

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE AMENDING CHAPTER 8 SECTION 5 OF THE  
OCEANSIDE CITY CODE BY THE REPLACEMENT OF  
SECTION 8.5 REGARDING ANNUAL AND GROSS REVENUE  
FEES

WHEREAS, Chapter 8 of the Oceanside City Code regulates card rooms; and,

WHEREAS, The City Council of the City of Oceanside wishes to increase the gross  
revenue fees;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 8, Section 5 of the Oceanside City Code is amended as follows:

**Section 8.5 Annual and gross revenue fees.**

For the privilege of holding a cardroom license, the license holder shall pay to the city  
and annual fee in the amount of two thousand dollars (\$2,000) per table. This annual fee shall  
be due and payable in monthly installments to be received no later than the fifteenth day of each  
month. There shall be no prorating of the fee.

In addition to the annual table fee, the license holder shall pay to the city a quarterly fee  
based on the total sum equal to five (5) percent of the license holder's gross revenues, which  
shall include revenue received by the license holder from per hand money collected, seat rental  
fees, tournament fees and any and all other revenues generated from card play, except fees  
charged to players that are returned to the players as tournament or jackpot bonuses. Each  
license holder shall file with the city's business license inspector no later than the fifteenth day  
after the end of each quarter within a calendar year, a statement executed by a certified public  
accountant showing the true and correct amount of gross revenue derived from the card game  
business held by such licensee for the preceding calendar quarter. Such statement shall be  
accompanied by the payment of the correct amount of gross revenue fee due and owing in  
accordance with the provisions herein. Such payment of fees shall be accepted by the city,  
subject however, to the right of the city to audit the matters referred to in the statement and to  
determine the correctness of the figures set forth in such statement and the amount payable to

1 the city pursuant to the provisions herein. In addition to the foregoing statement, a certification  
2 or declaration signed under penalty of perjury by the licensee or the licensee's management shall  
3 be attached to the statement, or included therein, which certification or declaration shall declare  
4 that the information provided is true and correct.

5 Any failure or refusal of any such licensee to timely make and file any statements as  
6 required within the time required, or to timely pay any fee in accordance with the provisions of  
7 this chapter, or to permit such inspection of such books, records and accounts of such licensee  
8 shall be and constitute full and sufficient grounds for suspension and revocation of the license  
9 of any such licensee. Any such unpaid fee shall be a continuing debt owed to the city until paid.  
10 The city council shall review and may adjust cardroom gross revenue and table fees annually  
11 when the budget is adopted.

12 Each licensee shall fully cooperate in any audit which the city may choose to conduct of  
13 the licensee's books, records and accounts for the purpose of verifying the completeness and  
14 accuracy of any statement, certification or declaration required by this section. Such audits shall  
15 be conducted annually and at such other times and using such persons as authorized by the city  
16 manager.

### 17 SECTION 2. Severability.

18 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
19 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
20 shall not only affect the validity of the remaining portions of the Ordinance it shall also render  
21 null and void Ordinance number 07-0R0674-1 in its entirety: adopted by the City Council on  
22 November 7, 2007. The City council hereby declares that it would not have passed this  
23 Ordinance and adopted this Ordinance nor would it have passed and adopted Ordinance 07-  
24 0R0674-1 unless all of the provisions, sections, sentences, clauses and phrases were fully  
25 enforceable. Nothing in this section is intended to amend, modify, or otherwise affect Section  
26 8.20 of Chapter 8 entitled "Non-severability".

27 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this  
28 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)

1 days after its passage in the North County Times, a newspaper of general circulation published  
2 in the City of Oceanside.

3 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
4 from and after its final passage.

5 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
6 California, held on the \_\_\_ day of \_\_\_\_\_, 2008, and, thereafter,

7 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
8 Oceanside California, held on the \_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

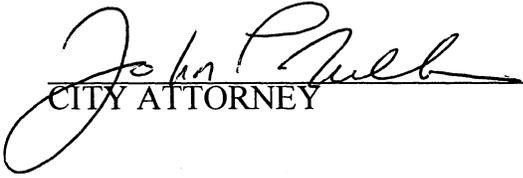
12 ABSTAIN:

13 MAYOR OF THE CITY OF OCEANSIDE

14  
15 ATTEST:

APPROVED AS TO FORM:

16  
17 \_\_\_\_\_  
18 CITY CLERK

19   
20 \_\_\_\_\_  
21 CITY ATTORNEY