

ORDINANCE NO. 1049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE AMENDING TITLE 9 "PUBLIC PEACE, MORALS AND WELFARE" OF THE RANCHO MIRAGE MUNICIPAL CODE TO ADD CHAPTER 9.55 "REMOTE CALLER BINGO."

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WHEREAS, the State Legislature has declared that: (a) nonprofit organizations provide important and essential educational, philanthropic and social services to the people of the State of California; (b) one of the great strengths of California is a vibrant nonprofit sector; (c) nonprofit and philanthropic organizations touch the lives of every Californian through service and employment; (d) many of these services would not be available if nonprofit organizations did not provide them; and (e) there is a need to provide methods of fundraising to nonprofit organizations to enable them to provide such essential services; and

WHEREAS, the State Legislature has further declared that many nonprofit organizations have historically used charitable bingo as one of their key fundraising strategies to promote the mission of their charities; and

WHEREAS, in light of the above, the State amended the California Penal Code relatively recently to permit nonprofit organizations to conduct Remote Caller Bingo to help increase their revenue which in turn will assist them with fulfilling their charitable purposes and meeting their increasing social service obligations; and

WHEREAS, Remote Caller Bingo, however, may only be permitted if a local ordinance authorizing Remote Caller Bingo is adopted by the city council

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE DOES ORDAIN AS FOLLOWS:

Section 1. Amendment to Title 9 "Public Peace, Morals and Welfare" to add Chapter 9.55 "Remote Caller Bingo"

Title 9 "Public Peace, Morals and Welfare" shall be amended as follows:

9.55.010 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 California Penal Code.

9.55.020 Remote Caller Bingo authorized.

Remote Caller Bingo may be lawfully played in the city, pursuant to the provisions of Sections 326.3 and 326.4 of the California Penal Code, and this chapter, and not otherwise.

9.55.030 Qualified applicants.

The following organizations are qualified to apply to the city manager or designee for a permit to operate a remote caller bingo game if the receipts of those games are used only for charitable purposes:

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

B. A mobile home park association of a mobile home park that is situated in the city.

C. Senior citizen organizations.

D. Charitable organizations affiliated with a school district.

9.55.40 Application.

A. The application shall be in a form prescribed by the city manager or designee and shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the city council from time to time.

B. 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 California Corporation Tax Law pursuant to Section 23701a,

23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code.

(2) In lieu of a certificate issued by the Franchise Tax Board, the city manager or designee 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 California Corporation Tax Law.

(3) Other evidence as the city manager or designee determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the city.

**9.55.050 Permit application verification.**

The permit shall not be issued until the city manager or designee has verified the facts stated in the application and determined that the applicant is qualified.

**9.55.060 Annual permit.**

A. A permit issued pursuant to this chapter shall be valid until the end of the calendar year, at which time the permit shall automatically expire.

B. A new permit shall only be obtained upon filing a new application and payment of the permit fee.

C. The fact that a permit has been issued to an applicant creates no vested right on the part of the permittee to continue to offer bingo for play.

D. The city council expressly reserves the right to amend or repeal this chapter at any time, and if repealed, all permits issued pursuant to this chapter shall cease to be effective for any purpose on the effective date of the repealing ordinance.

**9.55.070 Permit conditions.**

A. Any permit issued pursuant to this chapter shall be subject to the conditions contained in Sections 326.3 and 326.4 of the California Penal Code and each permittee shall comply with the requirements of those provisions.

B. Each permit issued pursuant to this chapter shall be subject to the following additional conditions:

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

(2) The permittee organization is responsible for ensuring that the conditions of this chapter and Sections 326.3 and 326.4 of the California Penal Code are complied with by the organization and its officers and members.

C. A violation of any one or more of the conditions or provisions set forth in this chapter, including without limitation any violation of any applicable state or federal laws or regulations, shall constitute cause for the revocation of the permittee-organization's permit. At the request of the organization, the city council shall hold a public hearing before revoking any permit issued pursuant to this chapter.

**Section 2. CITY ATTORNEY REVIEW**

The City Attorney prepared and framed this ordinance pursuant to Section 1.04.010 of the Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section 1.04.031 of the Municipal Code.

**Section 3. SEVERABILITY**

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

**Section 4. REPEAL OF CONFLICTING PROVISIONS**

All the provisions of the Rancho Mirage Municipal Code as heretofore adopted by the City of Rancho Mirage that are in conflict with the provisions of this ordinance are hereby repealed.

**Section 5.            AMENDING OF BAIL SCHEDULE**

The City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

**Section 6.            EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after its second reading by the City Council.

**Section 7.            CERTIFICATION**

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

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The foregoing Ordinance was approved and adopted at a meeting of the City Council held on November 1, 2012 by the following vote:

Ayes: Hobart, Kite, Smotrich, Hines  
Noes: None  
Abstain: None  
Absent: None

Scott M. Hines  
Scott M. Hines, Mayor

ATTEST:

Cynthia Scott  
Cynthia Scott,  
City Clerk

APPROVED AS TO FORM:

Steven B. Quintanilla  
For Steven B. Quintanilla  
City Attorney

**ORDINANCE CERTIFICATION**

I, Cynthia Scott, City Clerk of the City of Rancho Mirage, California, do hereby certify under penalty of perjury, that the foregoing Ordinance No. 1049 was introduced by first reading at a regular meeting of the City Council held on October 18, 2012 by the following vote:

**AYES:** Kite, Hobart, Smotrich, Hines  
**NOES:** None  
**ABSENT:** Moller  
**ABSTAIN:** None

Ordinance No. 1049 was adopted at a regular meeting of the City Council held on November 1, 2012 by the following vote:

**AYES:** Hobart, Kite, Smotrich, Hines  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

I further certify that I have caused the Ordinance to be posted and/or published as required by law (GC Sect. 36933).

Cynthia Scott  
Cynthia Scott, CMC  
City Clerk