

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JIM COPSEY, CHIEF OF POLICE/ASSISTANT CITY MANAGER 
SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 14-06 TO AMEND GROVER BEACH MUNICIPAL CODE ARTICLE X, CHAPTER 4, IDENTIFYING THE HOURS OF OPERATION FOR CARD TABLE LICENSES

BACKGROUND

On September 15, 2014, the City Council introduced and conducted the first reading by title only, of Ordinance No. 14-06 at a noticed Public Hearing to amend the Grover Beach Municipal Code Article X, Chapter 4. The Ordinance would add Section 10427 specifying the hours of operation in order to allow card table establishments to be operated 24 hours per day, 7 days per week. Attached to the staff report is a draft of the ordinance which was introduced at that meeting.

DISCUSSION

Ordinance No. 14-06 is before the City Council for the second reading and adoption. The ordinance will become effective 30 days after adoption. As the Public Hearing was concluded at the September 15, 2014 meeting, no further input from the public is legally required at the Council meeting

ALTERNATIVES

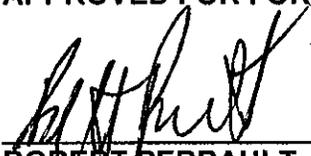
City Council has the following alternatives to consider:

1. Conduct second reading of Ordinance No. 14-06 by title only and adopt the ordinance amending the Grover Beach Municipal Code Article X, Chapter 4 adding Section 10427 specifying the hours of operation in order to allow card table establishments to be operated 24 hours per day, 7 days per week; or
2. Provide other direction to Staff.

RECOMMENDED ACTION

Staff recommends that City Council conduct the second reading of Ordinance No. 14-06, by title only, and adopt the ordinance amending the Grover Beach Municipal Code Article X, Chapter 4 adding Section 10427 specifying the hours of operation in order to allow card table establishments to be operated 24 hours per day, 7 days per week.

APPROVED FOR FORWARDING


ROBERT PERRAULT
CITY MANAGER

Please Review for the Possibility of a Potential Conflict of Interest:

- | | |
|--|-----------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Bright |
| <input type="checkbox"/> Peterson | <input type="checkbox"/> Marshall |
| <input type="checkbox"/> Lee | <input type="checkbox"/> Nicolls |

FISCAL IMPACT

No additional fiscal impacts are anticipated from this action.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

Attachments

1. Ordinance No. 14-06.

ORDINANCE NO. 14-06

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GROVER BEACH, CALIFORNIA, AMENDING ARTICLE X, CHAPTER 4 OF
THE GROVER BEACH MUNICIPAL CODE PERTAINING TO CARD TABLE
LICENSES AND REGULATIONS**

WHEREAS, the City Council of the City of Grover Beach received requests for an increase in the number of tables to be allowed within the City, a removal of the limitation of four tables per operator or business location, the removal of the requirement that a card table room be operated in an establishment holding a Department of Alcohol and Beverage Control ("ABC") liquor license, and the removal of limits on hours of operation; and

WHEREAS, City staff has submitted to the Bureau of Gambling Control proposed changes to ensure compliance with applicable State laws and the Bureau; and in a letter dated January 28, 2013, opined that the proposed changes would not violate the Gambling Control Act and did not need voter approval; and

WHEREAS, City staff has subsequently been advised by Bureau of Gambling Control that City Ordinance must contain provisions that specify hours of operation, even if the hours are unrestricted, as they became by adoption of the revisions of the Ordinance in June of 2013; and

WHEREAS, the City Council of the City of Grover Beach, having received and considered the staff report and following a public hearing on this issue finds that there are no adverse effects on public health and welfare from the proposed changes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grover Beach as follows:

PART 1. Sec. 10407. Hours of Operation shall be added to read as follows:

Sec. 10407. Hours of Operation. Subject to conditions of a Conditional Use permit, the licensee may operate the card room twenty-four (24) hours per day, seven (7) days per week, and three hundred sixty-five (365) days per year. The actual hours of operation shall be posted in a manner sufficient to give patrons adequate notice of the hours during which the card room will remain open for business.

NOW, THEREFORE, BE IT FURTHER RESOLVED that all other sections, with the exceptions or amendments adopted in this Ordinance of Article X, Chapter 4, shall remain unchanged.

PART 2: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

Ordinance No. 14-06
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PART 3: This Ordinance shall become effective thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held on September 15, 2014, and **PASSED, APPROVED,** and **ADOPTED** by the City Council on _____ on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

DRAFT

DEBBIE PETERSON, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

MARTIN D. KOCZANOWICZ, CITY ATTORNEY