



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
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OCT 23 1980

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812 TENTH ST. SACRAMENTO, CALIF. 95814
SUITE 201 TELEPHONE (916) 449-5346

October 22, 1980

Honorable City Council
City of Sacramento
City Hall
Sacramento, California

In re: Bingo Ordinance - Definition of "Bingo"

Members in Session:

The attached ordinance would amend the definition of "bingo" to specifically include preprinted cards. The amendment would bring the City's ordinance definition of "bingo" into conformity with recent amendment to State law. This would allow for the use of the so-called pull-tab bingo about which the Council has been asked. A copy of the letter requesting the ordinance amendment is attached.

RECOMMENDATION

It is recommended that the attached ordinance be adopted in order to bring the City's bingo ordinance in conformity with State law.

Very truly yours,

Theodore H. Kobay, Jr.
THEODORE H. KOBAY, JR.
Assistant City Attorney

THK:kn

Attachments

RECOMMENDATION APPROVED:

Walter J. Slipe
WALTER SLIPE City Manager

APPROVED
BY THE CITY COUNCIL

OCT 28 1980

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 4437 FOURTH SERIES

AN ORDINANCE AMENDING SECTION 18.101
OF THE SACRAMENTO CITY CODE RELATING
TO BINGO AND DECLARING THE ORDINANCE
TO BE AN EMERGENCY MEASURE TO TAKE
EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1.

Section 18.101 of the Sacramento City Code is hereby amended to read as follows:

Sec. 18.101 Definition of "Bingo".

As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols selected at random and shall also include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." This definition is not intended to apply in the construction or enforcement of any other provision of law.

SECTION 2.

The ordinance is hereby declared to be an emergency measure to take effect immediately. The facts constituting the emergency are the need, as soon as possible, to make the definition of bingo in the City's bingo ordinance coincide with the definition of bingo in California Penal Code Section 326(n) which was recently amended.

ENACTED:

EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

ORDINANCE NO.

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ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

LEGAL INSTITUTE FOR SOCIAL EQUALITY

2502 Meadowview Road
Sacramento, California 95832
Telephone: (916) 393-3260

RECEIVED
OFFICE OF THE MAYOR

OCT 21 1980
AM PM
7|8|9|10|11|12|1|2|3|4|5|6

October 20, 1980

Dear Members of the City Council:

I am writing to request your assistance in clarifying Chapter 18 of the Sacramento City Code relating to Bingo games. I am writing on behalf of the Legal Institute For Social Equality, St. Pat's Social Club, the John F. Kennedy Band Supporters, and the Eagles Lodge, all of which organizations are licensed by the City of Sacramento to conduct non-profit Bingo games. Those organizations, as well as other non-profit charitable organizations licensed to conduct Bingo games by the City of Sacramento rely heavily on Bingo as a private fundraising device to support their charitable purposes rather than requesting taxpayer assistance.

The immediate problem is the definition of "Bingo." The relevant state statute, Section 326.5(n) of the Penal Code provides that:

As used in this section "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. Notwithstanding Section 330c, as used in this section, the game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law.

The City Ordinance Section 18.101 provides that:

As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. (Ord. 3850, §1)

Members of the City Council

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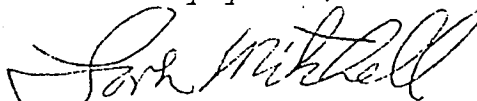
October 20, 1980

Thus the question arises as to whether "Bingo" as defined in the second sentence of Penal Code §326.5(n) is legal in the City of Sacramento. This type of Bingo is commonly referred to as Pull Tab Bingo.

The second sentence of Section 326.5(n) was added by the Legislature effective January 1, 1980, and appears to be a clarification of the term "Bingo." As such, it would appear that so long as the City licenses a "Bingo" game it would automatically include the definition used in the State statute.

However, if a clarifying amendment is needed, we urge your immediate consideration of such an amendment. The County of Sacramento did amend its ordinance in the form attached to this letter. This matter is of extreme importance to the privately supported charitable organizations in the Sacramento area. We appreciate your prompt attention.

Sincerely yours,



Loren Mithcell
Attorney at Law

Enclosure