

**ORDINANCE NO. 569**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**  
**ATASCADERO, CALIFORNIA, AMENDING THE ATASCADERO**  
**MUNICIPAL CODE BY**  
**ADDING SECTION 3-12.03 TO CHAPTER 12 OF TITLE 3.**

The City Council hereby finds and declares as follows:

**WHEREAS**, bingo is a game of chance that is allowed to be played on a limited basis by the State of California, subject to specific regulations; and,

**WHEREAS**, the City of Atascadero currently allows bingo games consistent with State law when the bingo caller is located on-site; and,

**WHEREAS**, due to recent technological advancements with internet communication, remotely located bingo calling is now possible, and the State of California has revised bingo regulations to allow remote caller bingo subject to the adoption of certain regulations; and,

**WHEREAS**, local service and non-profit organizations have expressed a need to operate remote caller bingo games to raise money for local needs and charities; and,

**WHEREAS**, the operation of remote caller bingo games pose no burden on City resources or public safety;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** Title 3-12 of the Atascadero Municipal Code is amended to read as follows:

**3-12.03 Remote Caller Bingo.**

**(a) 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.

**(b) Remote Caller Bingo Authorized.**

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

**(c) Qualified Applicants: Applicants for Licensure.**

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

(i) 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.

(ii) A mobile home park association of a mobile home park that is situated in the [City].

(iii) Senior citizen organizations.

(iv) Charitable organizations affiliated with a school district.

(2) The application shall be in a form prescribed by the License Official and shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the City of Atascadero from time to time. The following documentation shall be attached to the application, as applicable:

(i) 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 License Official 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.

(ii) Other evidence as the License Official 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 of Atascadero.

**(d) License Application: Verification.**

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

**(e) Annual Licenses.**

A license issued pursuant to this chapter shall be valid until the end of the calendar year, 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 of Atascadero expressly reserves the right to amend or repeal this chapter at any time by resolution. 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.

**(f) Conditions of Licensure.**

(1) 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.

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

(i) 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.

(ii) 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. At the request of the organization, the City of Atascadero hold a public hearing before revoking any license issued pursuant to this chapter.

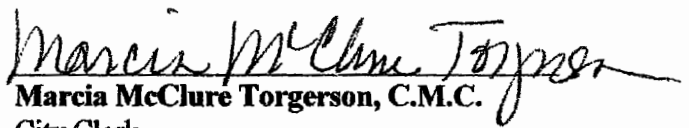
**SECTION 2:** A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

## **CERTIFICATION**

I, **Marcia McClure Torgerson, C.M.C.**, City Clerk of the City of Atascadero, hereby certify that the foregoing is a true and correct copy of Ordinance No. 569, adopted by the Atascadero City Council at a regular meeting thereof held on July 9, 2013, and that it has been duly published pursuant to State Law.

**DATED:**

7-24-13



**Marcia McClure Torgerson, C.M.C.**

City Clerk

City of Atascadero, California