

ADOPTED
CITY OF HAWAIIAN GARDENS
ORDINANCE NO. 586

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, AMENDING HAWAIIAN GARDENS MUNICIPAL CODE CHAPTER 5.92, CARD CLUBS TO COMPLY WITH STATE LAW REGARDING WORK PERMIT AND MINIMUM AGE REQUIREMENTS FOR CARD CLUBS.

WHEREAS, the California Gambling Control Act (Bus. & Prof. Code, § 19800 *et seq.*, hereinafter the “Act”) establishes, amongst other things, work permit and minimum age requirements applicable to card clubs;

WHEREAS, effective January 1, 2020, Assembly Bill 649 (“AB 649”) will amend the Act (specifically, Bus. & Prof. Code, §§ 19859, 19911, 19912, 19914, 19921, and 19941) regarding the matters above;

WHEREAS, before the effectiveness of AB 649, the Act generally required that card club employees be at least 21 years of age and obtain a work permit;

WHEREAS, after the effectiveness of AB 649, along with other related changes, the Act will allow persons (i) from the ages of 18 and 20 be employed in limited positions and without a work permit in card clubs and (ii) ages 21 and older to begin work in limited positions pending approval of a work permit;

WHEREAS, Hawaiian Gardens Card Club Ordinance (HGMC, ch. 5.92) regulates card clubs in the City’s jurisdiction;

WHEREAS, the City wishes to update the Card Club Ordinance to comply with the Act as amended by AB 649; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

The City Council hereby finds and determines that the Recitals above are true and correct and are incorporated herein.

Section 2. Amending Section 5.92.261

Hawaiian Gardens Municipal Code section 5.92.261, subsection A, is hereby amended to read as follows (additions shown in underline, deletions shown in ~~strikeout~~):

Section 5.92.261 Employee work permits.

- A. Except as provided in Section 5.92.265, A a person who desires to be employed by a card club in the city shall obtain an employee work permit. It is unlawful for any licensed card club in the city to employ any person who does not have an employee work permit issued by the chief of police or by the Division of Gambling Control of the State of California Department of Justice (the "Division").

Section 3. Adding Section 5.92.265

Hawaiian Gardens Municipal Code section 5.92.265 is hereby added to read as follows (additions shown in underline, deletions shown in ~~strikeout~~):

Section 5.92.265 Employee work permits: exceptions.

Notwithstanding anything in this Chapter 5.92 to the contrary:

- A. A person who is twenty-one (21) years of age or older may begin working on a temporary basis without a work permit as an employee if:
1. The person applied for a work permit;
 2. The person holds a position that is not supervisory, is not related to the operation or administration of gambling, and does not perform employment duties in the area where gambling is conducted; and
 3. The person wears a temporary badge on their outermost garment at chest level with their name, picture, and the words, "Non-Gaming Employee, Work Permit Pending."
 4. Except as provided in Subsection B of this section below, after the person has received a work permit, the person may perform any duties for which a work permit is required. If the person is denied a work permit, the person shall not work as an employee in any gaming or nongaming job.
- B. A person who is eighteen (18) through twenty (20) years of age may be employed without a work permit as an employee in job classifications that entail providing services exclusively off the gaming floor and that are not involved in the play of a controlled game if:

1. The person holds a position that is not supervisory and not related to the operation or administration of gambling;
2. The person is not allowed to perform any duties of an employee on the floor of the gambling establishment or in areas that are identified as restricted access areas to employees, including, but not limited to, the cage, count room, surveillance room, security office, vault, and card storage; and
3. The person wears a badge on their outermost garment at chest level that has with the words "Non-Gaming Employee: Under 21" and that has a different background color than the badges worn by other employees.

Section 4. Amending Section 5.92.290

Hawaiian Gardens Municipal Code section 5.92.290 is hereby amended to read as follows (additions shown in underline, deletions shown in ~~strikeout~~):

Section 5.92.290 Minimum age requirements.

A. A person under the age of twenty-one (21) is not permitted to enter upon the premises of a card club, or any part thereof, except for the following areas:

~~A.1.~~ An area, physically separated from any gambling area, for the exclusive purpose of dining used for a nongaming purpose, including for maintenance, parking, or business offices, or for the purpose of dining or food or beverage service or preparation. For purposes of this section, any place wherein food or beverages are dispensed primarily by vending machines shall not constitute a place for dining.

~~B.2.~~ Restrooms.

~~C.3.~~ A supervised room that is physically separated from any gambling area and used exclusively for the purpose of entertainment or recreation.

4. Those areas authorized in connection with employment in accordance with Subsection B of Section 5.92.265.

B. A person who is under twenty-one years of age and not employed per Subsection B of Section 5.92.265 may enter upon or pass through a gambling area on a designated pathway to reach any of the areas described in Subsection A of this section only if accompanied by a person or employee who is twenty-one (21) years of age or older.

C. No licensee or holder of an employee work permit shall knowingly and wilfully willfully permit or allow any person under the age of eighteen years to enter upon the premises of a card club, or any part thereof, or nor

shall any licensee knowingly and ~~wilfully~~ willfully permit or allow any person under the age of twenty-one to play any of the games authorized by the license. ~~Notwithstanding, persons under the age of twenty-one shall be permitted in the following areas:~~

Section 5. Severability

If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

Section 6. Environmental

The City Council finds that this ordinance is not subject to the requirements of California Environmental Quality Act (“CEQA”) for the following reasons: This Ordinance is (1) not “project” within the meaning of section 15378 of the State CEQA Guidelines, because it has no potential for resulting in direct or indirect physical change in the environment; and (2) exempt under section 15061(b)(3), the general rule exemption, because it can be seen with certainty that there is no possibility that this code amendment will have a significant effect on the environment.

Section 7. Certification

The City Clerk of the City of Hawaiian Gardens shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

Section 9. Effective Date

This Ordinance shall become effective thirty (30) days from the date of its adoption.

PASSED, APPROVED, AND ADOPTED BY at a regular meeting of the City Council of the City of Hawaiian Gardens, California, held on the the 10th day of December, 2019.

/S/_____

Jesse Alvarado, Mayor

ATTEST:

/S/_____

Lucie Colombo, CMC, City Clerk

CITY OF HAWAIIAN GARDENS

CITY CLERK'S OFFICE

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Lucie Colombo, CMC, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 586**, was duly and regularly introduced and placed upon it first reading at an Adjourned Regular meeting of the City Council on the **19th day of November 2019**, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this **10TH day of December 2019** by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: ROA, RODRIGUEZ, TRIMBLE, ALVARADO, MARAVILLA

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

/S/ _____

LUCIE COLOMBO, CMC

CITY CLERK/RECORDS MANAGER

