

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17 OF PART VI OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO LAWFUL GAMBLING ESTABLISHMENTS, CONTROLLED GAMING, AND GAMBLING ENTERPRISE EMPLOYEES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. Chapter 17 of Part VI of the Ordinance Code of Tulare County, pertaining to lawful gambling establishments, controlled gaming, and gambling enterprise employees, is hereby amended to read in its entirety as follows:

**CHAPTER 17. LAWFUL GAMBLING ESTABLISHMENTS, CONTROLLED GAMING,
AND GAMBLING ENTERPRISE EMPLOYEES**

ARTICLE 1. GENERAL PROVISIONS

6-17-1000 APPLICATION OF GENERAL PROVISIONS:

Unless the provisions of this Chapter provide otherwise, all of the provisions of Chapter 1 of this Part are applicable to the licenses referred to in this Chapter.

6-17-1010 DEFINITIONS:

As used in this Chapter, the following definitions shall apply:

- (a) "Applicant" means any person who has applied for, or is about to apply for, a County gambling license, or approval of any act or transaction for which County approval is required or permitted under this Chapter.
- (b) "Controlled game" means any controlled game, which is played with cards, dominoes, playing tiles, tokens, or any device representing any numbered, spotted or faced playing card or domino.
- (c) "Expansion" means an increase of 25 percent or more in the number of authorized gambling tables in a gambling establishment, based on the number of gambling tables for which a license initially was issued.
- (d) "Finding of suitability" means a finding that a person meets the qualification criteria

described in Business and Professions Code section 19857, and that the person would not be disqualified from holding a state gambling license on any of the grounds specified in Business and Professions Code section 19859.

(e) "Game" and "gambling game" means any controlled game.

(f) "Gambling" means to deal, operate, carry on, conduct, maintain, or expose for play any controlled game.

(g) "Gambling enterprise employee" means the same as provided in Business and Professions Code section 19805, subdivision (n).

(h) "Gambling establishment" or "establishment" (including "card room" or "gaming club") means one or more rooms where any controlled gambling occurs.

(i) "Gambling license" (including "card room license" or "gaming club license") means any license issued by the County, unless otherwise specified, that authorizes the person named therein to conduct a gambling operation.

(j) "Gambling operation" means one or more controlled games that are dealt, operated, carried on, conducted, maintained, or exposed for play for commercial gain.

(k) "Key employee" means any natural person employed in the operation of a gambling enterprise in a supervisory capacity or empowered to make discretionary decisions that regulate gambling operations, including, without limitation, pit bosses, shift bosses, credit executives, cashier operations supervisors, gambling operation managers and assistant managers, managers or supervisors of security employees, or any other natural person designated as a key employee by the division for reasons consistent with the policies of this Chapter.

(l) "Licensed gambling establishment" means the gambling premises encompassed by a County gambling license.

(m) "Owner licensee" means an owner of a gambling enterprise who holds a County gambling license.

(n) "Person" unless otherwise indicated includes a natural person, corporation, partnership, limited partnership, trust, joint venture, association, or any other business organization.

(o) "Work permit" means any card, certificate, or permit issued by the California Gambling Control Commission or by the County, whether denominated as a work permit, registration card, or otherwise, authorizing the holder to be employed as a gambling enterprise employee (as defined in Bus. & Prof. Code, § 19805).

6-17-1020 INTENT OF THE COUNTY: REQUIREMENTS OF GAMBLING CONTROL ACT OF 1997:

By adopting this Chapter, it is the intent of the County to comply with the mandates of the Gambling Control Act (Bus. & Prof. Code, § 19800 et seq.), as adopted and as amended from time to time. The Gambling Control Act provides for uniform, minimum standards of regulation of permissible gambling activities and the operation of lawful gambling establishments (Bus. & Prof. Code, § 19802, subd. (a)).

6-17-1030 PERMITTED SUBJECT MATTER OF REGULATION BY LOCAL ORDINANCE:

Under Business and Professions Code section 19964, the issuance of a state gambling license to a person imposes no requirements upon the County to issue a license to the person. Nothing in the Gambling Control Act shall be construed to preclude the County from:

- (a) Prohibiting any gambling activity;
- (b) Imposing more stringent local controls or conditions upon gambling;
- (c) Inspecting gambling premises to enforce applicable state and local laws; or
- (d) Imposing any local tax or license fee; if the prohibition, control, condition, inspection, or fee is not inconsistent with the Gambling Control Act.

6-17-1040 SEVERABILITY:

If any clause, sentence, paragraph, or part of this Chapter, for any reason, is adjudged by a court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the remainder of this Chapter and the application thereof to other persons or circumstances, but shall be confined to the operation of the clause, sentence, paragraph, or part thereof directly involved in the controversy in which the judgment was rendered and to the person or circumstances involved.

6-17-1050 LIBERAL CONSTRUCTION:

This Chapter is an exercise of the police power of the County for the protection of the health, safety, and welfare of the people of the County and shall be liberally construed to effectuate those purposes.

6-17-1060 GAMING ESTABLISHMENT: LICENSE REQUIRED:

Any person who operates a gambling establishment within the County shall have a valid license to engage in such business issued by the State of California pursuant to the Gambling Control Act and also a valid license issued by the County. A copy of the state license application and the license shall be filed with the license collector prior to the operation of any gambling establishment. A gambling establishment license does not authorize the licensee to engage in the business of a gambling enterprise employee.

6-17-1070 GAMBLING ENTERPRISE EMPLOYEE: LICENSE OR PERMIT REQUIRED:

Any person that is a gambling enterprise employee within the County shall have a valid work permit or license to engage in such business issued by the County or California Gambling Control Commission.

ARTICLE 2. APPLICATION; FEE

6-17-2000 GAMBLING ESTABLISHMENT LICENSE APPLICATION FORM:

In addition to compliance with the requirements set out in Article 1 of this Chapter, and the Gambling Control Act as amended from time to time, the applicant shall specify in the license application the number of controlled gaming tables that will be available for use and the seating capacity of each table. The application shall include the following to ensure patron security and safety:

- (a) Detailed floor plans of the interior of the proposed gambling establishment specifying at a minimum:
 - (1) The location of all controlled game playing areas:
 - (2) The manner in which the controlled game playing areas shall be separated from other areas.
 - (3) The location of any and all other proposed businesses and facilities on the gambling establishment premises.
 - (4) The means for excluding persons under 21 years of age from controlled game playing areas.
- (b) Detailed plans of the parking facilities including a lighting and security plan.

- (c) A detailed statement of all proposed security measures, both physical and operational.
- (d) A detailed statement and description of all plans, both physical and operational, for the handling of money, including but not limited to provisions, if applicable, for the following:
 - (1) Purchase of chips and protection against counterfeit chips;
 - (2) Check-cashing or ATM card-cashing procedure;
 - (3) Procedures for bringing money to or removing money from the premises.
 - (4) Procedures for determining and depositing daily gross receipts.

6-17-2010 NOTICE OF APPLICATION:

Within three (3) days after an application for a County gambling establishment license has been filed with him or her, the license collector shall cause a notice of such application to be posted and maintained for a period of ten (10) days outside of, and in proximity to, the main entrance of the proposed business premises. The license collector shall not issue a County gambling establishment license until after the expiration of said ten (10) day period. This section shall not apply to an application for renewal of a valid license.

6-17-2020 LICENSE FEES: TERM:

- (a) The annual fee for a County license to operate a gambling establishment shall be set from time to time by resolution of the Board of Supervisors. A separate fee shall be charged for each table that will be available on the business premises for the playing of any controlled game.
- (b) The annual fee for a County license to perform the services of a gambling enterprise employee shall be set from time to time by resolution of the Board of Supervisors.
- (c) The term of a County gambling establishment license shall be the period of time specified in Section 6-01-1100.

6-17-2030 GAMBLING ESTABLISHMENT: INCREASE IN NUMBER OF TABLES:

- (a) Any person who has a valid County gambling establishment (gaming club or card room) license as of January 1, 1996, may file a supplemental written application with the license collector requesting that his or her license be amended to increase the number of tables that will be available for the playing of any controlled game, subject to the limitations contained in the Gambling Control Act and this Chapter.

(b) If the Sheriff determines that such an increase in the number of tables will not be contrary to the public interest and is unlikely to generate additional demands on law enforcement, then the license collector shall amend the license to reflect the increase in the number of tables upon payment by the licensee of the additional license fee.

(c) In the event multiple applications to increase the number of tables in an individual gambling establishment are received but approval would result in the total number of tables within the County exceeding the number authorized in Section 6-17-3060, then the determination of whether to approve one application over the other shall be made by the Board of Supervisors based on the license history of the licensee, and an affirmative showing by the licensee of the ability to accommodate and utilize the additional tables at the gambling establishment.

6-17-2040 GAMBLING ENTERPRISE EMPLOYEE: FORM OF PERMIT OR LICENSE:

Every gambling enterprise employee permit or license shall bear the photograph of the licensee. The licensee shall furnish to the license collector the number, size, and type of photographs required by the license collector. The license collector shall affix one photograph to the license.

ARTICLE 3. RESTRICTIONS ON OPERATIONS

6-17-3000 AGE RESTRICTIONS:

It shall be unlawful and a violation of this Ordinance Code for a licensee to permit any person under the age of 21 to do any of the following:

- (1) Play, be allowed to play, place wagers at, or collect winnings from, whether personally or through an agent, any gambling game.
- (2) Loiter or remain, or be permitted to loiter or remain, in or about any room wherein any gambling game is operated or conducted.
- (3) Be employed as an employee in a licensed gambling establishment except in a parking lot, coffee shop, restaurant, business office, or other similar room wherein no gambling activity or activity directly associated with gambling takes place. Gambling enterprise employees between the ages of 18 and 20 years old are required to wear a badge, issued by the gambling enterprise, with a different background color from those of other gambling enterprise employees on their outermost garment at chest level with the words, "Non-Gaming Employee: Under 21."

6-17-3010 HOURS OF OPERATION:

Cardrooms may operate 24 hours a day, seven days a week.

6-17-3020 PATRON SECURITY AND SAFETY:

(a) The owner licensee of a gambling establishment shall provide security and safety for employees and patrons in compliance with the Gambling Control Act as amended from time to time. Any permitted limitations on liability allowed by the Gambling Control Act shall be posted clearly to give the patrons adequate notice. Failure to post such limitations shall be a violation of this Ordinance Code.

(b) Failure to abide by the patron security and safety plan outlined in the application for license provided for in this Chapter shall be a violation of this Ordinance Code.

6-17-3030 PATRON SECURITY AND SAFETY: REQUIREMENTS AND PROHIBITIONS:

An owner licensee shall make a report to the Sheriff's department upon discovery of any conduct which raises a reasonable suspicion that a misdemeanor or felony crime has been committed on the gambling establishment premises.

The owner licensee shall be liable if he or she knowingly permits or allows an agent or employee to permit a person to:

(a) Enter a gambling establishment while such person appears to be obviously under the influence of any intoxicating beverage, narcotic, or drug.

(b) Play in any controlled game at any time while such person is obviously under the influence of any intoxicating beverage, narcotic, or drug.

(c) Enter or remain in a gambling establishment who engages in or has been convicted of bookmaking, loan sharking, the sale of controlled substances, illegal gambling activities, prostitution, pimping, pandering or whose presence in or about such gambling establishment would be inimical to the interests of legitimate gaming.

(d) Violate any federal, state, and local laws, rules and regulations on the gambling establishment premises.

In the event that a licensee determines that any guest or employee is engaged in conduct inimical to the interests of patron or employee safety or legitimate gaming, then the licensee may preclude that person(s) from the establishment. (or include in section 6-17-3080 below.

6-17-3040 LOCATION OF GAMBLING ESTABLISHMENTS:

- (a) Gambling establishments shall be permitted only in the zone or zones where allowed or permitted by the County Zoning Ordinance (uncodified Ord. No. 352), as amended from time to time. Non-compliance with this section shall be both a violation of this Ordinance Code and the County Zoning Ordinance.
- (b) No new gambling establishment or expansion of an existing gambling establishment shall be permitted within 500 yards of an existing school, an existing building used primarily as a place of worship, an existing playground or other area of juvenile congregation, an existing hospital, convalescence facility, or another similarly unsuitable area as determined by the Resource Management Agency.
- (c) The County shall deny a license to a proposed gambling establishment or expansion of an existing gambling establishment if the County finds that the gambling establishment or expansion would tend unduly to create law enforcement problems in the County, a city within the County, an adjoining county, or a city within that county.

6-17-3050 WAGERING LIMITS:

- (a) Wagering Limits. There are no limits on the amount wagered in any permitted games.
- (b) The owner licensee shall post in a conspicuous location all County, house or table wagering limits to give the patrons adequate notice of the rules relating to wagering. Failure to post wagering limits shall be a violation of the Ordinance Code.

6-17-3060 LIMITATION ON AUTHORIZED TABLES:

- (a) The maximum number of gambling tables (if permitted by the license issued by the County and subject to the limitations contained in the Gambling Control Act and this Chapter) to be operated in a single gambling establishment shall be twelve (12).
- (b) The total number of gambling tables authorized, which may be permitted to be operated, in the County shall be sixteen (16), pursuant to the limitations contained in the Gambling Control Act.
- (c) Temporary uses of gambling tables in tournaments and other special events shall be permitted only if prior written authorization is obtained by the gambling establishment from the California Gambling Control Commission pursuant to its applicable regulations. A copy of the authorization shall be delivered to or received by the license collector and the Sheriff prior to the special event and a copy also shall be posted on the premises for the duration of the special event.

6-17-3070 INSPECTION OF PREMISES:

(a) All gambling establishments shall be open for inspection during normal business hours to the Sheriff, the license collector, the Health Department, the Fire Department, and the Resource Management Agency, or their duly authorized representatives, without search warrant. It shall be unlawful for any licensee to operate a gambling establishment in such a manner so as to make such gambling establishment difficult of access to peace officers or other County officials.

(b) All gambling establishment records, including, but not limited to, papers, books of account, ledgers, audits, reports, personnel records, information stored in computers and on computer tape or disks, video tape, microfilm or microfiche, shall be available for inspection and copying during normal business hours to the Sheriff, the license collector, or their duly authorized representatives, without search warrant.

6-17-3080 OPEN TO GENERAL PUBLIC:

A licensed gambling establishment shall be open to the general public.

In the event that a licensee determines that any guest or employee is engaged in conduct inimical to the interests of patron or employee safety or legitimate gaming, then the licensee may preclude that person(s) from the establishment.

6-17-3090 MINIMUM INTERNAL CONTROL STANDARDS:

The owner-licensee shall establish and maintain minimum internal controls for the operation of the gambling establishment consistent with the Minimum Internal Control Standards promulgated by the California Gambling Control Commission

6-17-3100 PATRON CREDIT PROHIBITED:

No owner, licensee, or employee shall provide loans or credit of currency, checks or any other thing of value or any representation of value to or for the benefit of any patron. No owner, licensee, or employee shall operate, maintain or purport to maintain any credit system whereby any patron may obtain loans or credit of currency, checks or other negotiable instruments, or any other thing of value or any representation of value.

6-17-3110 RESTRICTIONS ON GAMBLING:

(a) Owner licensees authorized to conduct gaming in the County shall be permitted to conduct all card games and related gaming activity such as tournaments, jackpots and other promotional activities lawful in the state of California subject to the following provisions:

(1) The licensee must maintain a letter from the California Bureau of Gambling Control advising that the game rules or related activities have been reviewed and approved for play at the gambling establishment;

(2) Written rules for each card game offered by a cardroom shall be provided to any patron upon request;

(b) Each gambling establishment shall maintain on the premises a copy of the house rules, and authorized game rules, and give notice that all persons will be required to comply with them.

(c) All other gaming (including, but not limited to, gaming played with dice or any device for money) not otherwise prohibited by California law is prohibited. Nothing contained in this Chapter shall be construed to permit the licensing of any gambling declared illegal in the state of California.

[THIS SPACE LEFT BLANK INTENTIONALLY]

Section 2 . The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the *Sun-Gazette*, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the ____ day of _____, 2024, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF TULARE

By: _____
Chair, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Approved as to Form:
County Counsel

By _____
Deputy

Matter # 2023254