

The following are the proposed amendments to the Napa Municipal Code, in particular Chapter 5.16 [card rooms], Chapter 17.10 [commercial districts], and Chapter 17.52 [site and use regulations].

Amendments are highlighted in red font, italicized and underlined with deletions struck through.

**Chapter 17.10 COMMERCIAL DISTRICTS (CL, CT, CC, DCC, DMU, DN, OBC)**

**17.10.020 Land use regulations. [Amend]**

Zoning Districts	CL	CT	CC	Added Use Regulations
<b>A. Commercial Uses</b>				
[A1 – A7 omitted]				
<b>8. Recreation facilities, commercial</b>				
Billiard/pool parlors*	CS	CS	CS	*See standards Section 17.52.070
Bowling alleys, skating rinks*			CS	
Campgrounds and RV parks		C		
Game arcades; video arcades*	CS	CS	CS	**C if open after 10 p.m. or if > 5,000 sf
Health clubs/gyms	C	C	C	
Health spas	P**	P	P	
Miniature golf		C	C	***C if retail sales not adjacent to front windows or door
<u>Card Room****</u>			<u>C*</u>	
Other commercial recreation not listed herein	C	C	C	

\*\*\*\*See standards  
Section 17.52.070  
and Chapter 5.16

**Chapter 17.52 SITE AND USE REGULATIONS**

**17.52.070 Cocktail lounges, bars and commercial recreation facilities. [Amend]**

A. Purpose. To assure that cocktail lounges, bars, card rooms and commercial recreation facilities are appropriately sited and will be designed to operate with minimal impacts on the surrounding neighborhood.

B. Use Permit Review Criteria. The following items shall be taken into consideration in evaluating a use permit application for cocktail lounges, bars, nightclubs, billiard parlors, pool halls, video arcades, card rooms or any similar commercial place of entertainment.

1. Comments from the Napa Police Department;
2. Appropriate hours of operation;
3. Potential for loitering;
4. Adequate lighting for security purposes;
5. Distance to public/private schools;
6. Distance to areas used and zoned for residential use;

7. Potential for serving alcoholic beverages;
8. Potential need for annual review of use permit;
9. Other information deemed necessary on a case-by-case basis.

**Chapter 5.16 CARD ROOMS**

**5.16.010 Definitions.** [no change]

“Card room” means any establishment open to the public wherein games of any kind are played with cards for which a fee of whatever nature is charged.

**5.16.020 Permits required.** [no change]

A. Any person conducting, carrying on or managing a card room, shall obtain a permit from the Police Chief prior to conducting, carrying on, or managing such business. No new permits for a card room shall be issued under this chapter.

B. No person shall be employed by any card room as an employee, nor serve as an independent agent or contractor for the card room, unless he or she has a valid work permit issued by the Chief of Police pursuant to this section. Copies of such work permits shall be available for inspection by the city’s law enforcement officials during the card room’s hours of operation. In addition to any other restrictions provided by law, no work permit shall be issued to anyone who is disqualified from holding a state gambling license for any of the reasons specified in Business and Professions Code Section 19850. Any application for a work permit shall be subject to objection by the State Division of Gambling Control. If the division objects to the issuance of a work permit, it shall be denied. Such a denial may be reviewed in accordance with the Gambling Control Act, Business and Professions Code Section 19801, et seq.

C. The application for each permit shall be accompanied by fingerprints of the applicant and shall contain all information deemed relevant by the Police Chief.

1. For each applicant, partner, corporate board of director and chief executive officer listed and all others determined to have a financial interest in the card room under application, there shall be an application fee as set by resolution.
2. For each dealer or employee involved in the operations of the card room facility, there shall be an application fee as set by resolution. This fee includes the first year license, if approved.

D. Each person managing, conducting or carrying on a card room must pay the license fees required by Chapter 5.04 of this title. In addition, each dealer or employee of a card room shall be required to have an annually renewable license to be employed by the card room facility. This license shall be a form prescribed by the city and shall include a standard size colored photograph provided by the applicant, and shall be displayed in a prominent place at the entrance of the card room facility at all times. License shall expire on December 31st of each year and may be renewed by the applicant. The annual license fee shall be set by resolution. License fee may be prorated to no less than one-half the annual fee after July 1st of each year.

### 5.16.030 Permits—Transferability. [no change]

Permits previously used under this chapter may be transferred subject to the transferee complying with Section 5.16.020 of this chapter in its entirety. Transferees are subject to the payment of a transfer fee in the amount of \$1,000.00 per individual, partner, stockholder or officer. Said transfer fee shall be paid at the time of application. In addition, the applicant shall pay the appropriate investigation fee.

### 5.16.040 Permit revocation. [no change]

Permits under this chapter may be suspended or revoked by the Council upon conviction for a violation of any of the provisions of this chapter or when in the opinion of the Council, the continued operation of such place or establishment will be injurious to the public health, safety, welfare or morals of the people.

### 5.16.050 Number of tables. [Amend]

It is unlawful for any person to maintain operate for use by at any time in any card room a greater number of tables than set forth in the application for a permit. Any person conducting, carrying on or managing a card room, shall not have more card tables in active operation in any room or combination of rooms than allowed under its use permit. Any card table not in active operation shall be covered and prominently labeled as being non-operational and under continuous recorded video surveillance. The cover and sign shall be approved in writing in advance by the Chief of Police.

### 5.16.060 Intoxicants Intoxicated persons prohibited. [Amend]

A.—It is unlawful for the owner, operator, tenant or person in control of any room or enclosure where a card table or tables are maintained, or while any game is being played, or for any person within any room or enclosure where any such table or tables are maintained or used, whether or not a participant at such table or in any game placed there at, to consume any intoxicating liquor or alcoholic beverage.

B.—It is unlawful for any owner, operator, tenant, or other person to permit any person to consume any intoxicating liquor or alcoholic beverage within any card room or enclosure where any card tables are maintained, used or played at. It is unlawful for any such owner, tenant, operator or other such person or other such person in charge or control of any such card room, enclosure, game or tables, to permit any person while under the influence of intoxicating liquor or alcoholic beverage to participate either directly or indirectly in any game played at any such table or within such room or enclosure. to enter into a card room or play at any card table while such person is obviously intoxicated by alcoholic beverages, narcotics, or other drugs.

### 5.16.070 Minors prohibited. [Amend]

No proprietor or person having charge of any card room shall suffer or permit any person under the age of 18 years to enter, be in, remain in or visit such establishment permit or allow any person under the age of 21 years to be within a card room or enclosure at any time; provided, however, persons under the age of 21 years old may be allowed in the restaurant section or related patio section of a gambling establishment if the restaurant is accessible from either the

inside or outside of the building without requiring passage through a card room or enclosure, and the restaurant and access thereto are visually separate from the card room or enclosure.

**5.16.080 Doors to be unlocked—Premises to be open to inspectors.** [no change]

No bagatelle table, card table, or devices at or upon which card games may be played by the general public, shall be maintained behind any closed, locked or barred door at any place or business in this city. The main entrance of any card room shall at all times remain unlocked and unbarred while any games are being played upon the said premises; and at all times all card room games are being played shall be kept in such condition as to be accessible for inspection to all Police Officers. No permit for the conduct of any card game shall be issued for any portion of any premises unless such portion is in close proximity to and readily accessible by all Police Officers from the main entrance of said premises.

**5.16.090 Zoning compliance required.** [no change]

The permit approved pursuant to this chapter may not be used unless and until the holder of the permit complies with any and all regulations of Title 17 of this code.

**5.16.100 Games prohibited by state law.** [no change]

Nothing in this chapter shall be interpreted as authorizing, allowing, permitting, or granting authority, either directly or indirectly, to any person to carry on, conduct or cause to be carried on or conducted, any game or games prohibited by State Penal Code Section 330 as of the effective date of the ordinance codified in this chapter, or as it may be amended.

**5.16.110 Hours of operation.** [no change]

Before any card room shall be allowed to operate, each card room, and each owner, manager, and operator of a card room, shall adopt a schedule of hours of operation, which such schedule shall first be approved by the Police Chief. Each card room shall conspicuously post schedules of its hours of operation at all entrances and exits of the premises in which the card room is operating in order to give law enforcement officials and patrons adequate notice of the hours during which the card room will be opened for business. Card rooms which comply with all requirements of this chapter shall be authorized to operate 24 hours each day.

**5.16.120 Disorderly conduct—Patron security and safety.** [no change]

No person or entity owning, managing, operating or controlling a card room shall allow, suffer or cause disorderly conduct or a breach of the peace in or around the premises at which a card room is operated. Each card room, and each owner, manager and operator of a card room, shall be responsible for and liable for the security and safety of its patrons' safety and security in and around the premises in which the card room is operating. Before it shall be allowed to operate, each card room, and each owner, manager and operator of a card room, shall adopt a plan to provide for the safety and security of patrons, which such plan shall be submitted to the Police Chief for review and approval prior to the operation of each card room. Each card room, and each owner, manager and operator of a card room, shall conspicuously post inside the

premises in which the card room is operating the approved patron security and safety plan, in order to give law enforcement officials and patrons adequate notice of such plan.

### **5.16.130 Unlimited wagering.** [no change]

There are no mandatory limits on the amount wagered in any permitted games. A gambling establishment permittee may impose wagering limits on any game, at his or her discretion. Before a gambling establishment is allowed to operate, the rules for wagering limits shall be approved by the City Council. Such rules shall be clearly posted at the gambling tables where the games are offered during hours of operation to provide the patrons adequate notice of those rules.

### **5.16.140 Limitations on authorized tables.** [Amend]

No more than ~~five~~ six card tables shall be permitted to be in operation at any one time in a card room. ~~in each card room. No more than five card tables shall be permitted in the City of Napa.~~ Any card tables in excess of the maximum prescribed in this section shall be prominently labeled as being non-operational. The total number of card tables permitted on the premise shall be as approved by Use Permit. No card table shall accommodate in excess of ~~40~~ 15 patrons at one time.