

ORDINANCE NO. 1051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, AMENDING CHAPTER 5.48 OF TITLE 5 OF THE CAMARILLO MUNICIPAL CODE REGARDING BINGO GAMES

The City Council of the City of Camarillo ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Under Article IV, Section 19 of the California Constitution and Penal Code section 326.5, cities may enact ordinances authorizing bingo games provided they are conducted by specified organizations in a manner consistent with Penal Code section 326.5.

B. The City has adopted Camarillo Municipal Code Chapter 5.48, which chapter is intended to authorize such bingo games in a manner consistent with Penal Code section 326.5.

C. The Legislature has amended the provisions of Penal Code section 326.5 since the City's last amendments to Chapter 5.48. The City desires to update Chapter 5.48 to incorporate these amendments and to make certain other amendments to the procedures related to the issuance of licenses for bingo games as well as some minor textual changes to the regulations.

SECTION 2. Amendment to Chapter 5.48. Camarillo Municipal Code Chapter 5.48 is amended and restated to read as follows:

"Chapter 5.48 BINGO GAMES

5.48.010 Bingo defined.

5.48.020 License--Eligible organizations.

5.48.030 Application--Contents.

5.48.040 License--Issuance and Contents.

5.48.050 License--Denial.

5.48.060 License--Revocation.

5.48.070 Appeals.

5.48.080 Reapplication following license revocation.

5.48.090 Maximum amount of prize.

5.48.100 Profits to be kept in separate fund or account.

5.48.110 Financial interest in licensee only.

5.48.120 Exclusive operation by licensee.

- 5.48.130 Open to public.**
- 5.48.140 Attendance limited to occupancy capacity.**
- 5.48.150 Game only on licensee's property.**
- 5.48.160 Minors prohibited.**
- 5.48.170 Intoxicated persons prohibited.**
- 5.48.180 Hours of operation.**
- 5.48.190 Participant must be present.**
- 5.48.200 Receipt of profit by unauthorized person unlawful.**
- 5.48.210 City may enjoin violation.**
- 5.48.220 Applicability of city's gambling ordinance.**

5.48.010 Bingo defined.

As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a card in the player's possession that conforms to numbers or symbols selected at random and announced by a live caller. The game of bingo also includes cards having numbers or symbols that are concealed and preprinted in a manner providing for distribution of prizes. The winning cards may not be known prior to the game by any person participating in the playing or operation of the bingo game. Only a covered or marked card possessed by a player and presented to an attendant may be used to claim a prize.

5.48.020 License--Eligible organizations.

The following organizations are eligible to apply to the city for a license to conduct bingo games in the city under provisions of this chapter and Penal Code section 326.5, provided that the proceeds or profits of such games, as applicable, are used only for charitable purposes:

- A. Organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, or 23701l of the Revenue and Taxation Code;
- B. Mobilehome park associations;
- C. Senior citizen organizations; and
- D. Charitable organizations affiliated with a school district.

5.48.030 Application--Contents.

- A. Eligible organizations desiring to obtain a bingo license must file an application in writing with the City Clerk's office. The application must, at minimum, contain the following:
1. The name of the applicant organization and a statement that applicant is an eligible organization under Section 5.48.020;
 2. The name and signature of at least two officers of the applicant organization;
 3. The particular property within the city including the street number, owned or leased by the applicant, used by such applicant for an office or for performance of the purposes for which the applicant is organized, on which property all bingo games will be conducted, together with the occupancy capacity of such place;
 4. Proposed days of week and hours of day for the conduct of bingo games;
 5. A description of the type of bingo games to be conducted;
 6. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Penal Code section 326.5 and this chapter as it may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the city upon violation of any of such provisions.
- B. The application must be signed by the applicant under penalty of perjury.
- C. The following items must be submitted with the application:
1. The license fee.
 2. A diagram of the room to be used to conduct bingo showing the layout of tables and all exits.
 3. If applicable, a certificate or determination of exemption or other proof of the organization's exemption under the Revenue Code sections referred to in Section 5.48.020.A.

5.48.040 License--Issuance and contents.

Upon being satisfied that the applicant is eligible to conduct bingo games in the city, the city manager may issue a license to the applicant that, at minimum, contains the following information:

- A. The name and nature of the organization issued the license.

- B. The address where bingo games are authorized to be conducted.
- C. The occupancy capacity of the room in which bingo games are to be conducted.
- D. The date of the expiration of such license, which will be:
 - 1. For eligible organizations under Subsections A and D of Section 5.48.020, one year from the date of issuance.
 - 2. For eligible organizations under Subsections B and C of Section 5.48.020, three years from the date of issuance.
- E. Such other information as may be necessary or desirable for the enforcement of the provisions of this chapter.

5.48.050 License--Denial.

If an application for a license is denied, one-half of any license fee paid will be refunded to the organization.

5.48.060 License--Revocation

- A. If a licensee is conducting a bingo game in violation of any of the provisions of this chapter or Penal Code section 326.5, the license may be revoked in manner provided in Section 5.08.050 of this code.
- B. Any organization whose license is revoked under this section may not conduct any bingo game in the city until such time as the determination to revoke the license is overruled on appeal.

5.48.070 Appeals.

Any person aggrieved by a decision to deny, revoke or refuse to renew a bingo license may appeal such decision in the manner provided by Section 5.08.060 of this code.

5.48.080 Reapplication following license revocation.

Any organization whose license is revoked may not reapply for a license to conduct bingo games in the city for a period of one year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under the appropriate Revenue and Taxation Code section set forth in Section 5.48.020.A, such organization may again apply for a license upon proof of reinstatement of the exemption.

5.48.090 Maximum amount of prize.

The total value of prizes awarded during the conduct of any bingo games may not exceed \$500 in cash or kind, or both, for each separate game which is held.

5.48.100 Profits to be kept in separate fund or account.

All profits or proceeds derived from a bingo game must be kept and used in the manner prescribed by Penal Code section 326.5. The licensee must keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games that are authorized by this chapter. The city, by and through its authorized officers or agents, has the right to examine and audit such record at any reasonable time and the licensee must fully cooperate with the city in making such record available.

5.48.110 Financial interest in licensee only.

No individual, corporation, partnership or other legal entity except the licensee may hold a financial interest in the conduct of any bingo game.

5.48.120 Exclusive operation by licensee.

A bingo game must be operated and staffed only by members of the licensee organization. Such members may not receive a profit, wage or salary from any bingo game. The licensee may, however, employ security personnel to provide security services at bingo games and pay for such personnel from game proceeds. Only the licensee may operate a bingo game and participate in the promotion, supervision or any other phase of such game.

5.48.130 Open to public.

All bingo games must be open to the public, not just to the members of the licensee organization.

5.48.140 Attendance limited to occupancy capacity.

Notwithstanding that bingo games are open to the public, attendance at any bingo game is limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building department of the city. A licensee may not reserve seats or space for any person.

5.48.150 Game only on licensee's property.

A licensee may 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. The license issued under this chapter authorizes the licensee to conduct bingo games only on such property, the address of which is stated in the application. The license must be prominently displayed on the property where the bingo games are conducted and must be presented immediately upon demand by a law enforcement officer or other authorized agent of the city. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is organized, the license will automatically terminate and have no further force

or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. Nothing in this section will be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

5.48.160 Minors prohibited.

No person under the age of 18 years may be allowed to participate in any bingo game.

5.48.170 Intoxicated persons prohibited

No person who is obviously intoxicated may be allowed to participate in a bingo game.

5.48.180 Hours of operation.

No licensee may conduct any bingo games more than six hours out of any twenty-four-hour period. In addition, no bingo game may be conducted before ten a.m. nor after two a.m. of any day.

5.48.190 Participant must be present.

No person may 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.

5.48.200 Receipt of profit by unauthorized person unlawful.

Except for security personnel as provided in Section 5.48.120, it is a misdemeanor under Penal Code section 326.5(b) for any person to receive a profit, wage or salary from any bingo game authorized under this chapter. Such a violation is punishable by a fine not to exceed \$10,000, which fine, upon payment, will be deposited in the general fund of the city.

5.48.210 City may enjoin violation.

The city may bring an action to enjoin any violation of Penal Code section 326.5 or of this chapter.

5.48.220 Applicability of city's gambling ordinance.

The provisions of Chapter 10.38 of this code do not apply to any activities conducted pursuant to the provisions of this chapter."

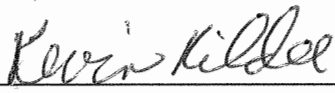
SECTION 3. Penalty. In accordance with Camarillo Municipal Code Chapter 1.08, in addition to the availability of all other remedies and penalties provided in that chapter for code violations, a violation of the provisions of Chapter 5.48, if charged criminally, will be a misdemeanor.

SECTION 4. Severability. If any section, subsection, subdivision, sentence,

clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

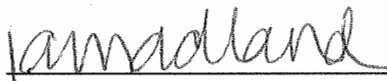
SECTION 5. Publication. The City Clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED April 14, 2010.



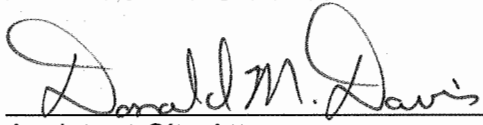
Mayor

ATTEST:



City Clerk

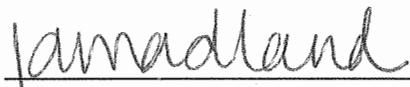
APPROVED AS TO FORM



Assistant City Attorney

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1051 was introduced by the City Council at a meeting held March 24, 2010, and subsequently passed and adopted by the City Council at a regular meeting held April 14, 2010, by the following vote:

AYES: Councilmembers: Craven, McDonald, Morgan, Waunch, Mayor Kildee
NOES: Councilmembers: None
ABSENT: Councilmembers: None



City Clerk