

**ORDINANCE NO. 2007-04**

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON, CALIFORNIA, AMENDING CHAPTER 5.12 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE BY AMENDING SECTION 5.12.140 REGARDING THE SETTING OF WAGERING LIMITS AT CARDROOMS IN ORDER TO COMPLY WITH CURRENT CALIFORNIA STATE LAW (BUSINESS & PROFESSIONS CODE SECTION 19860); AND AMENDING SECTION 5.12.080.B OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE TO UPDATE A REFERENCE TO A RENUMBERED SECTION OF THE BUSINESS & PROFESSIONS CODE.**

**WHEREAS**, current California law (Business & Professions Code section 19860) requires that a municipality such as the City of American Canyon ("City") maintain an ordinance setting the wagering limits in gambling establishments within the City's limits;

**WHEREAS**, the City's Municipal Code currently contains section 5.12.140 instructing each owner, manager, and operator of a cardroom to adopt and enforce wagering limits approval by the police chief;

**WHEREAS**, the City recently received notification from the California Department of Justice, Division of Gambling Control that it is the opinion of said Division of Gambling Control that section 5.12.140 of the City's Municipal Code regarding wage limits is not in compliance with Business & Professions Code section 19860 because section 5.12.140 of the City's Municipal Code allows the owner, manager, and operator of a cardroom to adopt and enforce wagering limits subject only to approval by the police chief instead of establishing wagering limits, or the non-existence thereof, by its own terms;

**WHEREAS**, the City wishes to comply with State gambling control laws so that gambling establishments within the City are not adversely affected in efforts to renew state gambling licenses;

**WHEREAS**, Business & Professions Code section 19961.1 requires that proposed amendments to a city's ordinance relating to gambling establishments shall be submitted to the California Division of Gambling Control for review and comment before the amendment is adopted;

**WHEREAS**, the following proposed amendments were submitted to the California Division of Gambling Control for review and comment and found to be in compliance with the Gambling Control Act.

**WHEREAS**, section 5.12.080.B of the City's Municipal Code presently contains a cross-reference to a section of the Business & Professions Code that has been moved and renumbered;

**WHEREAS**, the City wishes to update its Municipal Code so that the aforementioned cross-reference accurately refers to the intended section.

NOW THEREFORE, the City Council of the City of American Canyon does hereby ordain as follows:

**SECTION 1.**

Title 5 of the Municipal Code is hereby amended by omitting Section 5.12.140 and replacing it with the following:

**5.12.140. Wagering Limits.**

There shall be no wagering limits at cardrooms within the City.

Such rules for wagering limits shall be conspicuously posted at or near each card table within a cardroom in order to give patrons adequate notice of the applicable wagering limits.

**SECTION 2.**

Section 5.12.080.B of the Municipal Code is hereby amended by omitting and replacing "paragraphs (1) through (7), inclusive of Section 19850A" therein with the following: "sub-sections (a) though (g) of Section 19859".

**SECTION 3. Effective Date.**

This ordinance shall take effect and be in force thirty (30) days after its final passage.

The foregoing ordinance was PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon, State of California held on the 15<sup>th</sup> day of March, 2007 by the following vote:

**AYES: Garcia, Bennett, Callison, Coffey, West**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

  
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Leon Garcia, Mayor

**ATTEST:**

**APPROVE AS TO FORM:**

  
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Marilynn Linn, Interim City Clerk

  
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William D. Ross, City Attorney