

11912

O. 77-1

ORDINANCE NO. _____
(New Series)

SEP 15 1976

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3,
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 34, SECTIONS 33.3401 THROUGH 33.3412,
RELATING TO BINGO GAMES FOR CHARITABLE NON-
PROFIT ORGANIZATIONS.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter III, Article 3, of the San Diego
Municipal Code be and the same is hereby amended by adding
Division 34, Sections 33.3401 through 33.3412, to read as
follows:

DIVISION 34

BINGO GAMES FOR CHARITABLE
NONPROFIT ORGANIZATIONS

SEC. 33.3401 PURPOSE AND INTENT

Notwithstanding any other provisions of this Code,
this ordinance is adopted pursuant to Section 19 of
Article IV of the California Constitution in order to
make the game of bingo lawful under the terms and
conditions of the following sections of this Division.

SEC. 33.3402 DEFINITIONS

The following words and phrases, wherever used in
this Division, shall be construed as defined in this
section, unless from the context a different meaning is
intended, or unless a different meaning is specifically
defined and more particularly directed to the use of
such words or phrases:

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(a) "Bingo" shall mean 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.

(b) "Nonprofit, Charitable Organization" shall mean an organization exempted from the payment of the bank and corporation tax by Section 23701(d) of the Revenue and Taxation Code and a contribution or gift to which would be a charitable contribution under Section 170(c)(2) of the Internal Revenue Code of 1954.

(c) "Minor" shall mean any person under the age of eighteen (18) years.

SEC. 33.3403 LICENSE REQUIRED

It shall be unlawful for any person to conduct any bingo game in the City of San Diego unless such person is a member of a nonprofit, charitable organization acting on behalf of such nonprofit, charitable organization and such organization has been issued a license as provided by this Division.

SEC. 33.3404 APPLICATION

An application for a bingo license shall be made to the Chief of Police on forms prescribed by the Chief of Police not less than thirty (30) days prior to the proposed date of the bingo game or games. The application for a bingo license shall contain at a minimum the following:

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MAY 11 1978

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(a) A list of all members who will operate the bingo game, including full names of each member, date of birth, place of birth, physical description, social security number, home address and home telephone number.

(b) The date(s) and place(s) of the proposed bingo game or games.

(c) Proof that the organization is a nonprofit, charitable organization as defined in this Division.

SEC. 33.3405 APPLICATION INVESTIGATION

Upon receipt of an application for a license, the Chief of Police shall make an investigation of the applicant. The Chief of Police may send copies of such application to any office or department which the Chief of Police deems essential in order to conduct a proper investigation of the applicant.

The Chief of Police and every officer and/or City department to which an application is referred shall investigate the truth of the matters set forth in the application, the character of the applicant, and may examine the premises to be used for the bingo game.

The Chief of Police shall issue the license unless he finds that the applicant has knowingly made any false, misleading or fraudulent statement of a material fact in the application for the license or in any record or report required to be filed under this Division, or that the organization is not a nonprofit, charitable

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MAY 11 1978

11912

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organization as defined in Section 33.3402(b), or that the applicant or any of its members who will operate the bingo game have previously been convicted of violating any of the provisions of this Division or of any provision of state law relating to unlawful gambling or of theft.

SEC. 33.3406 TERM OF LICENSE AND FEES

A bingo license shall expire one year from the date of issue or at any time sooner that any of the matters disclosed under Section 33.3404 change. It may be renewed for a maximum period of one year any time within six (6) months from its date of expiration, upon application therefor.

The fee for a bingo license shall be Fifty-five Dollars (\$55.00), provided that the list of members operating the bingo game contains ten (10) names or less. For each name over ten on the list there shall be an additional \$5.00 license fee. There shall be no fee for renewal provided there is no change in the list of the members of the non-profit, charitable organization who will operate the bingo game(s). For each name subsequently added or changed on the list there shall be a \$5.00 fee. The appropriate fee shall accompany the submission of each application or renewal. The fee is nonrefundable and shall be used to defray the cost of issuing the license.

SEC. 33.3407 LICENSE NOT TRANSFERABLE

Each license issued hereunder shall be issued to a specific person on behalf of a specific nonprofit, charitable organization to conduct a bingo game at a specific location and shall in no event be transferable from one person to another nor from one location to another.

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SEC. 33.3408 LIMITATIONS

(a) A nonprofit, charitable organization as defined in this Division shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized.

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

(c) All bingo games shall be open to the public, not just to the members of the nonprofit, charitable organization.

(d) All bingo games shall be operated and staffed only by members of the nonprofit, charitable organization who have been approved by the Chief of Police pursuant to this Division. 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.

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

(f) 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. Within

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MAY 11 1978

thirty (30) days after any bingo game is held the licensee shall file with the Chief of Police a full and complete financial statement of all monies collected, disbursed and the amount remaining for charitable purposes, or if the licensee conducts bingo games on any on-going basis, the licensee may file such a statement every three (3) months. The Chief of Police shall have the power to inspect all books, records and papers of the nonprofit, charitable organization which pertain to the operation of said bingo games.

(g) 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.

(h) The total value of prizes awarded during the conduct of any bingo games shall not exceed Two Hundred Fifty Dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

(i) No bingo game shall be conducted between the hours of midnight and 8:00 a.m.

SEC. 33.3409 INSPECTION

Any peace officer shall have free access to any bingo game licensed under this Division. The licensee shall have the bingo license and list of approved members of the nonprofit, charitable organization who will operate the bingo game available for inspection at all times during any bingo game.

MICROFILMED

MAY 11 1978

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11912

SEC. 33.3410 SUSPENSION OR REVOCATION OF LICENSE

The Chief of Police may suspend or revoke a bingo license if he finds that the licensee or any agent or representative thereof has violated any of the provisions of this Division.

If after investigation the Chief of Police determines that a bingo license should be suspended or revoked or an application for such license denied, he shall prepare a notice of suspension, revocation or denial of application setting forth the reasons for such suspension, revocation or denial of application. Such notice shall be sent by certified mail to the licensee's or applicant's last address provided in the application or be personally delivered. Any person who has had an application for a bingo license denied by the Chief of Police, or who has had a bingo license suspended or revoked by the Chief of Police may appeal the decision of the Chief of Police in the manner provided in this Code.

SEC. 33.3411 PENALTIES

Any person violating any of the provisions or failing to comply with any of the requirements of this Division shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County jail for a period of not more than six (6) months or by both such fine and imprisonment.

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MAY 11 1978

SEC. 33.3412 SEVERABILITY

If any provision, clause, sentence or paragraph of this Division or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Division which can be given effect without the invalid provision or application, and to this end the provisions of this Division are hereby declared to be severable.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick
Senior Chief Deputy

CMF:vl:503.2
Rev. 7/20/76
Or. Dept.: Cncl (O'Connor)

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MAY 11 1978

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SEP 15 1976

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Arthur Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 1 1976

SEP 15 1976

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

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1976 AUG -9 AM 8:40
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CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California

Ordinance
Number

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Adopted

SEP 15 1976

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