

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING CHAPTER 5.12 OF THE MUNICIPAL CODE TO INCREASE THE NUMBER OF CARD TABLES PERMITTED IN EACH ROOM AND WITHIN THE CITY

WHEREAS, Chapter 5.12, Sections 120 and 130 of the American Canyon Municipal Code permit up to twelve (12) card tables in each permitted cardroom in the City and up to twelve (12) total card tables located within the City; and,

WHEREAS, under applicable law, the City regulates cardrooms and tables within the City concurrently with the state of California, to the extent authorized by and as required by, Business and Professions Code ("BPC") Section 19800, (popularly referred to as the "Gambling Control Act" and, together with the regulations of the state of California Department of Justice Division of Gambling Control promulgated thereunder, (the "Act")); and,

WHEREAS, under the Act, BPC section 19965(b) permits a City to increase the number of gambling tables that may be operated in a gambling establishment by four (4); and,

WHEREAS, under the Act, BPC section 19961.06(a) permits a City to increase the number of gambling tables that may be operated in a gambling establishment by two (2), cumulative to any other increase authorized by the Act or local ordinance; and,

WHEREAS, under the Act, BPC section 19961.06(b) permits a City to increase the number of gambling tables that may be operated in a gambling establishment by two (2), cumulative to any other increase authorized by the Act or local ordinance; and,

WHEREAS, the Act cumulatively permits the City to increase the number of gambling tables that may be operated in a gambling establishment in the City by up to eight (8); and,

WHEREAS, Chapter 5.12, Section 170(c) of the American Canyon Municipal Code requires, among other things that cardrooms shall be located and so arranged that card tables and the players at the tables are plainly visible from the door opening of the cardroom when the door is opened. No wall, partition, screen or similar structure between the front door opening and any card table located in the cardroom shall be permitted if it interferes with such visibility; and,

WHEREAS, current restrictions enacted in response to the Covid-19 Pandemic limit the number of players that may play at each cardroom table to three (3), where previously, the number of players at each table were permitted to be up to nine (9); and,

WHEREAS, the City has submitted the proposed amendments referenced herein for review to the State Department of Justice consistent with applicable law and the Department of Justice has indicated the maximum table increase in the City is limited to four (4) for a maximum of sixteen (16); and,

WHEREAS, recognizing the effects and limitations caused by the Covid-19 Pandemic are expected to be temporary, and notwithstanding the concurrent jurisdiction of California Department of Justice Division of Gambling Control, the City wishes to increase the number of permitted tables in any cardroom in the

City, and in the City in total, from twelve (12) to Sixteen (16), with the City reserving the option to return the permitted tables to fewer than sixteen (16) but no fewer than twelve (12), after all State and Local declarations of emergency related to the Covid-19 Pandemic are terminated; and,

WHEREAS, the operator of the existing cardroom in the City, Napa Valley Casino, is requesting the City consider the increase of table to sixteen (16), but has indicated it will request DOJ to authorize subsequent increase of tables to twenty (20) in the future; and,

WHEREAS, recognizing that the purpose of the provisions of Chapter 5.12, Section 170(c) requiring all tables be visible from the front door opening may be substantially accomplished by comprehensive video surveillance available to inspection, the City wishes to permit tables, otherwise in compliance with the Municipal Code, which are not visible from the front door, as long as there is comprehensive video surveillance subject to City inspection of all card tables in a cardroom; and,

WHEREAS, the amendments to Chapters 5.12, Sections 120, 130, and 170 are exempt pursuant the California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*, "CEQA") under CEQA Guidelines 15061(b)(3)) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

NOW, THEREFORE BE IT ORDAINED, that:

Section 1.

All recitals are true and accurate and are incorporated by this reference.

Section 2.

Chapter 5.12, Section 120 of the American Canyon Municipal Code is amended to permit up to sixteen (16) card tables in each permitted cardroom in the City;

Section 3.

Chapter 5.12, Section 130 of the American Canyon Municipal Code is amended to permit up to sixteen (16) card tables located within the City;

Section 4.

Chapter 5.12, Section 170(C) of the American Canyon Municipal Code is amended to state in relevant part (amendments in Italic type):

During all hours of operation, doors to the cardroom establishment shall be unlocked and accessible to the general public and open to police inspection. Cardrooms shall be located and so arranged that card tables and the players at the tables are plainly visible from the door opening of the cardroom when the door is opened. No wall, partition, screen or similar structure between the front door opening and any card table located in the cardroom shall be permitted if it interferes with such visibility. *The requirement that all card tables and players at the tables are plainly visible from the door opening of the cardroom may be accomplished by a video surveillance system with storage capability that provides 24-hour surveillance of each table in a cardroom, subject to City or regulator inspection. The referenced video surveillance system must be approved by the City;*

Section 5.

The City reserves the right, upon notice and public hearing, and upon the termination of the State and Local declarations of emergency due to the Covid-19 Pandemic, to return to the determined number of card tables in each permitted cardroom in the City pursuant to Chapter 5.12, Section 120 of the American Canyon Municipal Code to permit fewer than twenty (20), but no less than the twelve (12) that may presently exist;

Section 6.

The City reserves the right, upon notice and public hearing, and upon the termination of the present State and Local declarations of emergency due to the Covid-19 Pandemic, to return to the determined number of card tables in the City pursuant to Chapter 5.12, Section 130 of the American Canyon Municipal Code to permit fewer than twenty (20), but no less than the twelve (12) that may presently exist.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 20th day of April, 2020, by the following vote:

AYES: Councilmembers Aboudamous, Oro, Washington; Vice Mayor Joseph; Mayor Garcia

NOES: None

ABSTAIN: None

ABSENT: None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 4th day of May, 2021, by the following vote:

AYES: Councilmembers Aboudamous, Oro, Washington; Vice Mayor Joseph; Mayor Garcia

NOES: None

ABSTAIN: None

ABSENT: None

DocuSigned by:
Leon Garcia
BA1BB3340DAC47C
Leon Garcia, Mayor

ATTEST:
DocuSigned by:
Taresa Geilfuss
669347683BC94DC...
Taresa Geilfuss, Interim Deputy City Clerk

APPROVED AS TO FORM:
DocuSigned by:
William D. Ross
285D50133D93421...
William D. Ross, City Attorney