

ORDINANCE NO. _____

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

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 19961.06, subd. (b) allows an increase of two additional card tables per cardroom; and

WHEREAS, pursuant to the authority of this code section, the City Council wishes to increase the number of card tables allowed to operate within the City of Merced from eight card tables to 12 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 two additional card tables, provided, however, that under no circumstances shall the total number of authorized card tables allowed to operate within the City exceed 12 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, "Cardrooms," of the Merced Municipal Code 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, except that any duly licensed cardroom operating in a Commercial Thoroughfare (C-T) zone or Central Commercial (C-C) zone is permitted to operate 24 hours per day.

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 may operate 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 of Merced hereby increases the number of authorized card tables to be operated within the City from eight (8) card tables to twelve (12) card tables. There shall be no increase in the number of card tables to be operated beyond twelve (12) card tables without the approval of a majority of the voters of the City.

F. In order for a cardroom to increase the number of card tables to be operated from the four (4) card tables that existed as of April 18, 2016, the operator must first obtain a conditional use permit to operate additional card tables. A cardroom operator may apply for up to two (2) additional card tables subject to the overall limit of twelve (12) card tables to be operated within the City; provided, however, that under no circumstances shall a cardroom have more than six (6) card tables in operation at any one time. All card tables not in operation shall be completely covered and shall display a sign on the table, with not less than six (6") inch lettering, stating that 'This table is not in operation.' The cover and sign shall be approved in advance by the City.

G. As of the date of the final adoption of this Ordinance No. ____, Conditional Use Permit #1216 approved by Resolution #3077 on February 22, 2017 related to the 'Merced Poker Room,' and Conditional Use Permit #1219, approved by Resolution #3079 on February 22, 2017, related to the 'Poker Flats Casino AKA Golden Valley Casino,' are hereby amended to allow a maximum of six (6) card tables to be operated per cardroom in accordance with this Ordinance and State law. All other conditions of Conditional Use Permit #1216, Resolution #3077 and Conditional Use Permit #1219, Resolution #3079 remain in full force and effect, except that if there are any conflict between said Conditional Use Permits and this Ordinance, the provisions of this Ordinance control.

H. If a cardroom operator obtains a conditional use permit to operate 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.

I. There shall be a no-limits wager amount in a cardroom located within the City. 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 _____, 2019, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2019, 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