

AN ORDINANCE AUTHORIZING AND REGULATING THE  
PLAYING OF BINGO IN THE CITY OF MONTEREY;  
REQUIRING A PERMIT THEREFOR AND ESTABLISHING  
RULES FOR THE ISSUANCE AND REVOCATION OF SAID  
PERMITS

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THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN AS FOLLOWS:

SECTION 1. Bingo games shall be allowed in the CITY OF MONTEREY pursuant to the terms of this Ordinance.

SECTION 2. Bingo games shall be only for the benefit of organizations exempted from the payment of the bank and corporation tax by Section 2370ld 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.

SECTION 3. No person shall receive a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution and this Ordinance.

SECTION 4. No minor shall be allowed to participate in any bingo game.

SECTION 5. A nonprofit, charitable organization 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 performance of the purposes for which the organization is organized.

SECTION 6. All bingo games shall be open to the public, not just to the members of the nonprofit charitable organization.

SECTION 7. A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized it. 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.

SECTION 8. No individual, corporation, partnership, or other legal entity except the organization authorized by license to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

SECTION 9. 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.

SECTION 10. 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.

SECTION 11. 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.

SECTION 12. As used in this Ordinance, "bingo" means 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 which are selected at random at the time of the game.

SECTION 13. PERMITS; ISSUANCE, FEES, REVOCATION, REPORTING.

Any organization wishing to conduct bingo games shall first secure a permit from the Finance Director which shall be issued in accordance with this Section.

(a) Issuance, Fees, Reports:

- (1) Permits shall be valid for one year beginning July 1 and ending June 30 of each year unless revoked by the City.

- (2) A fee of \$25.00 shall be charged for each permit to cover the cost of issuance and review of the documents and information required. There shall be no proration of said fee if issued after July 1.
- (3) Prior to the issuance of any permit, the permittee shall submit written evidence satisfactory to the Finance Director that the organization is qualified under the requirements of Section 2 herein. If said documents are amended or revoked during the term of the permit, the permittee shall immediately notify the Finance Director in writing.
- (4) On or before August 1 of each year, the permittee shall file with a Finance Director a report certified by a Certified Public Accountant (CPA) or a Public Accountant (PA) showing the income, disbursements, and such other information as may be required by the Finance Director to show compliance with Sections 7, 9 and 11 of this Ordinance. The report shall cover the 12 months preceding June 30. The Finance Director may establish a different annual reporting date to coincide with the fiscal year of the reporting organization.

(b) Revocation:

- (1) If the permittee loses its exempt status during the term of the permit, the permit shall be immediately and automatically revoked. The permit may be reinstated without fee by the submission of the documents required for issuance.
- (2) The permit of any organization which fails to submit the required reports shall be immediately and automatically revoked. Said permit may be reinstated without additional fee upon the filing of the required report.
- (3) The City Manager may revoke the permit of any organization that he finds has violated any of the terms, conditions or regulations imposed by this Ordinance or State law. The City Manager shall notify the permittee in writing of said revocation and the grounds thereof. Said revocation shall become effective ten days after depositing said notice in the U. S. Mail, postage prepaid, addressed to the organization at the address set forth on the permit.
- (4) The permittee may appeal the notice by requesting a hearing before the City Manager in writing before the effective date of the

notice. The City Manager shall hold an informal hearing not less than five days nor more than 30 days after receiving said request for hearing. The City Manager shall give not less than three days notice of the time and place of the hearing.

- (5) At the hearing, the City Manager may consider such documentary or unsworn oral testimony as the permittee wishes to submit. He may also consider the fact of a conviction for violation of this Ordinance. Upon consideration of the information submitted, the City Manager may uphold or withdraw the revocation, or may make reasonable rules for the conduct of the bingo games held by the permittee to avoid future violations. The City Manager shall notify the permittee in writing of his decision and file a copy of said decision with the City Clerk and Finance Director. The decision shall become final unless appealed to the City Council within ten days of the written determination of the City Manager.
- (6) The decision of the City Manager may be appealed to the City Council in the same form and manner as are set forth for appeals from the decisions of the Planning Commission.

(7) A permittee may continue to conduct bingo games until the final determination is made on the appeal.

SECTION 14. It shall be a misdemeanor for any person to violate the terms of this Ordinance. Conviction of a violation of Section 3 herein shall be punishable by a fine not to exceed the sum of \$10,000.00. Conviction of a violation of any other Section of this Ordinance shall be punishable by imprisonment in the County jail for a period not to exceed six months, or by a fine not to exceed \$500.00, or by both such fine and imprisonment.

SECTION 15. Senior Citizens Program Exempt: Any bingo game played at the new Monterey Neighborhood Center as part of the program for senior citizens sponsored and conducted by the City of Monterey shall be permitted without permit and shall not be required to comply with Sections 2 and 5 herein. Said games shall be conducted in accordance with all other sections of this Ordinance. All monies collected during any series of games played on a single calendar day shall be returned to the participants in the form of prizes. This exemption shall also apply to any recognized senior citizens club which has used the New Monterey Neighborhood Center during the 12 months preceding the effective date of this Ordinance for the playing of bingo. No other group shall be permitted to hold bingo games at said facility.

SECTION 16. Effective Date of Ordinance: This ordinance is hereby declared to be an emergency measure necessary for immediate preservation of the public health. It shall become effective immediately upon its passage and adoption. The facts constituting an existing urgency are hereby declared to be as follows: The game of bingo is a major recreational activity of the senior citizens of the City of Monterey, and such recreational activity is essential to the continued health of such citizens, since recreational activities are essential to well-being.

SECTION 17. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.


PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY on this 7th day of September, 1976, by the following vote:

AYES: COUNCILMEN: BOULDRY, PAGE, RUDOLPH, FRY

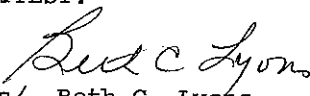
NOES: COUNCILMEN: NONE

ABSENT: COUNCILMEN: CONIGLIO

APPROVED:

  
/s/ GERALD T. FRY  
Mayor Pro-Tem of said City

ATTEST:

  
/s/ Beth C. Lyons  
Assistant City Clerk thereof

I, JOHN O. DUNN, JR., City Clerk of the City of Monterey and ex-officio Clerk of the Council thereof, do hereby certify that the foregoing is a full, true and correct copy of ORDINANCE NO. 2094 C.S., duly passed and adopted on the 7th day of September, 1976, and that same has been published as required by law on the 27th day of August, 1976.

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City Clerk of the City of Monterey