

Article 3: Police Regulated Occupations and Businesses

Division 41: Casino Party

(“Casino Party” added 9-9-1985 by O-16501 N.S.)

§33.4101 License Required

- (a) It shall be unlawful for any person to conduct any casino party in the City of San Diego unless such person is a member of a tax exempt organization, as defined in this Division, acting on behalf of such tax exempt organization and such organization has been issued a license as provided by this Division.
- (b) The operation of any casino party without a license or failure to operate in full compliance with all provisions of this Division shall be grounds for all casino equipment to be seized and held by the Police Department of the City of San Diego.

(Amended 1-4-1988 by O-17000 N.S.)

§33.4102 License Not Transferable

Each license issued hereunder shall be issued to a specific individual on behalf of a tax exempt organization to conduct a casino party at a specific location and on one specific date and shall in no event be transferred from one person to another nor from one location or date to another.

(Amended 1-4-1988 by O-17000 N.S.)

§33.4103 Definitions

For the purpose of this Division, the following words and phrases shall mean:

- (a) CASINO PARTY shall mean any event at which the public is permitted or invited to play games of chance as are listed in section 330 of the California Penal Code and which are played for neither money nor any other representative of value.
- (b) TAX EXEMPT ORGANIZATION shall mean any organization exempted from the payment of the Bank and Corporation Tax by Section 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) and 23701(l) of the Revenue and Taxation Code.

(11-2000)

- (c) CASINO MANAGER shall mean the individual who shall manage, supervise, and be responsible for the conduct of the event.
- (d) DONATION shall mean a free contribution of any tangible item, goods, wares, merchandise, money, cash, consideration, services or any other thing of value.
- (e) MINOR shall mean any person under the age of eighteen (18) years.
- (f) VOLUNTEER shall mean a person who offers his services without wages, salary or reimbursement while having no legal concern or interest.
- (g) CHIPS or SCRIP shall mean simulated paper currency or tokens having no face value.
- (h) ADVERTISEMENT shall mean any printed material, flyers, signs, pamphlets, leaflets, handbills, verbal broadcasting, or any other method normally utilized to call something to the attention of the public.
- (i) RAFFLE or LOTTERY shall mean any scheme for the disposal or distribution of property or merchandise by chance for no consideration.
- (j) GAMING EQUIPMENT SUPPLIER shall mean any person or entity subject to the provisions of Section 31.0301 and which is engaged in the business of leasing, renting, operating or otherwise providing specialized gaming tables, devices, equipment and/or supplies used in the activities regulated by this division.
- (k) SUPPLIER EMPLOYEE shall mean any person who is present during the period of operation of a casino party and who is compensated for said presence by a gaming equipment supplier.

(Amended 11-7-1988 by O-17171 N.S.)

§33.4104 Application

An application for a casino party shall be made to the Chief of Police accompanied by a non-refundable fee of \$50.00 on forms provided by the Chief of Police not less than thirty (30) days prior to the proposed date of the party. The application for a casino party shall contain the following:

(6-2000)

- (a) A list of all volunteers who will participate in the operation of the casino party, including full names of each volunteer, date of birth, place of birth, physical description, home address and home telephone number. The Chief of Police may waive the thirty (30) day application requirement for this subsection upon a showing of good cause.
- (b) Name and address of company or individual as defined in Section 33.4103(j) above that will be furnishing casino personnel, equipment or devices.
- (c) The date, hours of the day, and place of the proposed casino party.
- (d) Casino Managers. Concurrently with the filing of an application for a casino party license each applicant shall file a statement specifying the names and addresses of two persons who shall manage, supervise and be responsible for the conduct of the casino party. At least one of the casino managers shall be present on the premises at all times during which a casino party is being conducted.

(Amended 1-4-1988 by O-17000 N.S.)

§33.4105 Application Investigation

Upon receipt of an application for a license the Chief of Police shall make an investigation of the applicant. The Chief of Police may send copies of such application to any office or department which the Chief of Police deems essential in order to conduct a proper investigation of the applicant.

The Chief of Police and every officer and/or City Department to which an application is referred may investigate the truth of any matters set forth in the application, the character of the applicant, and may examine the premises to be used for the casino party to ensure that it complies with all health, fire and zoning regulations.

The Chief of Police shall issue the license unless he finds that the applicant has knowingly made any false, misleading, or fraudulent statement or omission of material fact in the application for the license or that the organization is not a tax exempt organization or if the applicant has had a previous casino party license revoked within five (5) years immediately preceding the date of the application or that the applicant has conducted two casino parties in the City of San Diego within the last twelve (12) months or that such organization has not been located and operating within the limits of the City of San Diego for a period of more than 180 days prior to the date of application.

(Amended 1-4-1988 by O-17000 N.S.)

(11-2000)

§33.4106 Denial or Revocation of License

If the license is denied or revoked the Chief of Police shall prepare a notice setting forth the reasons for such denial or revocation. Such notice shall be sent by certified mail to the applicant's address provided in the application or be personally delivered. Any person who has had an application for a casino party license denied or revoked by the Chief of Police may appeal the decision of the Chief of Police in the manner provided by this Article.

("Denial or Revocation of License" added 9-9-1985 by O-16501 N.S.)

§33.4107 Regulations

- (a) Any police officer shall have free access to any casino party licensed under this Division. The licensee shall have the casino party license and a list of approved volunteers of the tax exempt organization and supplier employees who will operate the casino party available for inspection at all times during the event.
- (b) Each casino party shall be held at a fixed location easily accessible for inspection by the Chief of Police.
- (c) No minors shall be allowed to participate in any casino party.
- (d) No casino party shall be conducted between the hours of 2:00 a.m. and 6:00 a.m.
- (e) All casino parties shall be opened to the public free of charge and no advance reservation shall be required for attendance.
- (f) All chips or scrip must be dispensed free of charge. There can be no correlation between the amount of chips or scrip dispensed and the amount of money donated by a prospective participant.
- (g) No cash or checks may be used or displayed at any gaming table or device.
- (h) No chips or scrip may be redeemed for cash. Chips or scrip won at any of the games prohibited by California Penal Code section 330 may not be exchanged for money or representative of value which includes drawing or lottery tickets for prizes or merchandise. All prizes or merchandise must be awarded by means of a raffle or similar lottery, and no single prize shall exceed \$2,500 in

(6-2000)

fair market value and the total fair market value of prizes awarded at any one casino party shall not exceed \$5,000, and no cash prize shall be awarded.

- (i) No organization shall operate a casino party in violation of any law.
- (j) All advertisements relating to a casino party must indicate that no purchase nor donation is necessary to participate and the event is open to the general public.
- (k) The casino managers and all cashiers, volunteers, supervisors, persons assigned to operate any gaming tables or persons who participate in the promotion of any games during the operation of the casino party must each wear on his or her outside clothing, in plain view, at chest height, an identification insignia or badge specifying the full name and affiliation of such person.

(Amended 11-7-1988 by O-17171 N.S.)

§33.4108 Revocation of License

The Chief of Police may, in addition, to other penalties provided by law, immediately revoke a casino party license and cause the party to cease operation if he finds that the licensee or any agent or representative thereof is not operating in full compliance with all provisions of this Division.

(“Revocation of License” added 9-9-1985 by O-16501 N.S.)

§33.4109 Penalties

Any person violating any of the provisions or failing to comply with any of the requirements of this Division shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

(“Penalties” added 9-9-1985 by O-16501 N.S.)

§33.4110 Severability

If any provision, clause, sentence or paragraph of this Division or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Division which can

(11-2000)

be given effect without the invalid provision or application and to this end the provisions of this Division are hereby declared to be severable.

(Amended 1-4-1988 by O-17000 N.S.)