

**ORDINANCE CODE PART VI, CHAPTER 3, ARTICLES 13 AND 21**  
**REGULATION OF GAMBLING ESTABLISHMENTS, CONTROLLED**  
**GAMING, GAMBLING ENTERPRISE DEALERS, AND PENALTIES**

(Added by Ord. No. 3208, effective 6-30-98)

**ARTICLE 13. LAWFUL GAMBLING ESTABLISHMENTS,  
CONTROLLED GAMING, AND GAMBLING ENTERPRISE EMPLOYEES**

<b>APPLICATION OF GENERAL PROVISIONS</b>	<b>SECTION 6-03-1695.</b> Unless the provisions of this Article otherwise provide, all of the provisions of Article 1 of this Chapter are applicable to the licenses referred to in this Article.
<b>DEFINITIONS</b>	<b>SECTION 6-03-1700.</b> As used in this Article, the following definitions shall apply:
<b>Applicant</b>	(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 ordinance.
<b>Controlled Game</b>	(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.
<b>Finding of Suitability</b>	(c) "FINDING OF SUITABILITY" means a finding that a person meets the qualification criteria described in subdivisions (a) and (b) of Business and Professions Code Section 19848, and that the person would not be disqualified from holding a state gambling license on any of the grounds specified in subdivision (a) of Business and Professions Code Section 19850.
<b>Game, gambling game</b>	(d) "GAME" and "GAMBLING GAME" means any controlled game.
<b>Gambling</b>	(e) "GAMBLING" means to deal, operate, carry on, conduct, maintain, or expose for play any controlled game.
<b>Gambling enterprise card dealer</b>	(f) "GAMBLING ENTERPRISE CARD DEALER" means any natural person employed in the operation of a gambling enterprise who engages in the business of dealing cards in a gaming club and who receives compensation for his or her services.

<b>Gambling establishment</b>	(g)	"GAMBLING ESTABLISHMENT" or "ESTABLISHMENT" (including "card room" or "gaming club") means one or more rooms where any controlled gambling occurs.
<b>Gambling license</b>	(h)	"GAMBLING LICENSE" (including "card room license" or "gaming club license") means any license issued by the County of Tulare, unless otherwise specified, that authorizes the person named therein to conduct a gambling operation.
<b>Gambling operation</b>	(i)	"GAMBLING OPERATION" means one or more controlled games that are dealt, operated, carried on, conducted, maintained, or exposed for play for commercial gain.
<b>Key employee</b>	(j)	"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.
<b>Licensed gambling establishment</b>	(k)	"LICENSED GAMBLING ESTABLISHMENT" means the gambling premises encompassed by a County gambling license.
<b>Owner licensee</b>	(l)	"OWNER LICENSEE" means an owner of a gambling enterprise who holds a County gambling license.
<b>Person</b>	(m)	"PERSON", unless otherwise indicated, includes a natural person, corporation, partnership, limited partnership, trust, joint venture, association, or any other business organization.
<b>Work permit</b>	(n)	"WORK PERMIT" means any card, certificate, or permit issued by the California Gambling Control Division 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 by Business and Professions Code Section 19805 (k)).
<b>Expansion</b>	(o)	"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.
<b>Investigating</b>	(p)	"INVESTIGATING OFFICERS" means the County officers, or

**officers**

their duly authorized representatives, who are designated in Section 6-03-1020 as the persons who shall conduct an investigation of the applicant and/or the gambling establishment.

**INTENT OF  
THE COUNTY:  
REQUIREMENTS  
OF GAMBLING  
CONTROL ACT  
OF 1997**

**SECTION 6-03-1701.**

By adopting this Article, it is the intent of the County of Tulare to comply with the mandates of the Gambling Control Act of 1997 (Business and Professions Code Sections 19800 et seq.), as adopted and as amended from time to time. The Gambling Control Act of 1997, effective January 1, 1998, provides for the gambling activities and the operation of lawful gambling establishments (Business and Professions Code Section 19802 (a)).

**PERMITTED  
SUBJECT  
MATTER OF  
REGULATION  
BY LOCAL  
ORDINANCE**

**SECTION 6-03-1702.** Under Business and Professions Code Section 19951, 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;
- (d) Imposing any local tax or license fee;

if the prohibition, control, condition, inspection, tax, or fee is not inconsistent with the Gambling Control Act.

**SEVERABILITY**

**SECTION 6-03-1703.** If any clause, sentence, paragraph, or part of this Article, 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 Article 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.

**LIBERAL  
CONSTRUCTION**

**SECTION 6-03-1704.** This Article is an exercise of the police power of the County of Tulare for the protection of the health, safety, and welfare of the people of the County of Tulare, and shall be liberally construed to effectuate those purposes.

**GAMBLING  
ESTABLISH-  
MENT:  
LICENSE  
REQUIRED**

**SECTION 6-03-1705.** Any person who operates a gambling establishment within the County of Tulare shall have a valid license to engage in such business issued by the State of California pursuant to the Gambling Control Act of 1997 and also a valid license issued by Tulare County. A copy of the State license application and the State license shall be filed with the Tulare County Tax 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.

**GAMBLING  
ENTERPRISE  
EMPLOYEE:  
LICENSE  
REQUIRED**

**SECTION 6-03-1710.** Any person who engages in the business of a gambling enterprise card dealer within the County of Tulare shall have a valid license to engage in such business issued by the County of Tulare.

**GAMBLING  
ESTABLISHMENT  
LICENSE  
APPLICATION:  
FORM**

**SECTION 6-03-1715.** In addition to compliance with the requirements set out in Article 1 of this Chapter, and the Gambling Control Act of 1997 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 for license 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.

**NOTICE OF  
APPLICATION**

**SECTION 6-03-1720.** Within three (3) days after an application for a Tulare County gambling establishment license has been filed with the Tax Collector, the Tax 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 Tax Collector shall not issue a Tulare 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.

**LICENSE  
FEES: TERM**

**SECTION 6-03-1725.**

- (a) The annual fee for a Tulare County license to operate a gambling establishment shall be Two Hundred Dollars (\$200) for each table that will be available on the business premises for the playing of any controlled game.
- (b) The annual fee for a Tulare County license to perform the services of a gambling enterprise employee shall be Fifty Dollars (\$50.00).
- (c) The term of a Tulare County gambling establishment license shall be one (1) year from the effective date of the State of California gambling establishment license.

**GAMBLING  
ESTABLISH-  
MENT:  
INCREASE IN**

**SECTION 6-03-1730.**

- (a) Any person who has a valid County gambling establishment (gaming club or card room) license as of January 1, 1996, may

**NUMBER OF  
TABLES**

file a supplemental written application with the Tax 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 Business and Professions Code Sections 19950.1 and 19950.2.

- (b) If the Sheriff determines that such an increase in the number of tables will not be contrary to the public interest and will not hamper proper law enforcement, the Tax Collector shall amend the license to reflect the increase in the number of tables upon payment by the licensee of the additional license fee. Such additional license fee shall be prorated in the manner set forth in section 6-03-1050 of this Chapter.

**GAMBLING  
ENTERPRISE  
EMPLOYEE: FORM  
OF LICENSE**

**SECTION 6-03-1735.** Every gambling enterprise employee license shall bear the photograph of the licensee. The licensee shall furnish a photograph of the size requested by the Tax Collector, who shall affix the photograph to the license.

**AGE  
RESTRICTIONS**

**SECTION 6-03-1737.** 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:

- (a) Play, be allowed to play, place wagers at, or collect winnings from, whether personally or through an agent, any gambling game.
- (b) Loiter or remain, or be permitted to loiter or remain, in or about any room wherein any gambling game is operated or conducted.
- (c) 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.

**HOURS OF  
OPERATION**

**SECTION 6-03-1740.** It shall be unlawful and a violation of the Ordinance Code for any licensee to permit a gambling establishment to remain open, or to permit any controlled game to be played in a gambling establishment, or for any gambling enterprise employee to perform his or her services, between the hours of 2:00 a.m. and 8:00 a.m. of any day.

**ADDITIONAL  
HOURS OF  
OPERATION**

**SECTION 6-03-1741.**

- (a) Notwithstanding the provisions of sections 6-03-1740 and subject to the limitations of the California Gambling Control Act

**REGULATION OF GAMBLING**

of 1997, an establishment owner licensee or any potential owner licensee for a gambling establishment existing as of January 1, 1996 may request an amendment to the qualifying establishment (gaming room or card room) license to increase the hours of operation of the gambling establishment by an amount of less than twenty five percent (25%) of the hours permitted by section 6-03-1740, as long as such hours of operation do not equal or exceed twenty two and one-half (22-1/2) hours a day.

- (b) Any existing gambling establishment owner or potential owner licensee who desires to so increase the hours of operation shall submit an application to amend the current license, which application shall be subject to the investigation, investigation fees and approval process set forth in sections 6-03-1010 through 6-03-1085.
- (c) The amendment to the license permitting increased hours of operation shall be subject to suspension, revocation or renewal as set forth in section 6-03-1010 through 6-03-1085, independent of the license to operate during the restricted hours set forth in section 6-03-1740.
- (d) Notwithstanding section 6-03-1740, it shall be lawful for gambling enterprise employees to perform their services between 2:00 a.m. and 8:00 a.m. in any gambling establishment licensed to operate with extended hours of operation under this section.
- (e) The hours of operation shall be posted in a conspicuous location in the gambling establishment to give patrons adequate notice of the hours during which the establishment will be open for business.

**PATRON  
SECURITY  
AND SAFETY**

**SECTION 6-03-1742.**

The owner licensee of a gambling establishment shall be liable for the security and safety of the patrons in compliance with the Gambling Control Act of 1997 as amended from time to time. Any permitted limitations on liability allowed by the Gambling Control Act of 1997 should be posted clearly to give the patrons adequate notice. Failure to post such limitations shall be a violation of this Ordinance Code.

Failure to abide by the patron security and safety plan outlined in the application for license provided for in Section 6-03-1715 shall be a violation of this Ordinance Code.

**PATRON**

**SECTION 6-03-1743.** The owner licensee shall be liable if he or she

**SECURITY  
AND SAFETY:  
REQUIREMENTS  
AND  
PROHIBITIONS**

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

**LOCATION OF  
GAMBLING  
ESTABLISH-  
MENTS**

**SECTION 6-03-1744.**

- (a) Gambling establishments shall be permitted only in the zone or zones where allowed or permitted by the Tulare County Zoning Ordinance, Tulare County Ordinance No. 352 as amended from time to time. Non-compliance with this section shall be both a violation of the Ordinance Code and the Tulare County Zoning Ordinance.
- (b) No new gambling establishment or expansion of an existing gambling establishment shall be permitted within five hundred (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 County 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 Tulare County or an adjoining city or county.

**WAGERING  
LIMITS**

**SECTION 6-03-1745.**



- (a) No gambling establishment permittee, owner or employee shall allow any persons playing in any controlled game to make any single bet or wager in excess of two hundred dollars (\$200.00), 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.
- (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.

**LIMITATION ON  
AUTHORIZED  
TABLES**

**SECTION 6-03-1750.**

- (a) The maximum number of gambling tables (if permitted by the license issued by Tulare County and subject to the limitations contained in Business and Professions Code Sections 19950.1 and 19950.2) to be operated in a single gambling establishment shall be five (5).
- (b) The total number of gambling tables authorized, which may be permitted to be operated, in the County shall be twelve (12) pursuant to the limitations contained in Business and Professions Code Sections 19950.1 and 19950.2.

Temporary use 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 Division of Gambling Control pursuant to its Regulation Section 1701.5. A copy of the authorization shall be delivered to or received by the County Tax Collector and County Sheriff prior to the special event and a copy also shall be posted on the premises for the duration of the special event.

**INSPECTION  
OF PREMISES**

**SECTION 6-03-1751.**

- (a) All gambling establishments shall be open for inspection during normal business hours to the Sheriff, the County Treasurer/Tax Collector, the County Auditor, the County Health Department, the County Fire Department, the County 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 as to make access to such gambling operations difficult for 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 tapes or disks, video tape, microfilm or microfiche, shall be available for inspection and copying during normal business hours to the Sheriff, the Auditor, the Treasurer/Tax Collector, or their duly authorized representatives without search warrant.

**OPEN TO  
GENERAL PUBLIC**

**SECTION 6-03-1752.** A licensed gambling establishment shall be open to the general public.

**ARTICLE 21. VIOLATIONS**

**VIOLATIONS**

**SECTION 6-03-2030.**

- (a) Any person violating any of the provisions of sections 6-03-1000, 6-03-1195, 6-03-1205, 6-03-1505, 6-03-1510, 6-03-1705, 6-03-1710, 6-03-1737, 6-03-1740, 6-03-1741, 6-03-1742, 6-03-1743, 6-03-1745, 6-03-1748, 6-03-1750, and 6-03-1751 of this Chapter shall be guilty of a misdemeanor and shall be punishable as provided in Section 125 of the Ordinance Code.
- (b) Any person violating any of the provisions of this Chapter which are declared to be unlawful, other than sections 6-03-1000, 6-03-1195, 6-03-1205, 6-03-1505, 6-03-1510, 6-03-1705, 6-03-1710, 6-03-1737, 6-03-1740, 6-03-1741, 6-03-1742, 6-03-1743, 6-03-1745, 6-03-1748, 6-03-1750, and 6-03-1751, shall be guilty of an infraction and shall be punishable as provided in section 125 of the Ordinance Code.
- (c) Any person, violating any of the provisions of sections 6-03-1565 through 6-03-1645, inclusive, of this Chapter shall be punishable as an infraction, except where provisions of said sections specifically make such violation a misdemeanor, and shall be punishable as provided in section 125 of this Ordinance Code.