety consecutive days or more in accordance with the provisions of this Title, the license shall automatically be revoked. A licensee may appeal any automatic revocation within the time and in the manner set forth in Section 5.01.003-9.

**SECTION 11.**

Title 5, Chapter 5.01, Section 5.01.003-8 of the Sacramento City Code is hereby renumbered to 5.01.003-11, and amended to read as follows:

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5.01.003-11 Appeals of revocations or suspensions of licenses or permits.

The action of the City Manager or Chief of Police with respect to a revocation or suspension of a cardroom license or cardroom work permit may be appealed to the City Council as set forth in Section 5.01.003-9. Upon failure to timely file a notice of appeal, the action of the City Manager or Chief of Police shall be final and conclusive.

**SECTION 12.**

Title 5, Chapter 5.01, Section 5.01.003-12 is hereby added to the Sacramento City Code to read as follows:

5.01.003-12 Temporary Suspension.

- (a) The City Manager shall have the authority to temporarily suspend a cardroom license and to order the licensee to immediately cease and desist any further operation of the cardroom during the time an appeal is pending pursuant to the provisions of this Chapter if the Chief of Police finds that such temporary suspension is necessary in order to protect against a serious and immediate threat to the public health, safety, morals or welfare caused by exercise of the license and one of the following occurs:
  - (1) The licensee is in violation of any of the provisions of this Chapter, the Penal Code of the State of California, or any other applicable federal, state or local law, rule or regulation; or
  - (2) The Chief of Police finds that by reason of criminal activity occurring on the cardroom premises, or by virtue of acts by the patrons of the cardroom, that the public is subject to the immediate risk of harm or criminal, deceitful or otherwise unethical practices.

**SECTION 13.**

Title 5, Chapter 5.01, Section 5.01.003-13 is hereby added to the Sacramento City Code to read as follows:

5.01.003-13 Temporary Suspension - Notice of Suspension and Appeal.

- (a) The temporary suspension shall be effective 24 hours following delivery of a temporary suspension notice to the licensee. If the licensee is unavailable or unable to be served, notice may be delivered to the person in charge of the

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cardroom and mailed to the licensee at the cardroom premises, and shall take effect 24 hours after both delivered and placed in the mail.

- (b) An appeal of a temporary suspension of a license pursuant to this Section shall be made as provided in Section 5.01.003-11.

**SECTION 14.**

Title 5, Chapter 5.01, Section 5.01.003-14 is hereby added to the Sacramento City Code to read as follows:

5.01.003-14 Conducting a Cardroom or Operating as a Cardroom Manager or Dealer After Temporary Suspension.

It shall be unlawful for the holder of a cardroom license to operate or permit the operation of a cardroom after temporary suspension of the cardroom license pursuant to Section 5.01.003-12, and it shall be unlawful for the holder of a cardroom employee permit to work as a cardroom employee in any cardroom the license for which has been temporarily suspended pursuant to Section 5.01.003-12.

**SECTION 15.**

Title 5, Chapter 5.01, Section 5.01.003-9 of the Sacramento City Code is hereby renumbered to 5.01.003-15, and amended to read as follows:

5.01.003-15 Cardroom licenses and work permits not transferable.

The privilege conferred by the licenses and permits issued under this Chapter shall not be transferable, and each license and permit shall so provide on its face. A cardroom license is not property and shall have no value. Any attempt to transfer, directly or indirectly, a cardroom license in violation of the provisions of this Chapter shall be unlawful and void, and shall automatically revoke the license. Any cardroom licensee whose license is automatically revoked may appeal the revocation within the time prescribed and in the manner set forth in Section 5.01.003-11.

For purposes of this Chapter, a prohibited transfer of a cardroom license shall include, but not be limited to, the following:

- (a) An attempted transfer of a cardroom license.

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- (b) An attempted assignment or transfer of a license from a partnership to one or more of the individual partners.
- (c) Where the cardroom license has been granted to a corporation, an attempted issuance or transfer of any shares of stock to any person, entity or group not listed as having an interest in the cardroom license when it was granted.
- (d) The sale, lease or other transfer of a business which includes a cardroom where the cardroom is considered part of the business sold and the cardroom license is intended to pass with the sale, with or without consideration, even though the sale, lease or transfer may be conditioned upon the successful transfer of the license to the buyer.
- (e) Entering into any arrangement or agreement whereby the license or any interest therein or the transfer of the license is attempted to be pledged as security for a loan or the fulfillment of an obligation or agreement.

**SECTION 16.**

Title 5, Chapter 5.01, Section 5.01.003-10 of the Sacramento City Code is hereby renumbered to 5.01.003-16, and amended to read as follows:

**5.01.003-16 Application for cardroom license under certain circumstances.**

Notwithstanding the prohibitions contained in this Chapter against the issuance or transfer of a cardroom license, an application by a cardroom licensee for a change of location or an application by a successor in interest to a licensee for the issuance of a license in his/her own name for purposes of operating the same business may be made to the City Manager in the following situations:

- (a) A change of location not involving any change in identity of the licensee.
- (b) A change in business organization (for example, incorporation of a sole proprietorship or partnership) where there is no change in the identity of the principals holding the license.
- (c) The death of a licensee where the application is made on behalf of the surviving business associates, or spouse or children of the deceased licensee.

An application for the transfer of a cardroom license made under this section shall be made to the City Manager and acted upon and considered in the same manner as an application for an original license.

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**SECTION 17.**

Title 5, Chapter 5.01, Section 5.01.003-11 of the Sacramento City Code is hereby renumbered to 5.01.003-17, and amended to read as follows:

**5.01.003-17 Cardroom regulations.**

Except as hereinafter provided, no person shall operate a cardroom in violation of any of the following regulations:

- (a) No person shall be permitted to hold or be associated with more than one cardroom license issued by the City. For purposes of this section, "associated with" includes, but is not limited to, having any financial interest whatsoever in any other cardroom premise (for example, lessor or owner); being a partner; affiliated with the cardroom business in any manner; and/or being an officer, director, stockholder, or otherwise associated with a corporation holding a cardroom license.
- (b) Not more than seven card tables shall be permitted in any cardroom.
- (c) Not more than one cardroom shall be located at any one address.
- (d) Not more than twelve players may participate at any one card table. All participating players and dealers must be seated at the table.
- (e) Cardrooms shall be located on the ground floor of the premises.
- (f) The top surface of a card table shall be not over twenty-eight inches from the floor.
- (g) No minor shall be permitted at any card table or to participate in any game played thereat, nor shall any card table be exposed to viewing from other areas of the premises which are open to and frequented by minors.
- (h) All cardrooms shall be open to police inspection during all hours of operation.
- (i) Each cardroom licensee or licensees shall post in a conspicuous place on the premises a copy of the house rules and regulations and give notice that all persons will be required to comply with them.
- (j) Each cardroom shall be separated from other activities on the premises.

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- (k) The only games permitted to be played in a cardroom are Draw Poker, LoBall, Panguingui ("Pan"), Hold 'Em, and 7 Card Stud. All other games not prohibited by the California Penal Code are prohibited by this section. The permitted games shall be played only according to the rules hereinafter specified. Written rules for each card game offered by a cardroom pursuant to subdivision (1) of this subsection shall be provided to any patron upon request. Each cardroom licensee shall post, in a conspicuous place, the rules as provided for in this Chapter, for each permitted game. The licensee shall file with the Chief of Police a written copy of the rules to each card game played in the cardroom within thirty (30) days after the effective date of this ordinance. Any deviation or change in the rules of any card game or any new card game from that on file with the Chief of Police shall require the approval of the Chief of Police prior to offering the card game to patrons. The Chief of Police shall review any deviation or change in the rules and shall within ninety (90) days approve the game provided it conforms with the requirements of subdivisions 1-5 of this Section; and, if the game is patented, the licensee shall obtain written permission from the patent-owner prior to offering the game to patrons and prior to acquiring the approval of the Chief of Police to conduct the game.

Except as provided in subdivisions 1-5 of this Section, all other gaming (including, but not limited to, gaming played with cards, dice, or any device for money) is prohibited. Nothing herein contained in this Chapter shall be construed to permit the licensing of any gambling declared illegal by the Penal Code.

- (1) "Draw Poker" means a game played with a standard 52 card deck, or 53 cards when played with a joker. Draw poker involves the individual receipt of five uninterrupted cards singly dealt, referred to as the deal, prior to any betting or action by participating players. After receiving five cards, players determine whether to stop playing that hand (fold) or whether to take appropriate betting action to continue on to a situation referred to as the draw. Draw cards are then received by the remaining players as requested from the remainder of the deck. Players achieve the playing hands by their choice to retain desired cards or to discard nondesired cards which are replaced through a draw of additional cards. The total number of cards attainable by each player in a hand of draw poker is a minimum of five and a maximum of ten. At no time do players have more than five cards in their possession to make the best five card hand attainable. Draw poker involves only two betting sequences, one after the deal and one after the draw. The goal in draw poker is to garner the betting pool or common pot with the highest ranking hand attainable.

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- (2) "Lo-ball" is a form of draw poker defined in paragraph (1) with the following variations:
- (i) The goal is to garner the betting pool or common pot with the lowest ranking hand attainable.
  - (ii) At the showdown when playing hands are exposed to determine the winner, the lowest ranking hand wins the pot. Thus, the lowest possible hand is a 5, 4, 3, 2, ace combination, regardless of the suit. Aces are low card in every case and a pair of aces ranks lower than a pair of deuces.
- (3) "Panguingui (pan)" means a variation of corquian, a game of Mexican origin which was a predecessor to the game of rummy. The game is played with 6 to 12 decks of cards which have had tens, nines, eights and jokers removed. Each player is dealt 10 cards and the purpose of the game is to meld sets and sequences of cards with certain cards having special values. Each player, in turn, draws either a card from the top of the remaining deck or from the top of an adjacent discard pile. This sequence of play continues until one player goes out with a total meld of eleven cards, including the card just drawn.
- (4) "Hold 'Em" is played with one standard deck of cards. Each player is dealt a pre-determined number of "hole" cards face down. After the initial deal, there is a round of betting. Then three "community" cards are dealt face up in the center of the table. There is another round of betting. A fourth card is dealt face up in the center of the table. There is a third round of betting. Then a fifth card is dealt face up in the center of the table. There is a final round of betting. Players use any of the five "community" cards and a pre-determined minimum number of their "hole" cards to make the best five card poker hand. Acceptable variations of "Hold 'Em" include the low and high/low versions.
- (5) "Seven Card Stud" is played with one standard deck of cards. Each player is dealt two cards face down and one card face up. There is a round of betting. Players are dealt one up card followed by a round of betting. Players are again dealt one up card followed by a third round of betting. Those players electing to remain in the game are dealt another up card followed by a fourth round of betting. Finally, the remaining players are dealt one down card for a total of seven cards--three down and four up. A fifth and final round of betting occurs. Each remaining player

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selects five of his seven cards to form the best five card hand. Acceptable variations of "Seven Card Stud" include the low and high/low versions.

- (l) No person shall operate more card tables than the maximum amount specified on his/her cardroom license except during promotional or tournament play as set forth in Section 5.01.003-4 and upon full compliance with the notification provision contained therein. In no event shall the number of tables operated at one time exceed seven (7), including during promotional or tournament play.
- (m) No person shall operate, at any time, a cardroom without having paid all fees, including the quarterly table operation fee and business operations taxes currently due.
- (n) Cardrooms may operate 24 hours a day, seven days a week.
- (o) No player shall be permitted to wager or raise a wager more than Forty Dollars (\$40.00). Other than seated players actively participating in the game, no person shall be permitted to place a wager on any card game, and a player shall only place a wager on his or her own card hand. Back-line betting or side-betting is prohibited. No player shall be permitted to bet with cash money, markers, or anything other than poker chips. Notice of all the provisions and restrictions provided in this section shall be posted in a conspicuous place in the cardroom.
- (p) No cardroom shall extend credit to any patron in order for the patron to participate in a card game.
- (q) No person shall employ a cardroom employee, or work as a cardroom employee, as defined in Section 5.01.003-6, who does not have a valid work permit as required by Section 5.01.003-6 issued by the Chief of Police.

#### **SECTION 18.**

Title 5, Chapter 5.01, Section 5.01.003-18 is hereby added to the Sacramento City Code, to read as follows:

#### **5.01.003-18 Protection of Patrons.**

- (a) Whenever it appears to the Chief of Police that security personnel are necessary to protect the health, safety, welfare or morals of the public, the Chief of Police shall have the authority to require that a cardroom licensee provide uniformed security personnel on the premises and the parking lot used by the cardroom for

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its patrons and employees, as a condition of the license. Each license shall have this potential condition specified on its face, or on the reverse side. The Chief of Police shall determine the necessity for the requirement for security personnel based on the propensity for peace disturbances or criminal activity in the geographic area in which the cardroom is located, based upon criminal activity or peace disturbances on the cardroom premises, based upon the particular time of day, or based upon any other factors which affect the health and safety of the public and cardroom patrons. The Chief of Police shall notify the licensee, in writing, as to time periods and days of the week during which security is required, the number of security officers required, and the location where such officers are to be provided (whether in the parking lot or on the premises). Upon receiving the written notice of security requirements, the licensee shall conform to those requirements within forty-eight (48) hours of service thereof and shall maintain those requirements in full force and effect until such time as the Chief of Police deems they are no longer necessary. A licensee may appeal the imposition of conditions imposed in the manner set forth in Section 5.01.003-9.

- (b) Between the hours of 2:00 a.m. and 6:00 a.m., the licensee shall not knowingly permit the consumption of alcoholic beverages on the premises or in the parking lot which the cardroom uses for its patrons.
- (c) The licensee shall not knowingly permit any obviously intoxicated person to participate in any card game.
- (d) The licensee shall not knowingly permit any illegal activity to occur on the premises or in the parking lot used by the cardroom for its patrons or employees. Illegal activity includes, but is not limited to, narcotics violations, bookmaking, illegal gambling, loansharking, receiving stolen property, or prostitution.

**SECTION 19.**

Title 5, Chapter 5.01, Section 5.01.003-19 is hereby added to the Sacramento City Code to read as follows:

**5.01.003-19 Conflicts.**

- (a) If any section, subdivision, section, clause, phrase or portion of this Chapter conflicts with any section, subdivision, clause, phrase or portion of an express provision of the Zoning Ordinance of the City of Sacramento, or conditions of a use permit or other permit issued pursuant thereto, or other administrative

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approvals issued under the Zoning Ordinance of the City of Sacramento, the conditions of the use or other conditional permit under the Zoning Ordinance or the administrative approvals issued under the Zoning Ordinance shall prevail.

- (b) If any section, subdivision, clause, phrase or portion of this Chapter conflicts with any section, subdivision, clause, phrase or portion of The Gaming Registration Act (Business and Professions Code commencing with Section 19800, et seq.) as required by the State of California, then The Gaming Registration Act shall prevail.

**SECTION 20.**

Title 5, Chapter 5.01, Section 5.01.003-20 is hereby added to the Sacramento City Code, to read as follows:

**5.01.003-20 Records and Audit.**

- (a) The licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with the operation, conduct, promotion, and any other phase of the cardroom enterprise and card games which are authorized by this Chapter. The records shall be of such types and maintained in such manner as may be prescribed by the Chief of Police. Upon demand, the Chief of Police or any other authorized representative of the City shall have the right to examine and audit the records at any reasonable time and the license holders shall fully cooperate by making the records available.
- (b) The records described in subdivision (a) of this section and produced pursuant to that section shall be kept confidential by the Chief of Police, except that they may be used in connection with any suspension, revocation, or other proceeding or investigation conducted under this Title and/or any civil or criminal investigation conducted by the Chief of Police, the District Attorney, or the Grand Jury.

**SECTION 21.**

Title 5, Chapter 5.01, Section 5.01.003-21 is hereby added to the Sacramento City Code, to read as follows:

**5.01.003-21 Violations**

Except as otherwise specifically provided, violation of any of the provisions contained in this Title shall constitute an infraction subject to a fine for each day or any portion thereof

a violation continues. Fines for each violation shall be assessed pursuant to the provisions of Government Code section 36900b.

Violation of any of the following provisions of this Title shall constitute a misdemeanor: Sections 5.01.003-1, 5.01.003-14, and 5.01.003-17(a), (k), (m), (o) and (p).

Violation of any of the provisions of this Title may be remedied by injunction or other civil proceedings commenced in the name of the City of Sacramento by the City Attorney.

DATE PASSED FOR PUBLICATION: **JAN 31 1995**

DATE ENACTED: **FEB 14 1995**

DATE EFFECTIVE: **MAR 16 1995**

  
MAYOR

ATTEST:

  
CITY CLERK

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