

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING
CHAPTER 15 SECTION 57 OF THE OCEANSIDE CITY CODE
INCREASING BINGO LIMITATIONS

WHEREAS, Chapter 15 of the Oceanside City Code regulates bingo games; and,

WHEREAS, The City Council of the City of Oceanside wishes to increase the maximum prizes awarded; and,

WHEREAS, The City Council of the City of Oceanside wishes to support the revenue sources for eligible organizations.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 15, Section 57 of the Oceanside City Code is amended as follows:

Section 15.57 **Limitations.** (a) An eligible organization as defined in this article shall conduct a bingo game only on property owned or leased by it, which property is used by such organization for an office or for the performance of the purposes for which the organization is organized.

(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 eligible organization.

(d) All bingo games shall be operated and staffed only by members of the eligible organization who have been approved by the business license division pursuant to this article. 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 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 23701(d) 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 account.

1 Such profits shall be used only for charitable purposes. With respect to other organizations
2 authorized to conduct games pursuant to the article, all proceeds derived from a bingo game
3 shall be kept in a special fund or account and shall not be commingled with any other fund or
4 account. Such proceeds shall be used only for charitable purposes, except as follows:

5 (1) Such proceeds may be used for prizes

6 (2) A portion of such proceeds, not to exceed twenty (20) percent of the proceeds
7 before the deduction for prizes, or one thousand dollars (\$1,000.00) per month, whichever is
8 less, may be used for rental of property, overhead, including the purchase of bingo equipment,
9 administrative expenses, security equipment and security personnel.

10 Within thirty (30) days after any bingo game is held, the licensee shall file with the city
11 business license division a full and complete financial statement of all monies collected and
12 disbursed and the amount remaining for charitable purposes, or if the licensee conducts bingo
13 games on an ongoing basis, the licensee may file such a statement every three (3) months. The
14 business license division shall have the power to inspect all books, records and papers of the
15 eligible organization which pertain to the operation of said bingo games.

16 (g) No person shall be allowed to participate in a bingo game unless the person is
17 physically present at the time and place in which the bingo game is being conducted.

18 (h) The total value of prizes awarded during the conduct of any bingo game shall not
19 exceed five hundred dollars (\$500.00) in cash or kind, or both, for each separate game which is
20 held.

21 (i) No bingo game shall be conducted between the hours of 2:00 a.m. and 8:00 a.m.

22 SECTION 2. Severability.

23 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
24 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
25 shall not only affect the validity of the remaining portions of the Ordinance it shall also render
26 null and void Ordinance number 02-OR674-1 section 15.57 in its entirety: adopted by the City
27 Council on October 9, 2002. The City council hereby declares that it would not have passed
28 this Ordinance and adopted this Ordinance nor would it have passed and adopted Ordinance 02-

1 OR0674-1 unless all of the provisions, sections, sentences, clauses and phrases were fully
2 enforceable. Nothing in this section is intended to amend, modify, or otherwise affect Section
3 15.61 of Chapter 15 entitled "Non-severability".

4 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
5 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
6 days after its passage in the North County Times, a newspaper of general circulation published
7 in the City of Oceanside.

8 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day
9 from and after its final passage.

10 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
11 California, held on the ___ day of _____, 2009, and, thereafter,

12 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
13 Oceanside California, held on the ___ day of _____, 2009, by the following vote:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

18 MAYOR OF THE CITY OF OCEANSIDE

19
20 ATTEST:

APPROVED AS TO FORM:

21
22 _____
23 CITY CLERK

24
25 
26 _____
27 CITY ATTORNEY