

ORDINANCE NO. 12150
(New Series)

SEP 14 1977

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 34, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3402, 33.3403, 33.3406 AND 33.3408, RELATING TO BINGO GAMES FOR CHARITABLE NONPROFIT ORGANIZATIONS.

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

Section 1. That Chapter III, Article 3, Division 34, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.3402, 33.3403, 33.3406 and 33.3408, to read as follows:

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:

(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 Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701L of the Revenue and Taxation Code, mobilehome park associations and

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senior citizen organizations.

(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, as defined in this division, acting on behalf of such nonprofit, charitable organization and such organization has been issued a license as provided by this Division.

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 dollars (\$50). There shall be no fee for renewal provided there is no change in the list of the members of the nonprofit, charitable organization who will operate the bingo game(s). For each name subsequently added or changed on the list there shall be a five dollar (\$5) fee, not to exceed fifty dollars (\$50). The appropriate fee shall accompany the submission of each application or renewal. The fee shall be used to defray the cost of issuing the license. If an application for a bingo license is denied,

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one-half of the license fee paid shall be refunded to the organization.

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. Nothing in this subdivision shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

(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

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to conduct a game shall hold a financial interest in the conduct of such bingo game.

(f) 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. With respect to other organizations authorized to conduct bingo games pursuant to this Division, 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. 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 10 percent of the proceeds after the deduction for prizes, or five hundred dollars (\$500) per month, whichever is less, may be used for rental of property, overhead, and administrative expenses.

(g) Within 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

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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.

(h) 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.

(i) 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.

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

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 Eugene P. Gordon
Eugene P. Gordon
Deputy City Attorney

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7/27/77

Or.Dept.: Councilmen Morrow & Haro

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Passed and adopted by the Council of The City of San Diego on SEP 14 1977
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Joel M. Strobl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

(Seal)

PETE WILSON
 Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR
EDWARD NIELSEN
 City Clerk of The City of San Diego, California.
 By Allyn D. North, 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

AUG 31 1977, and on SEP 14 1977

~~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.

(Seal)

CHARLES G. ABDELNOUR
EDWARD NIELSEN
 City Clerk of The City of San Diego, California.
 By Allyn D. North, Deputy.

RECORDED
 CITY CLERK
 1977 AUG -1 PM 4:58
 SAN DIEGO, CALIF.

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OCT 4 1978

Office of the City Clerk, San Diego, California

Ordinance Number 12150 Adopted SEP 14 1977

ATTORNEY(S)

San Diego, City of
12th floor, City Admin. Bldg.
202 C Street
San Diego, CA 92101

*1. Co. up
copy card.*

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

CHARITABLE NONPROFIT ORGANIZATIONS

ORDINANCE NO. 12150

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 34, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3402, 33.3403, 33.3406 AND 33.3408, RELATING TO BINGO GAMES FOR CHARITABLE NONPROFIT ORGANIZATIONS.

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

Section 1. That Chapter III, Article 3, Division 34, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 33.3402, 33.3403, 33.3406 and 33.3408, to read as follows:

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:

(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 Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701h, of the Revenue and Taxation Code, mobilehome park associations and senior citizen organizations.

(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, as defined in this division, acting on behalf of such nonprofit, charitable organization and such organization has been issued a license as provided by this Division.

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 discussed 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 dollars (\$50). There shall be no fee for renewal provided there is no change in the list of the members of the nonprofit, charitable organization who will operate the bingo game(s). For each name subsequently added or changed on the list there shall be a five dollar (\$5) fee, not to exceed fifty dollars (\$50). The appropriate fee shall accompany the submission of each application or renewal. The fee shall be used to defray the cost of issuing the license. If an application for a bingo license is denied, one-half of the license fee paid shall be returned to the organization.

I, Patricia M. Dutra hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

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is a true and correct copy of which this certificate is annexed and was published in said newspaper on

September 28, 1977

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

October 10, 1977

Patricia M. Dutra
(Signature)

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...the Division
...shall be construed to require that the property owned or leased by the organization be used or leased exclusively for such organization.

(8) No minors shall be allowed to participate in any bingo game.
(9) All bingo games shall be open to the public, not just to the members of the nonprofit, charitable organization.

(10) 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.

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

(12) 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. With respect to other organizations authorized to conduct bingo games pursuant to this Division, 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. 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 10 percent of the proceeds after the deduction for prizes, or five hundred dollars (\$500) per month, whichever is less, may be used for rental of property, overhead, and administrative expenses.

(3) Within 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 moneys collected, disbursed and the amount remaining for charitable purposes, or if the licensee conducts bingo games on an 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.

(4) 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.

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

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

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

Introduced on August 31, 1977.
Passed and adopted by the Council of The City of San Diego on September 14, 1977.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
By ALYND NEVITT, Deputy.

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