

ORDINANCE NO. 3032-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF CHAPTER 9.37 (BINGO GAMES) OF TITLE 9 (PUBLIC PEACE, SAFETY, OR WELFARE)

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

SECTION 1. SECTION 9.37.030 AMENDED. Section 9.37.030 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby amended as follows:

9.37.030. License required.

It shall be unlawful for any person to conduct or operate any bingo game without first obtaining and maintaining in effect a license.

SECTION 2. SECTION 9.37.040 AMENDED. Section 9.37.040 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby amended as follows:

9.37.040. Application for license.

Every organization which proposes to conduct or operate a bingo game shall make written application to the director of finance for a license for the conduct and operation of bingo games. The application shall include the following:

(a) –(e) [Text unchanged]

(f) Proof that the applicant is an organization authorized to conduct bingo games pursuant to Section 326.5(a) of the Penal Code as it may be amended from time to time.

SECTION 3. SECTION 9.37.050 AMENDED. Section 9.37.050 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby amended as follows:

9.37.050. License application fee.

A fee in the amount authorized by Penal Code Section 326.5 shall accompany the license application. The application fee shall be used to defray the costs of investigation. If an application for a license is denied, one-half of the license fee paid shall be refunded.

SECTION 4. SECTION 9.37.070 AMENDED. Section 9.37.070 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby amended as follows:

9.37.070. Issuance of license.

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

(a) [Text unchanged]

(c) – (g) [Renumbered; text unchanged]

SECTION 5. SECTION 9.37.080 AMENDED. Section 9.37.080 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby amended as follows:

9.37.080. Expiration—Renewal.

Each license issued under this chapter shall expire at the conclusion of the calendar year of its issuance, unless sooner revoked. An unrevoked license may be renewed for one year upon written application to the issuing authority and payment of a fee in the amount authorized by Penal Code Section 326.5.

SECTION 6. SECTION 9.37.100 AMENDED. Section 9.37.100 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby amended as follows:

9.37.100. Bingo games facilities and operations requirements.

The conduct and operation of all bingo games shall be in compliance with the following requirements:

- (a) Times of Operation.
 - (1) Bingo games shall not be conducted before noon or after midnight of any day and shall not be conducted on more than two days in any seven-day period.
- (b) [Text unchanged]
- (c) Prizes—Limitation of Value. The total value of prizes awarded during the conduct of any the amount authorized by Penal Code Section 326.5 for each separate game which is held.
- (d) Record of Income and Expenses. The license holder shall keep a full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time, and the license holder shall fully cooperate with the city by making such record available. Each licensee shall file an annual report with the director of finance containing the following information:
 - (1)-(3) [Text unchanged]
 - (4) The net profit or loss for the previous fiscal year of the licensee and for each monthly which, and at each location within the city at which, a bingo game was conducted by the licensee during that fiscal year. Licensees shall use the report form prepared by the director of finance and shall make such report under penalty of perjury.
- (e) [Text unchanged]

SECTION 7. SECTION 9.37.105 DELETED. Section 9.37.105 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby deleted.

SECTION 8. SECTION 9.37.110 AMENDED. Section 9.37.110 of Chapter 9.37 (Bingo Games) of the Sunnyvale Municipal Code is hereby amended as follows.

9.37.110. Receipt of profit, wage or salary by a person a misdemeanor under state law.

It is a misdemeanor under Section 326.5(b) of the Penal Code of the state of California for any person to receive a profit, wage, or salary from any bingo game

authorized under this chapter, a violation of which is punishable by a fine not to exceed the amount specified in Penal Code 326.6(c), which fine shall be deposited in the general fund of the city of Sunnyvale.

SECTION 9. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 10. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions 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, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 11. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 12. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on December 10, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on December ____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____
SEAL

Mayor

APPROVED AS TO FORM:

Rebecca Moon, Assistant City Attorney