

# ORD-21

November 19, 2019

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Declare an Ordinance amending Subsections 5.69.050.A, 5.69.090.A, 5.69.090.B, and Section 9.24.030; and by repealing Section 9.24.050 of the Long Beach Municipal Code, relating to the regulation of amusements and gambling, read the first time, and laid over to the next regular meeting of the City Council for final reading. (Citywide)

## DISCUSSION

During processing of a recent Conditional Use Permit (CUP) for an amusement arcade under Title 21 of the Zoning Code of the Long Beach Municipal Code (LBMC), City staff identified several additional Sections outside of Title 21 that impact the business operation of applicant. Provisions under Title 5: Business, Trades, and Professionals, and Title 9: Peace, Morals, and Welfare, specifically pertaining to billiard/pool hall operating standards, currently prohibit the use of pinball gaming machines. In consultation with the City Attorney's Office, Planning Bureau staff determined that these provisions within Title 5 and Title 9 were outdated and inconsistent with current Title 21 regulations and should be amended.

In Title 5, Section 5.69.050.A of the LBMC, a permit from the City Council is required for amusement machines, bowling alleys, billiard/pool halls, public card rooms, and public card tables. The proposed amendment would allow for the issuance of a permit for these uses pursuant to an approved CUP. Amusement arcade uses are required to obtain a CUP based on the requirements of the zoning district in which the use is located.

LBMC Sections 5.69.090.A and 5.69.090.B regulate billiard/pool hall operations, and persons under the age of 18 require the supervision of either a parent or legal guardian. The amendment would require supervision by an adult of at least 25 years of age. The recommended change would also require the supervising adult to always be within the premises, when a person under 18 is present. The proposed changes provide reasonable restrictions for both patrons and business owners that can be more easily enforced.

Title 9, Section 9.24.030 of the LBMC prohibits pinball gaming machines citywide. This Section of the Zoning Code classifies pinball machines as a game of chance, which refers to gambling. Pinball gaming machines are common amusement games integrated within amusement and entertainment related business operations and are viewed as a game of skill in California.

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Eliminating the current reference to pin game, pinball game, marble game, one shot marble game, claw, and scoop and grab machines in the LBMC will allow future businesses to provide this gaming option to customers, without being in violation of the Zoning Code.

Lastly, Title 9 Section 9.24.050 refers to an amusement zone within the City and establishes the maximum denomination of coin operated chutes to five cents. The referenced amusement zone has been determined to no longer exist and is outdated. Repealing this Section of the Zoning Code is recommended.

The proposed amendments to Title 5 and Title 9 of the LBMC eliminates limitations that are infeasible for modern day amusement arcades business operations and patrons. The amendments also eliminate outdated regulations, streamlining the Zoning Code for businesses and staff. Staff recommends the City Council adopt the proposed Zoning Code amendments to Title 5 and Title 9 of the LBMC related to billiard/pool hall operating standards and prohibiting the use of pinball gaming machines.

As the proposed Zoning Code amendments pertain to an Ordinance specifically to Title 5 and Title 9, public hearing notices and posting requirements are not required.

This matter was reviewed by Principal Deputy City Attorney, Gary J. Anderson on November 4, 2019 and by Budget Analysis Officer Julissa José-Murray on October 29, 2019.

#### TIMING CONSIDERATIONS

City Council action is requested on November 19, 2019, to allow the applicant to proceed with incorporating pinball gaming machines within the floor plans of the restaurant and entertainment business tenant improvement submitted for review and approval.

#### FISCAL IMPACT

This recommendation is within the normal budgeted scope of staff duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA  
ACTING CITY MANAGER

ATTACHMENTS: CITY COUNCIL ORDINANCE

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING SUBSECTIONS  
5.69.050.A, 5.69.090.A, 5.69.090.B, AND SECTION  
9.24.030; AND BY REPEALING SECTION 9.24.050, ALL  
RELATING TO THE REGULATION OF AMUSEMENTS  
AND GAMBLING

The City Council of the City of Long Beach ordains as follows:

Section 1. Subsection 5.69.050.A of the Long Beach Municipal Code is amended to read as follows:

A. Permit Required. No person shall carry on, maintain or conduct any arcade, public card room or public card table, bowling alley, billiard hall, pool hall or family billiard hall structure in the City without first obtaining either a permit from the City Council or a Conditional Use Permit issued by the Planning Commission or the City Council on appeal.

Section 2. Subsection 5.69.090.A of the Long Beach Municipal Code is amended to read as follows:

A. Where admission of persons under the age of eighteen (18) years is permitted as a condition of a license approved by the Alcoholic Beverage Control Board, no person owning, controlling, managing, or having charge of any public pool hall, public billiard hall, public cardroom or public card table, or any other table kept or used for gaming shall allow any person under the age of eighteen (18) years to engage in, play or loiter

1 near any game of pool, billiards, cards, amusement machine or any other  
2 game or device unless accompanied by such person's parent, legal  
3 guardian, or an adult at least twenty-five (25) years of age. The legal  
4 parent, legal guardian or adult at least twenty-five (25) years of age shall  
5 be within the premises at all times but need not be by the side of the  
6 person under the age of eighteen (18) years.

7  
8 Section 3. Subsection 5.69.090.B of the Long Beach Municipal Code  
9 Section is amended to read as follows:

10 B. Where admission of persons under the age of eighteen (18)  
11 years is permitted as a condition of a license issued by the Alcoholic  
12 Beverage Control Board, no person under the age of eighteen (18) years  
13 shall engage in, play or loiter near any game of pool, billiards, cards,  
14 amusement machine or any other game or device unless accompanied by  
15 such person's parent, legal guardian, or an adult at least twenty-five (25)  
16 years of age. The legal parent, legal guardian or adult at least twenty-five  
17 (25) years of age shall be within the premises at all times but need not be  
18 by the side of the person under the age of eighteen (18) years.

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20 Section 4. Section 9.24.030 of the Long Beach Municipal Code is  
21 amended to read as follows:

22 9.24.030 Possession of machines prohibited.

23 No person shall keep, maintain, possess or have under their control  
24 in any place of business, or in any other place of public resort, either as an  
25 owner, lessee, agent, employee, mortgagee, or otherwise, any game of  
26 chance, table game, automatic payoff machine, or any device commonly  
27 known as a slot machine, as such slot machines or similar devices are  
28 defined in California Penal Code Section 330b(d). For the purposes of this

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

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Section, pinball and other amusement machines or devices, which are predominantly games of skill, whether affording the opportunity of additional chances or free plays or not, are not included within the term slot machine or device, as defined in this Section.

Section 5. Section 9.24.050 of the Long Beach Municipal Code is hereby repealed.

Section 6. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

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Noes: Councilmembers: \_\_\_\_\_

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Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

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CHARLES PARKIN, City Attorney  
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Lona Beach, CA 90802