

**ORDINANCE NO. 2358**

**AN ORDINANCE OF THE CITY OF MONTEBELLO, CALIFORNIA, ADDING  
CHAPTER 5.13, REMOTE CALLER BINGO, OF TITLE 5 (BUSINESS  
LICENSES AND REGULATIONS) OF THE MONTEBELLO MUNICIPAL  
CODE**

**WHEREAS**, non-profit organizations provide important and essential educational, philanthropic, and social services to the community of the City of Montebello ("City");

**WHEREAS**, many such services would not be available if non-profit organizations;

**WHEREAS**, many such services would not be available if non-profit organizations did not provide them;

**WHEREAS**, there is a need to provide methods of fundraising to non-profit organizations to enable them to provide these essential services;

**WHEREAS**, historically, non-profit organizations in the City have used charitable bingo games as one of their key fundraising strategies to promote the mission of the organization;

**WHEREAS**, California State law now authorizes cities to provide for remote caller bingo games, but only for charitable purposes (Cal. Const. § 19 and Penal Code § 323.5);

**WHEREAS**, the City of Montebello currently authorizes standard bingo games to be operated within City limits by way of Chapter 5.12, of Title 5, of the Montebello Municipal Code (the "Ordinance"), provided such bingo games comply with the minimum restrictions on bingo game operations established by State law, and provided such bingo games comply with such other restrictions set forth in the Ordinance; and

**WHEREAS**, the City Council of the City of Montebello desires to add provisions to the Montebello Municipal Code to permit remote caller bingo games in the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CHAPTER 5.13 - REMOTE CALLER BINGO OF THE MONTEBELLO MUNICIPAL CODE IS HEREBY ADDED AS FOLLOWS:**

**CHAPTER 5.13 - REMOTE CALLER BINGO**

**Sections:**

**5.13.010 - Legislative Authorization**

**5.13.020 - Remote Caller Bingo Authorized**

**5.13.030 - Qualified Applicants: Applications for Licensing**

**5.13.040 - License Application: Verification**

**5.13.050 - Annual Licenses**

**5.13.060 - Conditions of License**

**Sec. 5.13.010, Legislative Authorization.**

This Chapter is adopted pursuant to Section 19 of Article IV of the California Constitution, as implemented by Sections 326.3 and 326.4 of the Penal Code.

**Sec. 5.13.020, Remote Caller Bingo Authorized.**

"Remote Caller Bingo," as defined in Penal Code § 326.3(u)(1), may be lawfully played in the City pursuant to the provisions of Sections 326.3 and 326.4 of the Penal Code, and this Chapter, and not otherwise.

**Sec. 5.13.030, Qualified Applicants: Applications for Licensing**

(a) The following organizations are qualified to apply for a remote caller bingo license to operate a remote caller bingo game if the receipts of those games are used only for charitable purposes:

(1) An organization exempt from the payment of the taxes imposed under the Corporation Tax Law by Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code.

(2) Senior citizen organizations.

(3) Charitable organizations affiliated with a school district.

(b) A qualified organization shall comply with all provisions of Chapter 5.13 and be issued a remote caller bingo license prior to conducting remote caller bingo games. The application shall be in a form prescribed by the City and shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the City Council from time to time. The following documentation shall be attached to the application, as applicable:

(1) A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law pursuant to Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code. In lieu of a certificate issued by the Franchise Tax Board, the City may refer to the Franchise Tax Board's Internet Web site to verify that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law.

(2) Other evidence as the City determines is necessary to verify that the applicant is qualified to operate remote caller bingo within the City.

**Sec. 5.13.040, License Application: Verification.**

The license shall not be issued until the City has verified the facts stated in the application and determined that the applicant is qualified.

**Sec. 5.13.050, Annual Licenses.**

A license issued pursuant to this Chapter shall be valid for one year from the date of issuance, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer bingo for play. The City Council expressly reserves the right to amend or repeal this Chapter at any time by ordinance or resolution as applicable. If this Chapter is repealed, all licenses issued pursuant to this Chapter shall cease to be effective for any purpose on the effective date of the repealing resolution.

**Sec. 5.13.060, Conditions of License.**

(a) Any license issued pursuant to this Chapter shall be subject to the conditions contained in Sections 326.3 and 326.4 of the Penal Code, and each licensee shall comply with the requirements of those provisions.

(b) Each license issued pursuant to this Chapter shall be subject to the following additional conditions:

(1) Bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.

(2) The licensed organization is responsible for ensuring that the conditions of this Chapter and Sections 326.3 and 326.4 of the Penal Code are complied with by the organization and its officers and members. A violation of any one or more of those conditions or provisions shall constitute cause for the revocation of the organization's license.

(c) In all respects the process of application, issuance, denial, term, renewal, transfer, appeal, suspension, revocation, or other action to enjoin a violation of Section of the Penal Code or of this Chapter shall be governed by Chapter 5.12.

**SECTION 2.** If any part of this Ordinance, or its application to any individual, entity, or circumstance, is held to be invalid, the remainder of the Ordinance, including the application or provision to other persons or circumstances, shall be not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

**SECTION 3.** The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) calendar days after its adoption.

PASSED, APPROVED AND ADOPTED this 9th day of April, 2014.



  
William M. Molinari, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Daniel Hernandez, City Clerk

  
Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   )ss.  
CITY OF MONTEBELLO       )

I, Daniel Hernandez, City Clerk of the City of Montebello, do hereby certify that the foregoing Ordinance No.2357 was introduced, on April 9, 2014 and duly adopted by the City Council of the City of Montebello at their regular meeting of April 9, 2014, and carried by the following vote:

AYES:       Members: Barajas, Romero, Cortez, Hadjinian, Molinari

NOES:       Members:

ABSTAIN:   Members:

ABSENT:    Members: Barajas

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on this 9th day of April, 2014.

  
Daniel Hernandez, City Clerk