

ORDINANCE NO. 4973

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF EL CAJON AMENDING CHAPTERS 5.28 AND 5.16 OF
TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF
THE EL CAJON MUNICIPAL CODE RELATED TO CARD ROOMS

THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 5.28 of Title 5 of the El Cajon Municipal Code is hereby repealed.

SECTION 2. A new Chapter 5.28 of Title 5 of the El Cajon Municipal Code is hereby added to read as follows:

5.28.010 Card room defined.

For the purposes of this chapter, a card room is any space, room or enclosure furnished or equipped with one or more tables, spaces, or other implements used or intended to be used as card tables or locations for the playing of cards and similar games, and the use of which is available to the public or any portion of the public. This term shall not apply to city community recreation centers, where visitors occasionally play cards and similar games for recreational purposes.

5.28.020 Restrictions on ownership.

It is unlawful to own or operate a card room within the city, except as an ancillary use by a society, club, fraternal or other organizations, qualified to transact business in California as a nonprofit organization, the income of which is exempt from taxation under section 501(c) of the Internal Revenue Code, having adopted bylaws and duly elected directors and members, which has a valid conditional use permit issued pursuant to Chapter 17.50 of this code and a valid special operations license for the operation of a card room issued pursuant to Chapter 5.16 of this code, where the tables are for the exclusive use of members of the such nonprofit society, club, or organization, where no charge is made for the use of any of the card room facilities, and where no gambling of any sort is involved. Any card room must be located at the same address as the business address of the non profit organization and shall not be operated in conjunction with any for-profit establishment.

5.28.025 Restriction on location.

No special operations license shall be approved to operate a card room within the area governed by Specific Plan No. 182.

5.28.030 Licenses—Suspension and revocation.

Any special operations license issued under this chapter may be suspended or revoked as provided in Chapter 5.12 of this code.

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5.28.040 Licenses—Nontransferable.

No special operations license issued for a card room shall be assignable or transferable.

5.28.050 Violation of state law not authorized.

It is not the intention of this chapter to license any card room for the playing of any game prohibited by the laws of the state.

5.28.060 Public nuisance.

Any business which is established or maintained in violation of this chapter is deemed to be a public nuisance and may be abated in accordance with Chapter 1.16 of this code.

SECTION 3. Section 5.16.030 of Chapter 5.16 of Title 5 of the El Cajon Municipal Code is hereby repealed.

SECTION 4. A new Section 5.16.030 of Chapter 5.16 of Title 5 of the El Cajon Municipal Code is hereby added to read as follows:

5.16.030 Applicability.

The following businesses and activities shall be licensed according to the procedure specified in this chapter:

- A. Businesses and activities not involving the exercise of First Amendment rights, including the following:
1. Escort services;
 2. Junkyards;
 3. Massage parlors;
 4. Merchandise coupon sales or advertising;
 5. Pawnbrokers;
 6. Poolrooms;
 7. Private patrol services;
 8. Secondhand stores;
 9. Swap meet operation;
 10. Vehicles for hire;
 11. Alcohol- and tobacco-free public dances;
 12. Towing service for city police towing purposes;
 13. Closing-out sales;
 14. Ambulances;
 15. Penny arcades and other games of skill or amusement; and
 16. Card rooms as provided for in Chapter 5.28.

B. Businesses and activities that may involve the exercise of First Amendment rights, including the following:

1. Cabarets;
2. Public dances;
3. Sound trucks; and
4. Fortune-telling and related occupations.

SECTION 5. This ordinance shall become effective thirty (30) days following its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of El Cajon, California at a Regular Joint City Council/Redevelopment Agency Meeting held this 13th day of December, 2011, by the following vote to wit:

AYES	:	Lewis, Hanson-Cox, Kendrick, McClellan, Wells
NOES	:	None
ABSENT	:	None
DISQUALIFY:		None

MARK LEWIS
Mayor of the City of El Cajon

ATTEST:

KATHIE RUTLEDGE, CMC
City Clerk

I hereby certify that the above and foregoing is a full and true copy of Ordinance No. 4973 of the Ordinances of the City of El Cajon, California, as adopted by the City Council at the Regular Joint Meeting of the City Council/Redevelopment Agency on the 13th day of December, 2011.


Kathie Rutledge, CMC, City Clerk