

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE AMENDING CHAPTER 8 SECTION 5 OF THE
OCEANSIDE CITY CODE INCREASING CARD ROOM 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
an 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. Effective
January 1, 2013, the quarterly fee of five (5) percent shall increase to six (6) percent. The
license holder shall pay 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

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

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

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

18 SECTION 2. Severability.

19 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
20 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
21 shall not only affect the validity of the remaining portions of the Ordinance it shall also render
22 null and void Ordinance number 08-OR0428-1 in its entirety: adopted by the City Council on
23 July 2, 2008. The City Council hereby declares that it would not have passed this Ordinance
24 and adopted this Ordinance nor would it have passed and adopted Ordinance 08-OR0428-1
25 unless all of the provisions, sections, sentences, clauses and phrases were fully enforceable.
26 Nothing in this section is intended to amend, modify, or otherwise affect Section 8.20 of
27 Chapter 8 entitled "Non-severability".

28 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
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 (30th) 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 _____, 2012, 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 _____, 2012, by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:

13 MAYOR OF THE CITY OF OCEANSIDE

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15 ATTEST:

APPROVED AS TO FORM:

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CITY CLERK



CITY ATTORNEY

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