

ORDINANCE NO. 2457

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTION 9.08.020, "CARDS," OF
THE MERCED MUNICIPAL CODE RELATING
TO CARDROOMS**

WHEREAS, two cardrooms are authorized to operate within the City; and

WHEREAS, under existing City regulations, no cardroom may operate with more than four card tables and no more than eight card tables may be located within the City; and

WHEREAS, under specific provisions of the Business and Professions Code, the City Council may authorize an increase in the number of card tables without a vote of the voters of the City of Merced; and

WHEREAS, Business and Professions Code Section 19961, subd. (a)(2) allows an increase of one additional card table; and

WHEREAS, Business and Professions Code Section 19961.06, subd. (a) allows an increase of two additional card tables; and

WHEREAS, Business and Professions Code 19961.06, subd. (b) allows an increase of two additional card tables; and

WHEREAS, Business and Professions Code Section 19965 allows an increase of three additional tables; and

WHEREAS, pursuant to the authority of these code sections, the City Council wishes to increase the number of allowed card tables within the City of Merced from eight card tables to 16 card tables; and

WHEREAS, on or after the effective date of this Ordinance, the City Council wishes for a cardroom operator to be able to apply for up to eight additional card tables, provided, however, that under no circumstances shall the total number of authorized card tables within the City exceed 16 card tables; and,

WHEREAS, the City Council wishes to remove existing limits and bets and wagers at cardrooms within the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Section 9.08.020, "Cards," of the Merced Municipal Code relating to cardrooms is hereby amended to read as follows:

"9.08.020 - Cardrooms.

A. Cardrooms in the City of Merced may only be located in areas zoned as follows:

1. Central Commercial (C-C);
2. Commercial Thoroughfare (C-T);
3. General Commercial (C-G).

B. It is unlawful and a misdemeanor, subject to punishment in accordance with Chapter 1.12 of this code, for any person, either as principal, agent, employee, or otherwise, to play, conduct, or deal any game of cards in any cardroom, or in any other public place or place resorted to generally by the public, between the hours of two a.m. and six a.m. of any day, with the exception of a duly licensed cardroom operating in a Commercial Thoroughfare (C-T) zone or Central Commercial (C-C) zone pursuant to a conditional use permit which regulates the hours of operation.

C. Any person operating a cardroom shall be responsible and liable for patron security and safety in and around the gaming establishment. Security guards shall be provided in such number and at such times as directed by the Chief of Police, or as may otherwise be required by conditional use permit.

D. As of April 18, 2016, there are two cardrooms authorized to operate within the City of Merced, each of which had four (4) card tables. There shall be no

increase in the existing number of cardrooms without the approval of a majority of the voters of the City.

E. The City hereby increases the number of authorized card tables within the City from eight (8) card tables to sixteen (16) card tables. There shall be no increase in the number of card tables beyond sixteen (16) card tables without the approval of a majority of the voters of the City.

E. In order for a cardroom to increase the number of card tables from the four (4) card tables that existed as of April 18, 2016, the operator must first obtain a conditional use permit to add additional card tables. A cardroom operator may apply for up to eight (8) additional card tables subject to the overall limit of sixteen (16) card tables within the City; provided, however, that under no circumstances shall a cardroom have more than twelve (12) card tables.

F. If a cardroom operator obtains a conditional use permit to add additional card tables, the new card tables must be added within one (1) year from the date of approval of the conditional use permit. Otherwise, the right to add the additional card tables shall automatically expire and the number of card tables allowed in that cardroom shall revert back to the number of card tables that existed prior to the approval of the conditional use permit.

G. There shall be no City-imposed limits on bets and wagers in a cardroom located within the City. Individual cardroom operators may set their own limits on bets and wagers. The rules of each game and wagering limits shall be clearly posted at the gaming tables where the games are offered to provide the patrons adequate notice of such rules and limits.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the 18th day of April, 2016, and was passed and adopted at a regular meeting of said City Council held on the 2nd day of May, 2016, by the following called vote:

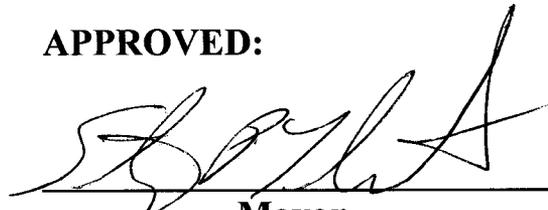
AYES: 6 **Council Members:** BLAKE, DOSSETTI, LOR, MURPHY,
PEDROZO, THURSTON

NOES: 1 **Council Members:** BELLUOMINI

ABSTAIN: 0 **Council Members:** NONE

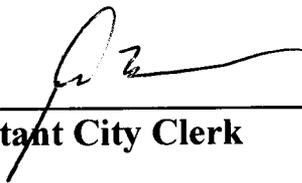
ABSENT: 0 **Council Members:** NONE

APPROVED:



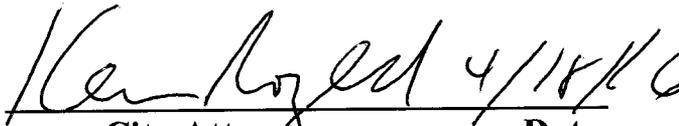
Mayor

**ATTEST:
STEVE CARRIGAN, CITY CLERK**

BY: 
Assistant City Clerk

(SEAL)

APPROVED AS TO FORM:


City Attorney **Date** 4/18/16



PROOF OF PUBLICATION
(2015.5 C.C.P)
Proof of Publication of

STATE OF CALIFORNIA)
)ss.
)
COUNTY OF MERCED

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer foreman or principal clerk of The Merced County Times, a newspaper of general circulation, printed and published in the City of Merced, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of December 14, 1999, Case Number 143600; that the notice, of which the annexed is a printed copy has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

Legal # 2354

PUBLIC NOTICE OF ADOPTION NOTICE
CITY OF MERCED
ORDINANCE NO. 2457

Publish dates: 05-12-2016

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Date: MAY 12, 2016

This space is for the County Clerk's
Filing Stamp

Copy of notice here

Legal # 2354
PUBLIC NOTICE OF
ADOPTION OF ORDI-
NANCE
CITY OF MERCED
ORDINANCE NO. 2457
NOTICE IS HEREBY
GIVEN that on May 2,
2016, the City Council of
the City of Merced adopted

Ordinance No. 2457, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTION 9.08.020, 'CARDS,' OF THE MERCED MUNICIPAL CODE RELATING TO CARDROOMS"

Ordinance No. 2457 increases the total number of card tables allowed in the City of Merced from 8 to 16, allows a cardroom to have up to 12 card tables with a conditional use permit (provided that there are no more than 16 card tables total within the City) and removes existing limits on bets and wagers at existing cardrooms. Ordinance No. 2457 was

adopted by the following roll call vote of the City Council:

AYES:6 Council Members: BLAKE, DOSSETTI, LOR, MURPHY, PEDROZO, THURSTON
NOES:1

Council Members: BELLUOMINI

ABSTAIN:0 Council Members: NONE

ABSENT:0

Council Members: NONE
A copy of the full text of Ordinance No. 2457 is available for review in the Office of the City Clerk, City of Merced, 678 West 18th Street, Merced, California, and on the City's website at www.cityofmerced.org.

John Tresidder
ASSISTANT CITY CLERK

PUBLISH:5/12/16