

ORDINANCE NO. _____

**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 - ~~Cards~~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 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~~Chief of ~~police~~Police, or as may otherwise be required by conditional use permit.

D. ~~No person shall operate a cardroom with more than four card tables. There shall be no more than eight (8) card tables in the city. There shall be no increase in~~

~~the existing number of cardrooms without the approval of a majority of the voters of the city as required by Business and Professions Code Section 19961. Except as authorized by Business and Professions Code Section 19961, there shall be no increase in the existing number of card tables without the approval of a majority of the voters of the city.~~ 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. **Limits on Bets and Wagers.** No card room licensee, owner, or employee shall allow any person playing in any game to make any single bet or wager in excess of three hundred dollars (\$300.00) or at any time during any game to permit an ante in excess of two hundred dollars (\$200.00) total sum anted by players participating in the game.~~ 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 ~~so long as the limit does not exceed the limits set forth in this section;~~ 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 ____ day of _____, 2016, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2016, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

**ATTEST:
STEVE CARRIGAN, CITY CLERK**

**BY: _____
Assistant City Clerk**

(SEAL)

APPROVED AS TO FORM:

City Attorney Date