



CITY OF SALINAS

COUNCIL STAFF REPORT

DATE: **September 5, 2017**

DEPARTMENT: **CITY ATTORNEY'S OFFICE**

FROM: **Christopher A. Callihan, City Attorney**

TITLE: **City Code Update**

RECOMMENDED MOTION:

Adopt the proposed Ordinance to update and to recodify various Chapters and Articles of the Salinas Municipal Code.

RECOMMENDATION:

It is recommended that the City Council adopt the proposed Ordinance.

EXECUTIVE SUMMARY:

Beginning in early 2017, the City Attorney's began a comprehensive review and update of the City Code. The purpose of this effort is to identify and to remove outdated provisions of the City Code, as well as to identify opportunities to streamline and to modernize City regulations and codified in the City Code. Chapter 1 through Chapter 3 have been updated, as well as one Article of Chapter 4 (related to the Airport and Airport regulations). This proposed Ordinance updates Chapter 5 which will now be titled "Public Peace and Public Morals." This Chapter includes the Public Art Program and if the proposed Ordinance is adopted will also include regulations pertaining to Fireworks, Graffiti, Massage Businesses and Technicians, Card Rooms, Bingo, and Commercial Cannabis Businesses. Much of the regulations are recodifications of existing provisions, but some provisions of existing Chapter 6 are proposed to be repealed as being outdated and unnecessary.

ANALYSIS:

Update to Chapter 5 of the Salinas Municipal Code.

Continuing the effort to review and to update the City Code, Chapter 5 is the next proposed to be updated. Chapter 5, titled "Public Peace and Public Morals," currently consists of only one Article: Article I, the Public Art Program. Proposed to be included in updated Chapter 5 are the following Articles:

1. Article I, Public Art Program. This is a new Ordinance adopted by the City Council in early 2017.
2. Article II, Fireworks. This is a recodification of existing Chapter 13A. Chapter 13A consists of regulations on the possession and the use of fireworks. These regulations remain unchanged through the proposed recodification as Chapter 13A exists as the result of a voter initiative approved in 2016. Because Chapter 13A was put into the City Code by voter initiative, the City Council cannot change the provisions of Chapter 13A absent voter approval.
3. Article III, Graffiti. This is a recodification of Chapter 14A. No amendments to the graffiti regulations are proposed with this update.
4. Article IV, Regulation of Massage Businesses and Technicians. This is a recodification of Chapter 16A. Chapter 16A was updated in May 2015 as a result in changes to State law. No amendments to the massage businesses and technician regulations are proposed with this update.
5. Article V, Card Rooms. This is a recodification of Article IV of Chapter 6. The City's regulations on card rooms were last updated in 2011 when Bankers Casino began operating. The provisions of Article IV of Chapter 6 were reviewed by staff at the California Gambling Control Commission, as required by State law. No amendments to the City's card room regulations are proposed with this update; any updates would be subject to the prior review and approval of the Gambling Control Commission prior to the City's adoption thereof.
6. Article VI, Bingo. This is a recodification of Article V of Chapter 6. The City's bingo regulations are current and up-to-date. As such, no amendments to the City's bingo regulations are proposed with this update.
7. Article VII, Commercial Cannabis Businesses. This is a recodification of Chapter 16B. The City Council recently (August 15, 2017) updated the City's regulations on Commercial Cannabis Businesses, so no amendments are proposed with this update.

Additional articles will be added to updated Chapter 5 in the next phase of the City Code update.

Repeal of Articles Within Chapter 6.

The proposed Ordinance recodifies two of the existing six Articles of Chapter 6. The remaining Articles are either outdated and unnecessary or are already repealed and exist only as placeholders. The proposed Ordinance would eliminate all of the remaining Articles of Chapter 6 and reserve it for future use. Following is a list of the Articles and their subject matter:

Article I, In General. This Article contains general provisions related to games and amusement activities including, for example, regulations against minors playing pinball machines and the prohibition of certain games (billiards, dice, cards) in close proximity to schools and location restrictions on the sale or service of alcohol near schools. These regulations are now incorporated

into other sections of the City Code or in permits and approvals for uses which include those sorts of activities. There is no longer a need for a general Article for those purposes.

Article II, Public Dances. These provisions were originally codified in 1935 through Ordinance No. 200. The City has the authority to regulate public dances, however, the provisions of Article II are no longer in effect. For example, Article II requires a permit for any public dance held in any place in the City. No such permits have been issued in recent years and to the extent any such dance would constitute a special event, there is a separate process in the Municipal Code for such events. There is no longer a need for an Article regulating public dances.

Article III, Pool Rooms, Billiard Parlors, Card Tables, etc. Codified into the Municipal Code in 1954 and 1959, the City's regulations embodied in this Article are outdated and are no longer enforced. Section 6-26 requires any person wanting to operate a pool or billiard hall to obtain a permit from the City Manager. This Article also contains restrictions on operating hours and a prohibition on the presence of minors in such businesses. No permits have been issued by the City Manager for a pool or billiard hall in recent years. The City has the authority to regulate such businesses, however, those regulations can be incorporated into planning-level permits, for example, rather than through a separate business-specific permit. Additionally, all of the City's card room regulations are codified in a more-recent Article (Article 5 of updated Chapter 5).

Article IV, Card Rooms. This Article is proposed to be recodified to Article 5 of updated Chapter 5. As discussed above, the card room regulations are unchanged through this codification.

Article V, Bingo. This Article is proposed to be recodified to Article 6 of updated Chapter 5. As discussed above, the bingo regulations are unchanged through this recodification.

Article VI, Fortunetelling. This Article was repealed through Ordinance No. 2131 (N.C.S.).

Recodification Table.

Attached to this Report is the most-recent version of the Recodification Table. This Table shows the different changes made and movements made to those Chapters and those Articles affected by the City Code update.

CEQA CONSIDERATION:

The City Council's approval of the proposed Ordinance and/or Resolutions is exempt from environmental review under the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3)]

STRATEGIC PLAN INITIATIVE:

While not a specific item in the current Strategic Plan, the proposed Ordinance supports the City Council's efforts to promote an effective, sustainable government. Having current, up-to-date

regulations in place and removing unnecessary requirements can have the effect of supporting economic development activity.

FISCAL AND SUSTAINABILITY IMPACT:

No impact to the City's General Fund or Measures V or G are anticipated with the adoption of the proposed Ordinance.

ATTACHMENTS:

Proposed Ordinance
Recodification Table