

O. 81-94  
(3RD REVISION)

ORDINANCE NO. O-15596  
(New Series)

**OCT 12 1991**

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 34, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3404, 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 33.3404, 33.3406 and 33.3408, to read as follows:

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:

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

(b) The date(s), hours of the day, place(s) of the proposed bingo game or games.

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

(d) Bingo Manager. Concurrently, with the filing of an application for a bingo license, each applicant shall file a statement specifying the name and address of not less than two nor more than eight persons who shall manage, supervise, and be responsible for the conduct of all bingo games by said applicant. Said person, who shall be known as the bingo "manager" or "alternate-manager," shall sign a statement accepting such responsibility. The bingo "manager" or the "alternate-manager," shall be present on the premises at all times during which bingo games are conducted. With respect to bingo licenses heretofore issued, each licensed organization shall file the above statement within ten (10) days following the effective date of this ordinance. Within ten (10) days of a change in the person designated as the bingo "manager" or "alternate-manager" by any licensee, such licensee shall file a new statement containing all of the data specified in this Section.

SEC. 33.3406 TERM OF LICENSE AND FEES

A bingo license shall expire one year from the date of issuance 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 (1) year any time within six (6) months from its date of expiration, upon application therefor.

The fee for a bingo license application shall not exceed \$50. There shall be no fee for renewal provided

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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 fee for each name added but in any case not to exceed the fee for an initial license. 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 refunded to the organization. An additional fee not to exceed one percent (1%) of the monthly gross receipts over \$5,000 derived from bingo games shall be collected monthly. Such fee shall be calculated annually, and in conjunction with other fees generated by this section shall recover the costs of enforcing this Division only. These fees shall be included in the City Clerk's composite rate book.

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, which has been used by such organization for an office or for the performance of the purposes for which the organization is organized for at least twelve (12) consecutive months immediately preceding the filing of such application. In the event the described property ceases to be used

as an office or as a place for performance of the purposes of which the licensee is organized, the license shall have no further force or effect. Nothing in this subdivision shall be construed to require that the property owned or leased by the organization be used exclusively by such organization. In the event of the loss of the lease of the premises, destruction by fire, earthquake or other circumstances beyond the control of the licensee, the game may be moved to a new location owned or leased by the licensee upon notice to the Chief of Police.

(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. Attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the Fire Department and Building Division in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

(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, including any free or discounted play of 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. Such members during operation of any bingo game shall wear on his or her outside clothing, in plain view, at chest height, an identification insignia or badge measuring not less than 2 1/2 inches by 3 1/2 inches in size and specifying the full name and title of such person and the name of the licensed organization. Such members while managing, supervising or conducting any bingo game shall not be allowed to participate as a player in any bingo 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) With respect to organizations exempt from payment of the bank and corporation tax by Section 2370ld 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. Such pro-

ceeds 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 ten percent (10%) of the proceeds before the deduction for prizes, or five hundred Dollars (\$500) per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment and administrative expenses.

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

(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 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 game shall not exceed two hundred fifty dollars (\$250) in cash or kind, or both, for each separate game which is held.

(j) Licensed bingo operations shall limit their days of operation to the following number of calendar days per week: operations with a seating capacity of fifty (50) people or less - four days a week; operations with a seating capacity of fifty-one (51) to one hundred (100) people - three days a week or less; operations with a seating capacity of one-hundred-one (101) or more people - two days a week or less. Four additional days of operation may be used during any fiscal year in conjunction with the regular weekly games. The Chief of Police must be notified in writing at least thirty (30) days prior to the use of an additional day.

(k) No manager or alternate-manager shall knowingly permit a person who is intoxicated and unable to exercise care for his safety or the safety of others to participate in or wander about any bingo game.

(l) Disbursement of funds. All disbursements from the bingo account shall be by consecutively numbered checks signed by two authorized officers of the licensee and shall be made payable to a specific individual or organization. There shall be written on each check the nature of the expenditure for which the check is drawn.

No check shall be drawn to "cash" or a fictitious payee.

(m) Accountability. A record of all donations and/or sales of bingo playing cards shall be maintained and kept on file in the bingo office with the financial statement for inspection purposes.

(n) False or misleading advertising. It shall be unlawful for any person, firm, corporation, or association, with intent directly or indirectly to induce, encourage or solicit any person to participate in any bingo game or games authorized pursuant to this Chapter, to make or disseminate or cause to be made or disseminated before the public in this City, in any newspaper or publication, or any advertising device, or by public outcry or proclamation, or any other manner or means whatsoever, any statement concerning any such bingo games including, but not limited to, the amount of prizes to be awarded or distributed in any game, which is untrue or misleading, and which is known or which, by the exercise of reasonable care, should be known to be untrue or misleading.

(o) It shall be unlawful to call or post any bingo letter or number unless the letter or number on the object drawn is displayed to the assemblage in such a manner that the letter or number is visible to such assemblage.

(p) All bingo cards presented for winnings shall

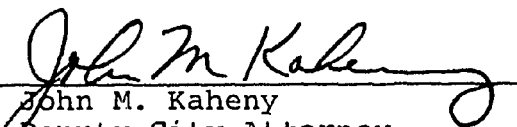


be verified by a third party. Such verification shall be made prior to the beginning of the next bingo game.

Section 2. If any Section, Subsection, sentence, clause, phrase or portion of this Division is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Division. The Council of this City hereby declares that it would have adopted this Division and each Section, Subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more Sections, Subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 3. 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   
John M. Kaheny  
Deputy City Attorney

JMK:rc:503.2  
10/21/80 REV. 2/3/81 8/10/81 9/8/81  
Or. Dept.: Police

**OCT 12 1981**

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Marjorie L. Portecover, 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 29 1981**

**OCT 12 1981**

\_\_\_\_\_, 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Marjorie L. Portecover, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15586 Adopted \_\_\_\_\_

**OCT 12 1981**

RECEIVED  
CITY CLERK'S OFFICE  
1981 OCT 28 AM 9:25  
SAN DIEGO, CALIF.

*nja*

CERTIFICATE OF PUBLICATION

SAN DIEGO, CITY OF  
12th floor 202 C St.  
San Diego, CA 92101  
PONTERCORO

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15596 (NEW SERIES)

I, Charlene Lance, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

**ORDINANCE NO. 0-15596  
(NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 34, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3404, 33.3406 AND 33.3408, RELATING TO BINGO GAMES FOR CHARITABLE NONPROFIT ORGANIZATIONS.  
This ordinance amends Chapter III, Article 3, Division 34 of the San Diego Municipal Code by establishing additional regulations and by authorizing additional fees. The additional regulations fix responsibility for managing bingo games, establish a residency requirement for organizations sponsoring such games, limit days of operation and require accounting of receipts.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced on September 29, 1981.  
Passed and adopted by the Council of The City of San Diego on October 12, 1981.  
AUTHENTICATED BY: PETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
(SEAL)  
By: MAYDELL L. PONTECORVO, Deputy  
Published October 26, 1981.

ORDINANCE NO. 0-15596 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

October 26, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 26th day of Oct., 19 81.

Charlene Lance  
(Signature)

$2 \frac{1}{2} \times 2 \times 8.06 = \$40.30$