

# ORDINANCE NO. 84-009

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**JAN 24 1984**

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 5 AND CHAPTER 8 OF THE SACRAMENTO CITY CODE, RELATING TO CARDROOM LICENSES, FERRIS WHEEL AND MERRY-GO-ROUND PERMITS, FAIR, CARNIVAL, CIRCUS AND ANIMAL SHOW PERMITS, AND BILLIARD AND POOL PERMITS, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

Section 5.3-2 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.3-2 Same--Application.

An applicant for a cardroom license shall submit his application to the city manager. 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 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.
2. 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.
3. Whether or not any permit or license heretofore granted to applicant to engage in any business or do any act within the city has been revoked or denied and, if so, the circumstances surrounding the revocation or denial.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.
5. The number of card tables which will be operated on the premises.

ORDINANCE No. 84-009

**JAN 24 1984**

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 may require.

SECTION 2.

Section 5.3-4 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.3-4 Same--Denial of 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 and neighborhood land uses and from such other sources as the city manager may deem appropriate.

The city manager may deny an application for a cardroom license if, in his opinion, the cardroom is to be located in an area of the city or operated under circumstances where it might tend to cause a police problem or create a public nuisance or where the granting of the license would be contrary to the public interest. No cardroom license shall be granted when the number of cardrooms licensed in the city exceeds the ratio of one cardroom for every 10,000 population of the city according to the last preceding federal census at the time of the application; provided, that this population limitation shall not prevent the continuance of any cardroom existing and operating at the time of annexation of the premises to the city.

SECTION 3.

Section 5.3-6 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.3-6 Appeals.

Any aggrieved person wishing to appeal the decision of the city manager in granting or denying an application for a cardroom license or the decision of the chief of police in denying an application for a work permit 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 such notice within the ten-day period, the action of the city manager or chief of police shall be final and conclusive.

The council may continue its hearing on such appeal from time to time. It may hear evidence from competent persons. It may return the matter to the city manager or chief of police for further information, or further investigation. The council may affirm, reject or modify the decision of the city manager or chief of police in regard to the granting or denial of any application. Notwithstanding the provisions of this section, the city council may follow the procedures set forth in City Code Section 2.320 to 2.328 relating to a hearing conducted by a hearing examiner.

ORDINANCE No. 84-009

SECTION 4

Section 5.3-7 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.3-7 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 to take possession of such permits, and the chief of police shall have the right for cause to revoke or suspend any cardroom work permit issued hereunder and to take possession of such permits. Any of the grounds upon which the city manager and chief of police may or shall be required to refuse to issue an initial cardroom license or cardroom work permit shall also constitute grounds for such revocation or suspension. In addition, the failure of a holder of a cardroom license or cardroom work permit to comply with the provisions of this article shall also constitute grounds for revocation or suspension of such license or work permit. If, for a period of ninety days or more, any person licensed hereunder fails to maintain and operate a cardroom in accordance with the provisions of this article, his license so to do shall be revoked.

SECTION 5.

Section 5.3-8 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.3-8 Same--Appeals.

The action of the city manager or chief of police in respect to revocations or suspensions of cardroom licenses or cardroom work permits may be appealed to the city council as set forth in Section 5.3-6. Notice of such appeal shall be filed with the city clerk no later than ten (10) days after the revocation or suspension decision. Upon failure to file such notice within the ten-day period, the action of the city manager or chief of police shall be final and conclusive.

SECTION 6

Section 5.3-10 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.3-10 Application for cardroom license under certain circumstances.

Notwithstanding the prohibitions contained in this article 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 own name to operate the same business as the former licensee may be made to the city manager in the following situations:

1. A change of location not involving any change in identity of the licensee.
2. A change in business organization where there is no change in the identity of the principals holding the license.
3. 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.
4. Any situation where the city manager may, in his discretion, upon prior request of a party, permit an application to be filed pursuant to this section by reason of special facts pleaded which might give rise to practical difficulty or undue hardship.

An application for 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; provided, however, that the city manager in considering an application under this section may disregard the limitations on the number of licensed cardrooms allowable in the city at any time where it finds that practical difficulty or undue hardship would result from a denial and there is no other basis for denial.

#### SECTION 7.

Section 5.17 of the Sacramento City Code is hereby amended to read as follows:

##### Sec. 5.17 Permit required.

Any person desiring to operate a ferris wheel, scenic railway, merry-go-round, swing or other similar device shall make application to the city manager for a permit, which application, among other things, shall state the name of the owner or operator of the proposed children's playride, outlining the type of equipment to be used and showing evidence of its safe construction and good mechanical order, and also the proposed site on which the devices are to be operated.

#### SECTION 8.

Section 5.18 of the Sacramento City Code is hereby amended to read as follows:

##### Sec. 5.18 Liability insurance required.

Accompanying the application for the permit required by section 5.17, the applicant shall offer satisfactory evidence of his ability to respond in damages to the extent of one hundred thousand dollars for injury to one person arising out of the conduct or operation of such machines or devices, or three hundred thousand dollars for two or more

persons and twenty-five thousand dollars property damage. Satisfactory proof of such ability shall be considered complied with when the applicant presents a certificate from an insurance carrier, duly authorized to do business within this state, that it has issued to or for the benefit of the person named therein, a public liability policy in lawful form within the limits above mentioned, covering the person for damages arising out of the use or operation of the device owned or operated by the person, and that the same will remain in full force and effect. Upon the issuance of a permit therefor by the city manager, a license to operate as required by section 23.655 may be issued to the person holding such permit.

SECTION 9.

Section 5.19 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.19 Permit required.

No license required by section 23.655 to conduct any fair, carnival, circus, animal show or other similar exhibition shall be issued except on a permit from the city manager after due application in writing, which application shall state the name of the show and the site proposed to be used by the same.

SECTION 10.

Section 5.20 of the Sacramento City Code is hereby amended to read as follows:

Sec. 5.20 Liability insurance required.

No license required under section 23.655 shall be issued until evidence has been submitted to the license bureau that the person applying for a license has the ability to respond in damages resulting from the ownership or operation of devices used by such person and arising by reason of personal injury to, or death of any one person, of at least one hundred thousand dollars, or at least three hundred thousand dollars for such injury to, or death of, two or more persons in any one accident, and for damages to property, of at least twenty-five thousand dollars.

SECTION 11.

Article II of Chapter 8 of the Sacramento City Code is hereby amended to read as follows:

Article II. License

Sec. 8.5 Required.

It shall be unlawful for any person to conduct, maintain or carry on within the limits of the city any billiard or pool parlor, without first having procured a license so to do from the city manager.

Sec. 8.6 Application.

An applicant for a license under the provisions of this article shall submit his application to the city manager. 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 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 members of any firm or partnership. A corporate applicant shall list officers, directors and principal owners, including all owners of ten per cent or more of the corporate stock.

2. 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.

3. Whether or not any permit or license heretofore granted to applicant to engage in any business or do any act within the city 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 the activity to be licensed and a statement of the property interest of the applicant in the premises as owner, lessee or otherwise.

5. 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 may require.

Sec. 8.7 Application fee.

Every application for a license shall be accompanied by a non-refundable fee established by resolution of the city council. This fee shall be in addition to any fee or tax imposed by chapter 23 of this code.

Sec. 8.8 Investigation; Denial of application.

The application 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 and neighborhood land uses and from such other sources as the city manager may deem appropriate. The city manager may deny an application for a license if, in his opinion, the activity is to be located in an area of the city or operated under circumstances where it might tend to cause a police problem or create a public nuisance or where the granting of the license would be contrary to the public interest.

Sec. 8.9 Suspension and revocation of license.

The city manager shall have the right for cause to revoke or suspend any license issued hereunder. Any of the grounds upon which the city manager may or shall be required to refuse to issue an initial license shall also constitute grounds for such revocation or suspension. In addition, the failure of a holder of a license to comply with the provisions of this article shall also constitute grounds for revocation or suspension of such license.

8.10 Appeals.

Any aggrieved person wishing to appeal the decision of the city manager in granting or denying an application for a license under this article or suspending or revoking a license issued under this article 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 such notice within the ten-day period, the action of the city manager shall be final and inclusive. The council may continue its hearing on such appeal from time to time. It may hear evidence from competent persons. It may return the matter to the city manager for further information, or further investigation. The council may affirm, reject or modify the decision of the city manager in regard to the granting or denial of any application. Notwithstanding the provisions of this section, the city council may follow the procedures set forth in City Code Sections 2.320 to 2.328 relating to a hearing conducted by a hearing examiner.

Sec. 8.11 Duration; renewal; not transferable

The license issued under the provisions of this chapter shall be issued for a period of three months and shall date from the expiration of the last license or from the date on which the applicant commenced business; provided, however, that no additional affidavit or certificate shall be required for renewals. A license issued pursuant to this article is not transferable.

Sec. 8.12 Display.

The license required by section 8.5 shall at all times be exhibited in a conspicuous place at the place of business for which it is issued and shall be produced or exhibited at any time upon the request of a police officer of the city.

SECTION 12.

This ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need immediately to streamline certain permit and license review procedures to avoid involving the city council in lengthy fact finding hearings which are burdensome to the council, the applicant, and the general public.

ENACTED: JAN 24 1984

EFFECTIVE: JAN 24 1984

*Anne Rudin*

MAYOR

ATTEST:

*Luciana Magana*  
CITY CLERK