

ORDINANCE NO. 2013-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HESPERIA, CALIFORNIA, ADDING SECTIONS TO TITLE 16 OF
THE HESPERIA MUNICIPAL CODE REGARDING INTERNET
SWEEPSTAKES CAFÉS (DCA13-00003)**

WHEREAS, On January 5, 1998, the City Council of the City of Hesperia adopted its Ordinance No. 250, thereby adopting the Hesperia Municipal Code;

WHEREAS, Chapter 16.08 of the Hesperia Development Code establishes definitions of various land uses and activities and Chapter 16.16 lists land uses allowed in each zone district. No definition or regulation currently exists for internet sweepstakes cafés;

WHEREAS, The Bureau of Gambling Control has found that such establishments harbor activities illegal in the state and the City desires to curtail the negative secondary impacts of crime, including prostitution, illegal drug distribution and theft;

WHEREAS, The proposed Development Code amendment is exempt from the provisions of CEQA under Section 15061(b)(3) of the CEQA Guidelines, as there is no possibility that the proposed Development Code revisions regarding internet sweepstakes cafés can have significant adverse effects on the environment;

WHEREAS, On April 11, 2013, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to internet sweepstakes cafés and concluded said hearing on that date, and recommended adoption of said ordinance;

WHEREAS, On June 4, 2013, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to internet sweepstakes cafés and concluded said hearing on that date.

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

NOW THEREFORE, BE IT RESOLVED THAT THE HESPERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in this Ordinance are true, correct and are adopted as findings.

Section 2. Based upon substantial evidence presented to the Council, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. The Hesperia Municipal Code is hereby amended as follows:

Section 16.08.142 is added to read as follows:

“Computerized sweepstakes device” shall mean any computer, machine, game or apparatus which, upon insertion of a coin, token, access number, magnetic card or similar object, or upon payment of anything of value, may be operated by the public generally for use in a contest of skill, entertainment, amusement or chance whether or not registering a score, and which provides the user with a chance to win anything of value or any cash payout or anything that could be redeemed, directly or indirectly, for any cash payout and which is not otherwise permitted as gambling, a lottery or as a gaming device under state law.

Section 16.08.347 is added to read as follows:

“Internet sweepstakes café” shall mean any premises upon which a computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

Section 16.16.073 is hereby added to read as follows:

An internet sweepstakes café, as defined in Section 16.08.347, is prohibited within the City of Hesperia.

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution 93-78.

ADOPTED AND APPROVED this 18th day of June 2013.

Bill Holland, Mayor

ATTEST:

Melinda Sayre-Castro, Assistant City Clerk