

Chapter 5.28**POOLROOMS****Sections:**

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Section 5.28.010 Purpose.

The operation of poolrooms as defined in this chapter, presents an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, with the attendant adverse public safety impact on the surrounding business and residential community, including depreciation in property values, interference with residential neighbors' enjoyment and use of their property due to debris, noise and vandalism, higher crime rates in the vicinity of poolroom businesses involving gang, prostitution and drug activity. Therefore, it is the purpose of this chapter that the operation of poolroom businesses be regulated as a matter of public safety through the issuance of a police permit by the Chief of Police. (Ord. 6088 § 1, 1993; Ord. 6012 § 1, 1992)

Section 5.28.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Chief of Police" means the Chief of Police of the City or the designated representative of the Chief of Police.

"City" means the City of Riverside.

"Manager" means the proprietor or other person in charge of any poolroom as herein defined.

"Pool" means any of several games played on a table, surrounded by an elastic ledge or cushions, with balls, which are impelled by cues and shall include all forms of the game known as pool, billiards or snooker.

"Poolroom" means any building open to the public or any portion thereof set aside for, devoted to or used in connection with the playing of pool, billiards or snooker where a fee is charged which is directly or indirectly conditioned upon or related to the playing of any such game.

"Regional amusement center" means a complex located on at least ten acres devoted

solely to family entertainment including amusement rides and miniature golf courses. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.030 Permit required.

It shall be unlawful for any person, association, firm or corporation to engage in a business where games of snooker, billiards or pool are conducted for profit, and which premises contains three or more pool or billiard tables, without first having obtained a permit issued pursuant to the provisions of this chapter. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.035 Application--Fingerprinting--Zoning verification--Fees.

A. Application. Any person desiring to obtain a permit for the operation of a poolroom shall first file with the Police Department an application in writing upon a form as prescribed by the Chief of Police and which shall contain at least the following:

1. The full name and signature, present residence, business name and address, and telephone numbers of the applicant.
2. Any and all maiden, fictitious or other names ever used by the applicant.
3. Prior residences and business addresses used by the applicant during the ten-year period preceding the date of the application.
4. The birth date and place of birth of the applicant.
5. The California driver's license or California identification card number or other satisfactory government issued identification number of applicant.
6. The name or names both true and fictitious and addresses of any and all persons, associations, partnerships or corporations, including officers thereof, holding an interest or involvement or managerial control in said business.
7. A statement of any and all criminal convictions except minor traffic offenses, when and where they occurred and the sentence.
8. The address of the poolroom proposed to be operated by applicant.
9. Number of tables to be operated.
10. Such other identification and information as is necessary to discover the validity of the matters specified above as required to be set forth in the application.

B. Fingerprinting. In addition to the written application as required above, the applicant, manager, and persons referred to in Section 5.28.035(A)(6) shall personally appear at the Police Department and submit to fingerprinting and photographing for the purpose of criminal record investigation. No application will be considered without these items.

C. Zoning Verification. At the time of filing of the written application, the applicant shall submit on a form approved by the Chief of Police, written verification from the Planning Department of the City of the current zoning of the premises in which the poolroom is to be located, whether the City Zoning Code permits the operation of a poolroom thereon, and whether any permits, if necessary, have been obtained.

D. Fees. At the time of filing of each application, the applicant shall pay to the City an amount as may be set from time to time by resolution of the City Council for each location or address where applicant proposes to operate a poolroom. If the application is denied, such fee shall not be refunded. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.040 Permit procedures.

A. Granting of Permit. After a reasonable period of time to verify the information on the application and to conduct an investigation, the Chief of Police shall issue the permit, provided that he determines the following:

1. The application is complete and truthful;
2. The applicant, if a business entity, is an entity organized and conducted for a lawful

purpose;

3. The persons interested in the business, including, but not limited to, the applicant, his or her employee, agent, partner, director, officer, or manager, has not been convicted or has not pled nolo contendere or guilty to any violation of the provisions of this chapter or any law or ordinance related to theft, fraud, gambling, controlled substances, prostitution, or other crime involving moral turpitude, or any felony within the last ten years.

B. Denial of Permit. The Chief of Police shall deny the application if he determines one or more of the requirements set forth in Section 5.28.040(a) has not been satisfied.

C. Notification to Applicant. The Chief of Police shall notify the applicant the application has been denied or granted within ninety days of the date of filing the completed application, including fingerprints, zoning verification, and payment of filing fees. The reasons in supporting the granting or denial of the permit shall be set forth in this notification. (Ord. 6088 § 2, 1993; Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.050 Appeal of denial of permit.

An applicant may appeal a decision of the Chief of Police to deny an application. The appeal shall be heard by the Public Safety Committee of the City Council. The City Attorney or designated representative shall be present at all appeal hearings. A notice of appeal must be filed by the applicant with the City Clerk within thirty days after being notified of the final determination of the Chief of Police by personal service or by certified mail. Such appeal shall be accompanied by a fee in an amount as set from time to time by resolution of the City Council.

Upon the filing of the notice of appeal, the City Clerk shall set the matter for hearing before the Public Safety Committee not more than forty days after receipt of said notice. The Committee shall hear all relevant evidence and shall render its decision within ten days after the conclusion of the hearing. The Committee may uphold, reverse or modify the decision of the Chief of Police. The decision of the Committee shall be final with no further right of appeal to the City Council. (Ord. 6012 § 1, 1992)

Section 5.28.060 Term of permit--Renewal.

If a permit is granted by the Chief of Police, it shall be valid for a term of three years. The permit may thereafter be renewed for periods of three years each upon payment of a renewal fee as set by resolution of the City Council. (Ord. 7010 § 1, 2008; Ord. 6012 § 1, 1992)

Section 5.28.070 Display of permit.

The permit granted pursuant to the provisions of this chapter shall be displayed in a conspicuous place so that the same may be readily seen by persons entering or using the poolroom. (Ord. 6012 § 1, 1992)

Section 5.28.080 Sale or transfer and change of location.

Upon the sale or transfer of any interest in the business operating the poolroom, the permit holder shall immediately notify the Chief of Police of the sale or transfer and the permit shall be null and void. A new application shall be made by the person desiring to own or operate the poolroom in accordance with the provisions of Section 5.28.035 above. A change of location of a poolroom shall be approved by the Chief of Police upon the payment of the necessary change in location fee as may be set by resolution of the City Council and verification that such new premises meet the requirements as set forth herein. (Ord. 7010 § 2, 2008; Ord. 6012 § 1, 1992)

Section 5.28.090 Visibility.

A. Subject to the exceptions stated in subsection B below, each poolroom shall be maintained in such a condition that the full area in which the tables are located shall be visible from outside the building through unobstructed windows or glass doors, whether such building is single or multiple stories.

B. All poolrooms which are legally in operation in a bowling alley containing at least fifteen lanes or a regional amusement center need not be visible from outside the building, but the poolroom area shall be so located to permit clear and unobstructed observation of the tables from outside the poolroom portion of the bowling alley or regional amusement center building. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.100 Hours of operation.

All poolroom businesses shall be closed between the hours of two a.m. and six a.m. (Ord. 6012 § 1, 1992)

Section 5.28.110 Location of Establishment.

Poolrooms may only be located in an area where the City's zoning laws, rules and regulations as set forth in Title 19 of the Municipal Code allow such activity. (Ord. 6012 § 1, 1992)

Section 5.28.120 Minors.

A. No person operating any business regulated by this chapter shall allow any person under the age of eighteen to be or remain on the premises later than ten p.m. unless with written consent from a parent or guardian or accompanied by a parent or guardian. The manager must verify guardian or parental consent, or the parent or guardian must accompany the minor at all times while on the premises.

B. No person operating any business regulated by this chapter located within one thousand feet of an elementary or secondary school shall allow a minor to be on the premises during school hours unless accompanied by a parent or guardian. At least one sign stating this prohibition shall be prominently displayed in the poolroom. The prohibition stated herein shall be for the entire time period between the opening of the school to its closing on the same day. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.130 Responsibility of owners, managers and operators.

A designated person shall be on premises whenever the business is open to the public. Said person shall provide adequate identification upon demand from any police officer. The designated responsible person or the permittee shall immediately notify the Riverside Police Department of any unlawful or illegal/criminal activity in the poolroom known to such person or which should be reasonably known to such person. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.140 Revocation of permit.

The Chief of Police shall revoke any permit issued if it reasonably appears that after investigation, any of the grounds set forth in Section 5.28.040(A) have been violated or the existence of the business has become a public nuisance as defined under the various applicable laws of this State to such a degree which impairs the peace, health or morals of the surrounding business or residential community. To revoke a permit, the Chief of Police shall serve upon the holder thereof, either by personal service or certified mail sent to the address shown on the application or otherwise more recently of record, a written notice that the permit

has been revoked effective five days after service or date of mailing of such notice, and stating the grounds thereof, and advising of the procedures for the appeal of such revocation. A revocation of a permit may be appealed as set forth in Section 5.28.050; provided, however, a notice of appeal must be filed within five days after service of the notice of revocation. Upon the timely filing of a notice of appeal, a permit revoked by the Chief of Police shall remain in effect during the time of the appeal. (Ord. 6088 § 3, 1993; Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

Section 5.28.150 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council hereby declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6012 § 1, 1992)