



City of Colusa California

STAFF REPORT

DATE: November 1, 2022
TO: Mayor Reische and Members of the City Council
FROM: Jesse Cain, City Manager, and Ryan Jones, City Attorney

AGENDA ITEM:

Subject: Hold first reading, read by title only, and set for second reading an Ordinance to amend Sections 3-17 and 3-18 of the Colusa Municipal Code to allow the sale of alcohol at cardrooms.

Recommendation: Listen to public comment and consider holding first reading of the ordinance to amend the Colusa Municipal Code Sections 3-17 and 3-18.

BACKGROUND ANALYSIS:

On or about July 8th, 2022, the City of Colusa, through its City Attorney, sent proposed amendments to its municipal code to the California Bureau of Gambling Control. The proposed amendments were submitted to the Bureau for review and comment prior to their adoption by the Colusa City Council as required by Business and Professions Code section 19961.1. The proposed amendments concerned changes to sections 3-17 and 3-18 of the Colusa Municipal Code.

In its current form, section 3-17 provides that it is unlawful for any "owner, operator, tenant or person in control" of a gambling establishment to "sell, dispense, give, serve or deliver" any intoxicating liquor or alcoholic beverage to any person participating in the play of a controlled game.

The proposed amendments to section 3-17 provide that it is unlawful for the "owner or operator" of a gambling establishment to sell liquor on the premises, but that beer and wine may be sold between the hours of 6:00 a.m. and 2:00 a.m. In addition, the proposed amendments to this section would make it unlawful for the owner or operator of a gambling establishment, or any other person, to sell, dispense, give, or serve any alcoholic beverage to any participant in a controlled game, or any patron, on the premises, including the parking lot, of the gambling establishment, between the hours of 2:00 a.m. and 6:00 a.m. The amendment would also make it unlawful for an owner or operator, or any other person, to knowingly allow the consumption of alcoholic beverages on the premises or parking lot of a gambling establishment between the hours of 2:00 a.m. and 6:00 a.m.

Section 3-18 currently provides that it is unlawful for the "owner, operator, tenant or person in

control” of a gambling establishment to knowingly permit an intoxicated person to participate in the play of a controlled game.

The proposed amendments to section 3-18 would provide that the “owner or operator . . . or person in charge or control” of a gambling establishment shall not knowingly permit an intoxicated person to participate in the play of a controlled game. The change is a cosmetic one.

In sum, these amendments allow for beer and wine to be sold on the premises of certain gambling establishments located in the City of Colusa and have been adjudged consistent with the requirements of the Gambling Control Act.

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Take direction from the City Council

ATTACHMENT:

Amended Municipal Code Sections 3-17 and 3-18