

AN ORDINANCE OF THE CITY OF HAWAIIAN GARDENS  
AUTHORIZING AND REGULATING THE PLAYING OF  
BINGO GAMES AND ADDING CHAPTER 9.64 TO TITLE  
9 OF THE HAWAIIAN GARDENS MUNICIPAL CODE  
ENTITLED "BINGO GAMES"

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS  
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.64 is hereby added to Title  
9 of the Hawaiian Gardens Municipal Code to read as follows:

CHAPTER 9.64  
BINGO GAMES

Section 9.64.010. 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 on a card  
which conform to numbers or symbols selected at random.

Section 9.64.020. Chapter Provisions Prevail. The pro-  
visions of this Chapter shall prevail over any provisions of  
of the Municipal Code which are inconsistent herewith,  
including, but not by way of limitation, the provisions of  
Chapter 9.20.

Section 9.64.030. Bingo Permitted. The playing, main-  
taining or operating of a bingo game as defined herein and  
as defined by Section 326.5(o) of the California Penal Code  
shall be permitted if played, maintained or operated in  
accordance with all of the provisions of Section 326.5 of  
the California Penal Code and of this Chapter.

Section 9.64.040. Permit Required. No person shall play  
bingo or maintain or operate a bingo game, as the term  
"bingo" is defined herein and in Section 326.5(o) of the  
California Penal Code, unless a permit for such a bingo game  
has been obtained pursuant to this Chapter and is in full  
force and effect, and such bingo game is maintained or  
operated in compliance with the provisions of Section 326.5  
of the California Penal Code and with each term and condi-  
tion of the permit issued therefor pursuant to this Chapter.

Section 9.64.050. License Fees and Permit Fees. The  
license fees and permit fees required to maintain or operate  
a bingo game shall be as follows:

Permit fee \$50.00

License fee - 1% of the monthly gross receipts  
over \$5,000 derived from a bingo game shall be  
paid to the City as a license fee.

One-half of the aforementioned permit fee shall be refunded in the event the permit is not granted by the City.

Section 9.64.060. Application for Permit. Eligible organizations desiring to obtain a permit 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 permit shall be issued for a term of one year from the date of issuance, subject to renewal and an annual fee of \$50.00. No permit shall be issued to any organization unless such applicant is an eligible organization as defined in Section 326.5 of the California Penal Code and its application conforms to the requirements, terms and conditions of this Chapter.

Section 9.64.070. Contents of Application. Said application for a permit shall contain the following:

- (a) The name of the applicant organization and a statement that the applicant is an eligible organization under Section 326.5 of the California Penal Code.
- (b) The name and signature of at least two (2) officers, including the presiding officer of a corporation or community chest and the trustee of any trust.
- (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.
- (d) Proposed days of week and hours of day for conduct of bingo games.
- (e) That the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the California Penal Code and this Chapter as they may be amended from time to time and agrees that the permit to conduct bingo games may be revoked by the City Administrator upon violation of any of such provisions.
- (f) Said application shall be signed by a duly authorized officer (or trustee if applicant is a trust) of the applicant under penalty of perjury.
- (g) The annual permit fee fixed by the City Council shall accompany the application.

- (h) The applicant shall also submit, if applicable, a certificate or Determination of Exemption under Section 23701(d) of the Revenue and Taxation Code, or a letter of good standing from the Exemption Division of the Franchise Tax Board in Sacramento, showing exemption under said Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701 l.

Section 9.64.080. 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 Administrator, City Attorney, or Chief of Police, for investigation as to whether or not all the statements in the application are true and whether or not 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, and other applicable restrictions.

Section 9.64.090. Issuance and Contents of Permit. Upon being satisfied that the applicant is fully qualified, under the law, to conduct bingo games in the City, the City Administrator shall issue a permit to said applicant, which shall contain the following information:

- (a) The name and nature of the organization to whom the permit 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 permit.
- (e) Such other information including conditions as may be necessary and desirable for the enforcement of the provisions of this Chapter.

Section 9.64.100. Summary Suspension of Permit Pending Opportunity for Hearing--Misdemeanor to Continue After Suspension--Revocation.

- (a) Whenever it appears to the City Administrator that the permittee is conducting a bingo game in violation of any of the provisions of this Chapter, the City Administrator shall have the authority to summarily suspend the permit and order the permittee to immediately cease and desist any further operation of any bingo game.
- (b) Any person who continues to conduct a bingo game after any summary suspension of said permit under subsection (a) shall be deemed guilty of a misdemeanor and upon

conviction thereof, shall be punishable by a fine not exceeding \$500 or by imprisonment by the County jail for a period not exceeding six months, or by both such fine and imprisonment.

- (c) The order issued under subsection (a) shall also notify the permittee that it shall have five days from the date of such order to request a hearing before the City Administrator to determine whether such permit shall be revoked. Failure to request, in writing, such hearing before the City Administrator within said five-day period, shall result in a revocation of the permit.
- (d) Upon such request by the permittee, whose permit has been suspended under subsection (a), for a hearing to determine whether such permit shall be revoked, the City Administrator shall provide such hearing within ten days after receipt of such request at which hearing the suspended permittee may appear before the City Administrator for the purpose of presenting evidence why the permit should not be revoked. No permit shall be 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 said suspended permittee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the suspension and revocation.
- (e) Any organization whose permit is revoked under this section shall not conduct any bingo game in the City until such time as the City Council, on appeal, determines to overrule the decision of the City Administrator.

Section 9.64.110. Revocation of Permit--Alternative Procedure.

- (a) Whenever it appears to the City Administrator that the permittee is conducting bingo games in violation of any of the provisions of this Chapter, or that the permit was obtained by fraudulent representation and no summary suspension is ordered under Section 9.64.100 or that the manner in which the bingo games are being operated interferes with the use and enjoyment of adjacent or nearby properties, the permit may be revoked; provided, however, the permittee may appear before the City Administrator at the time fixed by the City Administrator for the purpose of presenting evidence why the permit should not be revoked. No permit shall be revoked under this section unless written notice shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said permittee at the address given in the application.

The notice shall set forth a summary of the grounds advanced as the basis of the revocation. Provided further that the City Administrator may attach conditions to the permit to make the conduct of the bingo games compatible with the adjacent and nearby properties.

- (b) Any organization whose permit is revoked under this section shall not conduct any bingo game in the City until such time as the City Council, on appeal determines to overrule the decision of the City Administrator.

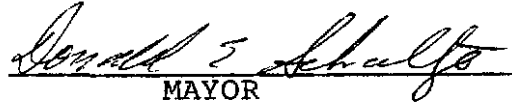
Section 9.64.120. Appeal of Revocation to City Council.

- (a) Any holder of a permit whose permit is revoked or conditioned under this Chapter shall have the right, within ten (10) days after receiving notice in writing of the revocation or conditions to file a written appeal to the City Council. Such appeal shall set forth the specific ground or grounds on which it is based. The City Council shall hold a hearing on the appeal within thirty (30) days after its receipt by the City, or at a time thereafter agreed upon and shall cause the appellant to be given at least ten (10) days written notice of such hearing. At the hearing the appellant or its authorized representative shall have the right to present evidence and written or oral argument, or both, in support of its appeal. The determination of the City Council on appeal shall be final.
- (b) Any organization whose permit is finally revoked may not apply for a permit to conduct bingo games in the City for a period of one year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under Section 23701(d) of the Revenue and Taxation Code, such organization may again apply for a permit upon proof of reinstatement of said exemption.

Section 9.64.130. Permit Fee, Renewal. A permit fee of \$50 is hereby fixed and imposed upon each applicant for each year or any portion thereof during which a permit shall be in effect pursuant to this Chapter. Such permit fee shall not be apportioned or pro-rated for any period of less than a year. A permit issued pursuant to this Chapter shall be renewable, in the absence of revocation or grounds for revocation, during the 30 day period prior to its expiration. The permittee may apply for renewal on a form prescribed by the City Administrator accompanied by payment of the annual permit fee. If it appears that there are grounds for revocation the permit renewal may be denied, provided, however, that the procedure specified in Section 9.64.110 with respect to revocation shall be followed in connection with denial of renewal on such grounds. A permit not so

renewed shall expire automatically at the end of the permit year. The amount of said permit fee is found to be not more than the actual cost of issuing a permit hereunder. If any application is denied, one-half of the permit fee shall be refunded.

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF MAY, 1983, BY THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS.

  
MAYOR

ATTEST:

  
CITY CLERK

STATE OF CALIFORNIA           )  
COUNTY OF LOS ANGELES       )     SS  
CITY OF HAWAIIAN GARDENS    )

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 264 was passed, approved, and adopted by the City Council of the City of Hawaiian Gardens on the 10th day of May, 1983, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: Cabrera, Vineyard, Myers  
NOES: Furgeson, Schultze  
ABSENT: None  
ABSTAIN: None

  
CITY CLERK