

**ORDINANCE NO. 14-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF LOS ALAMITOS, CALIFORNIA AMENDING CHAPTER  
5.16 RELATING TO BINGO AND ADDING CHAPTER 5.18  
RELATING TO REMOTE CALLER BINGO**

**WHEREAS**, the Legislature of the State of California has authorized local agencies to adopt ordinances authorizing remote caller bingo games in order to assist nonprofit organizations; and,

**WHEREAS**, remote caller bingo games provide greater revenues to nonprofit organizations by allowing a larger payout to players; and,

**WHEREAS**, the City of Los Alamitos has been approached by Bingo Innovations of California on behalf of St. Isidore Historical Plaza; and,

**WHEREAS**, the Los Alamitos City Council on May 19, 2014 directed staff and the Planning Commission to initiate a code changes necessary to permit remote caller bingo within the City of Los Alamitos; and,

**WHEREAS**, prior to adopting this Ordinance the City Council adopted Ordinance No. 14-05 providing for both bingo and remote caller bingo games in the City's zoning ordinance; and,

**WHEREAS**, the City Council would like to allow remote caller bingo to assist nonprofit organizations; and,

**WHEREAS**, the City Council would also like to update its current bingo provisions to be consistent with State law;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 5.16 of the Los Alamitos Municipal Code is hereby amended to read as follows:

**Chapter 5.16 BINGO**

**5.16.010 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 tangible card in the player's possession and that conform to numbers or symbols, selected at random and announced by a live caller, as further defined in Penal Code Section 326.5(o), as the same may be amended from time to time.

**5.16.020 Organizations eligible to conduct bingo games.**

Only organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701h, and 23701w of the

California Revenue and Taxation Code and mobilehome park associations and senior citizens organizations and charitable organizations affiliated with a school district are eligible to apply to the city for a license to conduct bingo games in the city under the provisions of Section 326.5 of the California Penal Code and the provisions of this chapter, provided that the receipts of such games are used only for charitable purposes.

**5.16.025 Annual license.**

A license issued pursuant to this chapter shall be valid from the date of issuance until the following June 30<sup>th</sup>, 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.

**5.16.030 License application.**

Eligible organizations desiring to obtain such annual license to conduct bingo games in the city shall file an application in writing therefor in the office of the city clerk on a form to be provided by the city clerk. The issuing authority shall be the city manager. No license shall be issued or become effective until at least thirty (30) days after the filing date of such application.

**5.16.040 License application—Restrictions.**

No license shall be issued to any organization unless such applicant is an eligible organization under Section 5.16.020 and its application conforms to the requirements, terms and conditions of this chapter.

**5.16.050 Contents of application.**

The application for an annual license shall contain the following:

A. The name of the applicant organization and a statement that applicant is an eligible organization under Section 5.16.020;

B. The name and signature of at least two officers, including the presiding officer, of the applicant corporation, association or other entity;

C. 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 bingo games will be conducted, together with the occupancy capacity of such place and the date the property was first occupied. The applicant may also be required to submit documentation which establishes the nature of such ownership or leasehold interest;

D. Proposed day of week and hours of day for conduct of bingo games. (See Section 5.16.180);

E. A schedule of the games proposed;

F. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code and this chapter as they be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the city manager upon violation of any such provisions;

G. The signatures of the applicant shall be preceded by a declaration under penalty of perjury that the contents of the application are true and correct;

H. The annual license fee of fifty dollars (\$50.00) shall accompany the application, one-half of which will be refunded if the license is not issued; there shall be no proration of the license fee.

I. The applicant shall also submit with its application a certificate or determination of exemption issued by the state of California Franchise Tax Board; or, in the case of a mobilehome park association or senior citizen organization, a copy of its Articles of Incorporation, Charter or Articles of Association certified by an officer of the organization as having been duly adopted by the organization, which Charter or Articles shall include a specific statement that all proceeds from the operation of bingo games shall be used only for charitable purposes except as permitted by Section 326.5 (k) (1) (2) (3) (4) of California Penal Code;

J. An acknowledgment that the applicant understands the financial record submittals required by Section 5.16.100 of this chapter.

#### **5.16.060 Investigation of applicant.**

Upon receipt of the completed application and the fee, the city clerk shall refer the same to interested departments of the city including, but not limited to, the city manager, director of public services, city attorney, police department and the fire department for investigation as to whether or not all the statements in the application are true, whether the applicant qualifies under this chapter and applicable state law, and whether the property of the applicant qualifies and the extent to which it qualifies, as property on which bingo games may lawfully be conducted as to fire, occupancy, zoning and other applicable restrictions.

#### **5.16.070 Contents of license.**

Upon being satisfied that the applicant is fully qualified under law to conduct bingo games in the city, the city manager shall issue a license to the applicant, which shall contain the following information:

- A. The name and nature of the organization to whom the license is issued;
- 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 shall be one year from the date of issuance;
- E. Such other information as may be necessary or desirable for the enforcement of the provisions of this chapter.

#### **5.16.080 Suspension of license— Revocation.**

A. Whenever it appears to the city manager that the licensee is conducting a bingo game in violation of any of the provisions of this chapter or that the license was issued as a result of misrepresentation by the applicant, the city manager shall have the authority to temporarily revoke the license in writing and order the licensee to immediately cease and desist any further operation of any bingo game. The administrative remedies set forth in this section shall thereafter be followed and shall be the exclusive remedies.

B. The order issued under subsection A of this section shall include notification to the licensee that it shall have ten days from the date of such order to request in writing a hearing before the city manager to determine whether such license shall be permanently revoked. Failure to request, in writing, such hearing before the city manager within the ten-day period, shall result in a permanent revocation of the license.

C. Upon such request by the licensee, whose license has been temporarily revoked under subsection A of this section, for a hearing to determine whether such license shall be permanently revoked, the city manager shall provide such hearing within ten days after receipt of such request at which hearing the licensee may appear before the city manager for the purpose of presenting evidence why the license should not be permanently revoked. No license shall be permanently revoked under this section unless notice of the time and place of such hearing shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to the suspended licensee at the address given in the application. The notice shall set forth a summary of the grounds advanced as the basis of the suspension and revocation.

D. Any organization whose license is permanently revoked by the city manager under this section may appeal such permanent revocation to the city council by filing a written request therefor with the city clerk within twenty (20) days after the decision of the city manager. The appeal shall be heard by the city council within thirty (30) days of the receipt of the request, unless otherwise mutually agreed, and the appellant shall be given written notice of the time and date of such appeal hearing within the same time and in the same manner set forth in subsection C of this section.

E. Any person who conducts or continues to conduct a bingo game after any temporary or permanent revocation of the license shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in jail for a period not exceeding six months, or by both such fine and imprisonment.

**5.16.090 Bingo game prizes—Maximum amount.**

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

**5.16.100 Proceeds and profits—Separate accounts—Records submittal.**

A. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d 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 fund or account. Such profits shall be used only for charitable purposes.

B. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds 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. Proceeds are the receipts of bingo games conducted by organizations not within subsection A of this section. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes;

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

3. Such proceeds may be used to pay license fees.

C. The licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, provision, supervision and any other phase of bingo games which are authorized by this chapter.

D. True and correct copies of such records shall be submitted to the city manager annually except that on the last day of the seventh month after the first license has been issued, such records shall be submitted covering the period from the issuance date to the last day of the sixth month following issuance; each set of annual records shall be submitted no later than the last day of the month next succeeding the expiration date of the license and shall cover the entire license period except that the first annual records shall cover the period commencing with the closing date of the last records submitted and end with the expiration date of the license. The city, by and through its authorized officers, shall also have the right to examine and audit such record at any reasonable time and licensee shall fully cooperate with the city by making such record available.

**5.16.110 Financial interest in licensee only.**

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

**5.16.120 Exclusive operation by licensee.**

A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive or pay a profit, wage or salary from any bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any other phase of such game. This chapter does not preclude the employment of security personnel who are not members of the authorized organization at such bingo game by the organization conducting the game.

**5.16.130 Bingo games open to public.**

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

**5.16.140 Attendance limited to occupancy capacity.**

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and department of public services of the city in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

**5.16.150 Bingo games to be conducted only on licensee's property.**

A licensee shall 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 shall authorize the holder thereof to

conduct bingo games only on such property, the address of which is stated in the application. 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 shall 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.

**5.16.160 Minors not to participate.**

No person under the age of eighteen (18) years of age shall be allowed to participate in any bingo game.

**5.16.170 Intoxicated persons not to participate.**

No person who is obviously intoxicated shall be allowed to participate in a bingo game or be allowed to remain on the licensed premises while such games are being conducted.

**5.16.180 Hours and days of operation.**

Bingo games shall not be conducted by any licensee more than two (2) days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter, provided that appropriate notice is given. This limitation is cumulative with, and not in addition to, time allotted for remote caller bingo under Chapter 5.18.

**5.16.190 Participant must be present.**

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.

**5.16.200 Receipt of profit by a person— Misdemeanor.**

Any person who pays or receives a profit, wage or salary from any bingo game authorized under this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games as provided in Section 5.16.100.

**5.16.210 City may enjoin violation.**

The city may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.5 of the Penal Code or of this chapter.

**5.16.220 Notice of application for license to surrounding property.**

At the time the city manager receives an application for a license under this chapter, he shall promptly notify the occupants and owners of all property as listed on the latest assessment roll, located within three hundred (300) feet of the property where the applicant proposes to conduct the bingo games. Such notice shall include a description of the applicant's proposed schedule including number of days when games are to be conducted, the hours thereof, the maximum number of persons the facility will permit and the address where comments will be received. The city manager shall give due consideration to such comments and include such measures on the license as he

deems necessary to preserve the peace, tranquility and safety of the area surrounding the location. Any applicant aggrieved by such measures may appeal to the city council by written notice to the city clerk within twenty (20) days of the city manager's action and the city council may take such action as it deems appropriate of such measures.

**SECTION 2.** Chapter 5.18 is hereby added to the Los Alamitos Municipal Code to read as follows:

### **Chapter 5.18 REMOTE CALLER BINGO**

#### **5.18.005 Remote Caller Bingo authorization.**

A. 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.

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

#### **5.18.010 Remote Caller Bingo defined.**

As used in this chapter, "remote caller bingo" means a game of bingo as defined in Section 5.16.010 in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live game is conducted, and the organization conducting the bingo game uses audio and video technology to link any of its in-state facilities for the purpose of transmitting the remote calling of a live bingo game from a single location to multiple locations owned, leased, or rented by that organization, as further defined by Penal Code section 326.3(u)(1) as the same may be amended from time to time.

#### **5.18.020 Organizations eligible to conduct remote caller bingo games.**

A. Only organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, and 23701w of the California Revenue and Taxation Code, mobilehome park associations, senior citizens organizations, and charitable organizations affiliated with a school district are eligible to apply to the city for a license to conduct remote caller bingo games in the city, provided that the receipts of such games are used only for charitable purposes.

B. The organization conducting the game must have been incorporated or in existence for at least three years and the operation of bingo may not be the primary purpose for which the organization is organized.

C. The organization conducting the game shall have a bingo license issued to it pursuant to Chapter 5.16 of this Code.

#### **5.18.025 Annual license.**

A license issued pursuant to this chapter shall be valid from the date of issuance until the following June 30<sup>th</sup>, 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 remote caller bingo for play. The City Council of Los Alamitos expressly reserves the right to amend or repeal this chapter at any time. If this chapter is repealed, all licenses issued pursuant to this chapter shall cease to be effective for any purpose upon the effective date of the repealing ordinance.

#### **5.18.030 License application.**

A. Eligible organizations desiring to obtain such annual license to conduct remote caller bingo games in the city shall file an application in writing therefor in the office of the city clerk on a form to be provided by the city clerk.

B. The issuing authority shall be the city manager.

C. No license shall be issued until the city manager has verified the facts stated in the application and determined that the applicant is qualified. In no event shall the license be issued or effective until at least thirty (30) days after the filing date of such application.

#### **5.18.040 License application—Restrictions.**

No license shall be issued to any organization unless such applicant is an eligible organization under Section 5.18.020 and its application conforms to the requirements, terms and conditions of this chapter.

#### **5.18.050 Contents of application.**

The application for an annual license shall contain the following:

A. The name of the applicant organization and a statement that applicant is an eligible organization under Section 5.18.020;

B. The name and signature of at least two officers, including the presiding officer, of the applicant corporation, association or other entity;

C. 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 bingo games will be conducted, together with the occupancy capacity of such place and the date the property was first occupied. The applicant may also be required to submit documentation which establishes the nature of such ownership or leasehold interest;

D. Proposed days of week and hours of day for conduct of bingo games. (See Section 5.18.180);

E. A schedule of the games proposed;

F. A statement that the applicant agrees to conduct remote caller bingo games in strict accordance with the provisions of Section 326.3 of the Penal Code and this chapter as they be amended from time to time, and agrees that the license to conduct remote caller bingo games may be revoked by the city manager upon violation of any such provisions;

G. The signatures of the applicant shall be preceded by a declaration under penalty of perjury that the contents of the application are true and correct;



H. The annual, non-refundable, license fee of fifty dollars (\$50.00) shall accompany the application; there shall be no proration of the fee;

I. The applicant shall also submit with its application a certificate or determination of exemption issued by the State of California Franchise Tax Board stating that the organization is exempt from paying taxes imposed under the Corporation Tax Law pursuant to one of the Revenue and Taxation Code sections listed in section 5.18.020. In lieu of a certificate, the license official may refer to the Franchise Tax Board's website to verify that the organization is exempt from the payment of taxes under the Corporation Tax Law. In the case of a mobilehome park association or senior citizen organization, a copy of its Articles of Incorporation, Charter or Articles of Association certified by an officer of the organization as having been duly adopted by the organization, which Charter or Articles shall include a specific statement that all proceeds from the operation of bingo games shall be used only for charitable purposes except as permitted by Section 326.5 (k) (1) (2) (3) (4) of California Penal Code;

J. An acknowledgment that the applicant understands the financial record submittals required by Section 5.18.100 of this chapter.

#### **5.18.060 Investigation of applicant.**

Upon receipt of the completed application and the fee, the city clerk shall refer the same to interested departments of the city including, but not limited to, the city manager, director of public services, city attorney, police department and the fire department for investigation as to whether or not all the statements in the application are true, whether the applicant qualifies under this chapter and applicable state law, and whether the property of the applicant qualifies and the extent to which it qualifies, as property on which bingo games may lawfully be conducted as to fire, occupancy, zoning and other applicable restrictions.

#### **5.18.070 Contents of license.**

Upon being satisfied that the applicant is fully qualified under law to conduct bingo games in the city, the city manager shall issue a license to the applicant, which shall contain the following information:

- A. The name and nature of the organization to whom the license is issued;
- B. The address where the remote caller bingo games are authorized to be conducted;
- C. The occupancy capacity of the room in which remote caller bingo games are to be conducted;
- D. The date of the expiration of such license; which shall be the end of the calendar year, regardless of the date of issuance;
- E. Such other information as may be necessary or desirable for the enforcement of the provisions of this chapter.

#### **5.18.075 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, whether such provisions are contained in this Chapter or not, and each licensee shall comply with the requirements of those provisions.

B. 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 those conditions or provisions shall constitute cause for the revocation of the organizations license by the city manager.

**5.18.080 Suspension of license— Revocation.**

A. Whenever it appears to the city manager that the licensee is conducting a bingo game in violation of any of the provisions of this chapter or that the license was issued as a result of misrepresentation by the applicant, the city manager shall have the authority to temporarily revoke the license in writing and order the licensee to immediately cease and desist any further operation of any bingo game. The administrative remedies set forth in this section shall thereafter be followed and shall be the exclusive remedies.

B. The order issued under subsection A of this section shall include notification to the licensee that it shall have ten days from the date of such order to request in writing a hearing before the city manager to determine whether such license shall be permanently revoked. Failure to request, in writing, such hearing before the city manager within the ten-day period, shall result in a permanent revocation of the license.

C. Upon such request by the licensee, whose license has been temporarily revoked under subsection A of this section, for a hearing to determine whether such license shall be permanently revoked, the city manager shall provide such hearing within ten days after receipt of such request at which hearing the licensee may appear before the city manager for the purpose of presenting evidence why the license should not be permanently revoked. No license shall be permanently revoked under this section unless notice of the time and place of such hearing shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to the suspended licensee at the address given in the application. The notice shall set forth a summary of the grounds advanced as the basis of the suspension and revocation.

D. Any organization whose license is permanently revoked by the city manager under this section may appeal such permanent revocation to the city council by filing a written request therefor with the city clerk within twenty (20) days after the decision of the city manager. The appeal shall be heard by the city council within thirty (30) days of the receipt of the request, unless otherwise mutually agreed, and the appellant shall be given written notice of the time and date of such appeal hearing within the same time and in the same manner set forth in subsection C of this section.

E. Any person who conducts or continues to conduct a bingo game after any temporary or permanent revocation of the license shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in jail for a period not exceeding six months, or by both such fine and imprisonment.

**5.18.090 Bingo game prizes—Maximum amount.**

The total value of prizes awarded during the conduct of any remote caller bingo game shall not exceed thirty seven (37) percent of the gross receipts for that game as calculated by Section 326.3(p) of the Penal Code.

**5.18.100 Overhead costs and records.**

A. Overhead costs shall not exceed twenty (20) percent of gross receipts as specified in Section 326.3(m) of the Penal Code.

B. The licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, provision, supervision and any other phase of remote caller bingo games which are authorized by this chapter for a period of five years.

C. True and correct copies of such records shall be submitted to the city manager annually except that on the last day of the seventh month after the first license has been issued, such records shall be submitted covering the period from the issuance date to the last day of the sixth month following issuance; each set of annual records shall be submitted no later than the last day of the month next succeeding the expiration date of the license and shall cover the entire license period except that the first annual records shall cover the period commencing with the closing date of the last records submitted and end with the expiration date of the license. The city, by and through its authorized officers, shall also have the right to examine and audit such record at any reasonable time and licensee shall fully cooperate with the city by making such record available.

**5.18.110 Financial interest in licensee only.**

No individual, corporation, partnership or other legal entity except the licensee shall hold a financial interest in the conduct of such remote caller bingo game.

**5.18.120 Exclusive operation by licensee.**

A remote caller bingo game shall be operated and staffed only by members of the licensee organization and such members shall not receive a profit, wage, or salary from any remote caller bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any other phase of such game. This chapter section does not preclude the employment of administrative, managerial, technical, financial, or security personnel who are not members of the authorized organization at such bingo game by the organization conducting the game as authorized by Section 326.3 of the Penal Code.

**5.18.130 Remote Caller Bingo games open to public.**

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

**5.18.140 Attendance limited to occupancy capacity.**

A. Notwithstanding that remote caller bingo games are open to the public and state law authorizes up to 750 players at one location, attendance at any remote caller bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and department of public services of the city in accordance with applicable laws and regulations.

B. In no event may more than 750 players participate in a remote caller bingo game in a single location, even if there is occupancy capacity, unless a state of emergency has been declared and the other conditions of Section 326.3(j)(3) of the Penal Code have been met.

C. Licensee shall not reserve seats or space for any person.

**5.18.150 Bingo games to be conducted only on licensee's property.**

A licensee shall conduct a remote caller bingo game only on property owned or leased by it, or property whose use is donated to the organization; such use need not be exclusive. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application.

**5.18.160 Minors not to participate.**

No person under the age of eighteen (18) years of age shall be allowed to participate in any bingo game.

**5.18.170 Intoxicated persons not to participate.**

No person who is obviously intoxicated shall be allowed to participate in a bingo game or be allowed to remain on the licensed premises while such games are being conducted.

**5.18.180 Limits on operation/notice.**

A. Remote caller bingo games shall not be conducted by any licensee more than two (2) days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter, provided that appropriate notice is given. This limitation is cumulative with, and not in addition to, time allotted for bingo under Chapter 5.16.

B. For each participating remote caller bingo site, a licensee shall provide the Los Alamitos Police Department with at least 30 days' advance written notice of its intent to conduct a remote caller bingo game in accordance with the provisions of Section 326.3(j)(4) of the Penal Code.

**5.18.190 Participant must be present.**

No person shall be allowed to participate in a remote caller bingo game unless the person is physically present at the time and place in which the remote caller bingo game is being conducted.

**5.18.200 Receipt of profit by a person— Misdemeanor.**

Any person who pays or receives a profit, wage or salary from any remote caller bingo game authorized under this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city. Administrative, managerial, technical, financial and security personnel employed by the organization conducting the bingo game may be paid reasonable fees for services rendered from the revenues of bingo games as provided for in Penal Code section 326.3(d), except that fees paid under those agreements shall not be determined as a percentage of receipts or other revenues from, or be dependent on the outcome of, the game.

**5.18.210 City may enjoin violation.**

The City may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.3 of the Penal Code or of this Chapter.

**5.18.220 Notice of application for license to surrounding property.**

At the time the city manager receives an application for a license under this chapter, he shall promptly notify the occupants and owners of all property as listed on the latest assessment roll, located within three hundred (300) feet of the property where the applicant proposes to conduct the remote caller bingo games. Such notice shall include a description of the applicant's proposed schedule including number of days when games are to be conducted, the hours thereof, the maximum number of persons the facility will permit and the address where comments will be received. The city manager shall give due consideration to such comments and include such measures on the license as he deems necessary to preserve the peace, tranquility and safety of the area surrounding the location. Any applicant aggrieved by such measures may appeal to the city council by written notice to the city clerk within twenty (20) days of the city manager's action and the city council may take such action as it deems appropriate of such measures.

SECTION 3. 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 shall 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 4. To the extent the provisions of the Los Alamitos Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

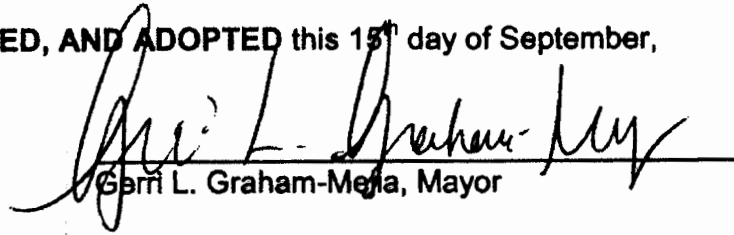
SECTION 5. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 6. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

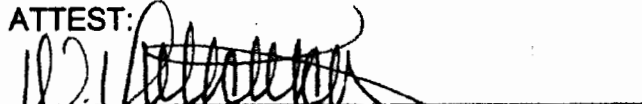
SECTION 7. Staff is hereby directed to file a Notice of Exemption with the County Clerk's office relating to the adoption of this Ordinance under Guidelines Section 15305 – minor alteration in land use limitations and Section 15061(b)(3) - where the activity is not subject to CEQA when it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

2014.


**PASSED, APPROVED, AND ADOPTED** this 15<sup>th</sup> day of September,

  
Geri L. Graham-Mejia, Mayor

ATTEST:

  
Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

  
Cary S. Reisman, City Attorney

STATE OF CALIFORNIA           )  
COUNTY OF ORANGE        ) ss.  
CITY OF LOS ALAMITOS      )

I, Windmera Quintanar, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 14-06 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 18th day of August, 2014, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 15th day of September, 2014, by the following vote, to wit:

AYES:	COUNCIL MEMBERS:	Edgar, Murphy, Graham-Mejia, Grose, Kusumoto
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None

  
Windmera Quintanar, CMC, City Clerk