

ORDINANCE NUMBER O- 16823 (NEW SERIES)

ADOPTED ON MAR 9 1987

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3,  
DIVISION 34 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 33.3402, 33.3403, 33.3404,  
33.3405, 33.3406, 33.3407, 33.3408, 33.3409  
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, 33.3404, 33.3405, 33.3406, 33.3407, 33.3408, 33.3409 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. Pursuant to California Penal Code section 326.5(o), as used in this Division, the game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes.

The winning cards, including cards commonly known as pull-tabs (break opens), shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All provisions of this Division apply to the sale, use and redemption of such cards.

(b) "Qualified 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 237011 of the Revenue and Taxation Code, mobile home park associations and senior citizen organizations.

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

(d) "Charitable Purposes," when used herein, shall refer to any purpose that is religious, scientific, literary, educational in nature, or otherwise contemplated within the context of Revenue and Taxation Code section 23701d.

#### 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 qualified nonprofit, charitable organization, as defined in this Division, acting on behalf of such qualified 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:

(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 qualified 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 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. 33.3405 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 qualified nonprofit, charitable 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 the 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 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 be \$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 games(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 to recover the costs of enforcing this Division only. These fees shall be included in the City Clerk's Composite Rate Book.

SEC. 33.3407 LICENSE NOT TRANSFERABLE

Each license issued hereunder shall be issued to a specific person on behalf of a specific qualified 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.

SEC. 33.3408 LIMITATIONS

(a) A qualified 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 change.

(c) All bingo games shall be open to the public, not just to the members of the qualified 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 qualified 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 2½ inches by 3½ 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 change.

(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 be distributed only to charitable organizations exempt from payment of the bank and corporation tax by Revenue and Taxation Code section 23701d. 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 twenty percent (20%) 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 and overhead, including the purchase of bingo equipment and administrative expenses.

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

(g) Within ten (10) 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 ongoing basis, the licensee may file such a statement every month. 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 change.

(i) No change.



(j) No change.

(k) No change.

(l) No change.

(m) Accountability. A record of all donations and/or sales of bingo playing cards, hard cards, paper cards, markers, and pull-tabs (break opens) shall be recorded during each bingo game and shall be maintained and kept on file in the bingo office with the financial statement for inspection purposes.

(n) No change.

(o) No change.

(p) No change.

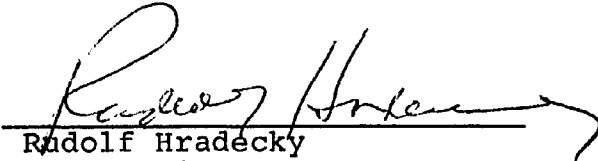
(q) No change.

SEC. 33.3409 INSPECTION

Any peace officer or regularly salaried police employee 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 qualified nonprofit, charitable organization who will operate the bingo game available for inspection at all times during any bingo games.

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   
Rudolf Hradecky  
Deputy City Attorney

RH:mem:mrh  
09/19/86  
02/04/87REV. 1  
Or.Dept:Police  
0-87-62  
Form=o.code

0-16823

MAR 9 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *June G. Blackwell*, Deputy.

(Seal)

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

FEB 23 1987

MAR 9 1987

....., 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.

By *June G. Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Ordinance Number	0-16823
Adopted	MAR 9 1987

RECEIVED  
CITY CLERK'S OFFICE  
1987 FEB 11 PM 1:44  
SAN DIEGO, CALIF.

FEB 5 1988

FEB 9 1988

FEB 11 1988

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER 111, ARTICLE 3,  
DIVISION 34 OF THE SAN DIEGO MUNICIPAL CODE

**ORDINANCE NUMBER O-16823 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 34 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 33.3402, 33.3403, 33.3404, 33.3405, 33.3406, 33.3407, 33.3408, 33.3409 RELATING TO BINGO GAMES FOR CHARITABLE NONPROFIT ORGANIZATIONS.

This ordinance amends the San Diego Municipal Code regulating bingo, making minor revision to the definitions to refer to nonprofit organizations as "qualified" pursuant to the Revenue and Taxation Code. It sets a license fee at \$50.00, and limits distribution of proceeds to tax-exempt charitable organizations qualified under the Revenue and Taxation Code. The amendment increases the amount of proceeds to be used for overhead and expenses to 20% or \$1,000.00, whichever is less and reduces the time period for 30 days to 10 days for the filing of financial returns. It requires record keeping accountability for all sales of playing cards and devices. It authorizes regularly salaried police employees, in addition to police officers, to inspect bingo records.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, California, 12th floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on February 23, 1987.

Passed and adopted by the Council of The City of San Diego March 9, 1987.

AUTHENTICATED BY:

Maureen O'Connor

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By JUNE A. BLACKNELL Deputy

Pub. March 24

74921

I, THOMAS D. KELLEHER, 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

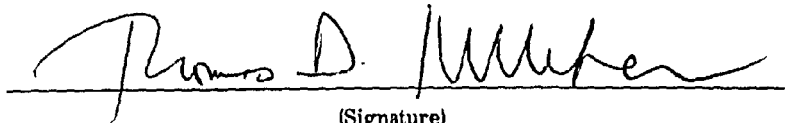
ORDINANCE NUMBER O-16823  
(NEW SERIES)

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:

MARCH 24

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

Dated at San Diego, California this 24 day of MARCH, 1987.

  
(Signature)

5 1/2" x \$10.24 = \$56.32

RECEIVED  
CITY CLERK'S OFFICE

1987 MAR 27 AM 11:06

SAN DIEGO, CALIF.

*ML*