

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTIONS 9-2102, and 9-
2115(c) OF THE FRESNO MUNICIPAL CODE
PERTAINING TO THE PERMITTED LOCATIONS OF CARD
ROOMS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9-2102 relating to Card Room Permits is amended as follows:

SEC. 9-2102. - FINDINGS.

The Council finds and determines as follows:

- (a) That the city's current card room ordinance as set forth in Sections 8-101 through 8-106.5 of the Fresno Municipal Code^[4] needs to be replaced by an ordinance that expands permitted games, authorizes an increase in the number of card tables permitted at any one address, limits the number of card rooms, contains strict regulations in time, place, and manner for operation of card rooms, and allows the city to receive revenues from the operation of such card rooms.
- (b) That an ordinance closely regulating card room operations within the City of Fresno is necessary to protect the interest of the citizens of Fresno.
- (c) That any card room, if permitted, shall ~~[continue to]~~ be confined to ~~[a single zone district—the C-4 zone district of the city. Card rooms are an appropriate use in the central trade district of an urbanized area, but cannot and should~~

1 of 5

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: AZ

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~~not be dispersed into shopping areas in suburban locations.~~ certain zoning districts as identified in Chapter 15, the Citywide Development Code.]

- (d) That the city's continued limitations on the number and location of card room operations will minimize any detrimental effect from the physical presence of card rooms in the city.
- (e) That due to social problems inherent in legal gaming activities, based on the foregoing findings and for the welfare of the community, said ordinance shall permit not more than 51 card tables within the City. No card room shall have less than ten card tables per card room or more than 51 card tables per card room. No temporary gaming tables will be permitted in a cardroom for any purpose including, but not limited to, instruction, special events or tournaments.

SECTION 2. Section 9-2115 (c) relating to Card Room Permits is amended as follows:

- (c) City Council Hearing and Determination. In the event a full and complete application for a card room permit is presented to the Council, and the payments required by this article in connection therewith have been duly made to the city, and the investigations and reports required under the provisions of this article have been duly completed, the Council shall have jurisdiction to consider such application.

At the time and place set for hearing of an application for a card room permit, the Council shall consider the application, the City Manager's findings and recommendations, including the report of the investigation, written testimony

and public testimony. Within a reasonable time after the close of the hearing, the Council shall make a determination on the application.

The Council by resolution shall either grant, conditionally grant, or deny the card room permit application. If the Council rules that an application be denied, the order will be accompanied by written reasons upon which the order is based. All such orders will be made public. It shall be possible for the Council to approve tentatively the application of a permit applicant, but, disapprove the application for a permit of one or more of the pointholders. In such cases the Council can grant the permit applied for subject to the condition that any pointholder, or manager disapproved of be removed as an individual having any interest or control in the card room. Compliance with the removal condition shall be monitored, reviewed and approved of by the City Manager, prior to final issuance of the card room permit.

~~[This article limits the location of permitted card rooms in the city to the C-4 zone district. Chapter 15, the Citywide Development Code, limits the location of Small-Scale Entertainment and Recreation, which includes cardrooms in its definition in 15-6704, to certain specified zone districts~~ In the event that more than one complete application is filed with the city within a thirty-day period, all such applications will be reviewed and considered by the city. The city shall not accept for filing, review, or consider any additional applications until the complete applications filed during the thirty-day period have been reviewed and considered by the city and final action on them has been taken by the Council. The Council shall determine, in its judgment,

which, if any, of the various applicants who wish to open a card room within such area will receive a card room permit. In determining whether to grant a permit, the Council shall be guided by the policy that permits shall be issued only to those persons who will operate such permitted card rooms so as to best protect the public health, safety, morals, good order and welfare of the residents of the city. If multiple applicants meet all the requirements for issuance of a permit, the card room permit shall be granted to the qualified applicant whom the Council, in its sole discretion, determines best meets the following criteria:

- (1) Least disruptive location;
- (2) Best program for policing the operation;
- (3) Greatest revenues potential for the City of Fresno;
- (4) Greatest experience and financial ability of applicant;
- (5) Best potential for quality operation;
- (6) Any other considerations that will protect the public health, safety, order, and welfare of the residents of the City of Fresno.

The action of the Council in accordance with this article shall be final.

SECTION 3: This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Aaron Zaheen Date
Deputy City Attorney