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CITY COUNCIL MEETING

NOVEMBER 17, 1982

ORDINANCE LEGAL-
IZING BINGO IN THE
CITY OF LODI AS
AUTHORIZED BY STATE
LAW INTRODUCED

Notice thereof having been published in accordance with law and affidavit of publication being on file in the Office of the City Clerk, Mayor Reid called for the Public Hearing to consider a Proposed Ordinance legalizing Bingo in the City of Lodi as authorized by State Law.

The matter was introduced by City Attorney Stein who reviewed the proposed Ordinance and responded to questions as were posed by the Council.

Speaking in support of the proposed Ordinance was Dr. Thomas Carlton, 732 Costa Drive, Lodi.

There being no other persons in the audience wishing to speak on the subject, the public portion of the hearing was closed by Mayor Reid.

ORDINANCE NO. 1279

Council Member Pinkerton then moved to introduce Ordinance No. 1279 - An Ordinance of the City of Lodi authorizing qualified organizations to conduct Bingo Games within the City of Lodi. The motion was seconded by Mayor Pro Tempore Murphy and carried by unanimous vote.

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NOTICE OF PUBLIC HEARING BY THE CITY
COUNCIL OF THE CITY OF LODI TO CONSIDER
A PROPOSED ORDINANCE LEGALIZING BINGO
IN THE CITY OF LODI AS AUTHORIZED BY
STATE LAW

NOTICE IS HEREBY GIVEN that on Wednesday, November 17, 1982, at the hour of 8:00 p.m. or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the Council Chambers, City Hall, 221 West Pine Street, Lodi, California, to consider a proposed ordinance legalizing Bingo in the City of Lodi as authorized by State Law which shall read in full as follows:

An Ordinance of the City of Lodi Authorizing
Qualified Organizations to Conduct Bingo Games
within the City of Lodi

BE IT ORDAINED by the City Council of the City of Lodi as follows:

Section 1.

Sections are hereby added to the City Code of the City of Lodi authorizing qualified organizations to conduct Bingo Games within the City of Lodi as follows:

Sec. AUTHORITY

This part is enacted pursuant to the authority of Section 326.5 of the Penal Code.

Sec. AUTHORIZED ORGANIZATION

All organizations qualified pursuant to Section 326.5 of the Penal Code are hereby authorized to conduct Bingo Games within the City of Lodi.

Sec. COMPLIANCE WITH PENAL CODE

All authorized organizations shall conduct Bingo Games in strict compliance with Section 326.5 of the California Penal Code.

Sec. HOURS OF OPERATION

No authorized organization shall conduct any Bingo Game or Games more than once a week nor more than six (6) hours in length. No Bingo Game or Games shall be conducted prior to the hour of 10:00 A.M. or after 2:00 A.M.

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Section II.

This Ordinance shall take effect and be in full force from and after thirty (30) days from its final passage.

Information regarding this item may be obtained in the office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

Dated: November 3, 1982

By Order of the City Council

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

§ 326.5. [Bingo games] (a) Neither this chapter nor Chapter 10 (commencing with Section 330) applies to any bingo game which is conducted in a city, county, or city and county pursuant to an ordinance enacted under Section 19 of Article IV of the State Constitution, provided that such ordinance allows games to be conducted only by organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701i of the Revenue and Taxation Code and by mobilehome park associations and senior citizens organizations; and provided that the receipts of such games are used only for charitable purposes.

(b) It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games as provided in subdivisions (j) and (k).

(c) A violation of subdivision (b) of this section shall be punishable by a fine not to exceed ten thousand dollars (\$10,000), which fine shall be deposited in the general fund of the city, county, or city and county which enacted the ordinance authorizing the bingo game. A violation of any provision of this section, other than subdivision (b), is a misdemeanor.

(d) The city, county, or city and county which enacted the ordinance authorizing the bingo game may bring an action to enjoin a violation of this section.

(e) No minors shall be allowed to participate in any bingo game.

(f) An organization authorized to conduct bingo games pursuant to subdivision (a) shall conduct a bingo game only on property owned or leased by it, or property whose use

is donated to the organization, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subdivision shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to such organization.

(g) All bingo games shall be open to the public, not just to the members of the authorized organization.

(h) A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision, or any other phase of such game. This subdivision does not preclude the employment of security personnel who are not members of the authorized organization at such bingo game by the organization conducting the game.

(i) No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

(j) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

(k) With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by organizations not within subdivision (j). Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or one thousand dollars (\$1,000) per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

(3) Such proceeds may be used to pay license fees.

(4) A city, county, or city and county which enacts an ordinance permitting bingo games may specify in such ordinance that if the monthly gross receipts from bingo games of an organization within this subdivision exceed five thousand dollars (\$5,000), a minimum percentage of the proceeds shall be used only for charitable purposes not relating to the conducting of bingo games and that the balance shall be used for prizes, rental of property, overhead, administrative expenses and payment of license fees. The amount of proceeds used for rental of property, overhead, and administrative expenses is subject to the limitations specified in paragraph (2) of this subdivision.

(l) (1) A city, county, or city and county may impose a license fee on each organization which it authorizes to conduct bingo games. The fee, whether for the initial license or renewal, shall not exceed fifty dollars (\$50) annually, except as provided in paragraph (2). If an application for a license is denied, one-half of any license fee paid shall be refunded to the organization.

(2) In lieu of the license fee permitted under paragraph (1), a city, county, or city and county may impose a license fee of fifty dollars (\$50) paid upon application. If an application for a license is denied, one-half of the application fee shall be refunded to the organization. An additional fee of 1 percent of the monthly gross receipts over five thousand dollars (\$5,000) derived from bingo games shall be collected monthly by the city, county, or city and county issuing the license.

(m) No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted.

(n) The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250) in cash or kind, or both, for each separate game which is held.

(o) As used in this section "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. Notwithstanding Section 330c, as used in this section, the game of bingo shall include cards having numbers or symbols which are concealed and reprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the

playing or operation of the bingo game. All such preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law. [1975 ch 869 § 1, ACA No. 3 adopted at Primary Election, June 8, 1976; 1977 ch 271 § 1, effective July 8, 1979; 1979 ch 1006 § 1; 1980 ch 997 § 1; 1981 ch 804 § 1.]