
CITY OF CLEARLAKE

ORDINANCE NO. 280-2025

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE REPEALING SECTION 6-8, REMOTE CALLER BINGO GAMES, AND ADDING SECTION 6-8, AUTHORIZING BINGO GAMES FOR CHARITABLE PURPOSES ONLY

THE CITY COUNCIL OF THE CITY OF CLEARLAKE HEREBY ORDAINS AS FOLLOWS:

Section 6-8.1. Purpose.

Being fully aware of the problems which may arise in Clearlake from authorizing bingo, a form of lottery otherwise prohibited by law, this article is adopted with the view to ensuring strict compliance with its provisions. In order to protect the peaceful atmosphere in the community restrictions are enacted regarding proper hours of operation. To ensure observance of laws and to prevent encroachment by illegal gambling interests provision is made for monitoring operations by the Police Department. Unless these safeguards are adopted and enforced, the original purpose of authorizing bingo games for charitable purposes only, will be jeopardized to the detriment of the peace, safety and welfare of the people in Clearlake. Further, as Remote Caller Bingo Games have been deemed illegal by the State of California, Section 6-8, Remote Caller Bingo Games, is hereby repealed, and the following provisions shall replace the said section.

Sec. 6-8.2. General Provisions.

6-8.2.1 As used in this article, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card 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. The game of bingo includes tangible cards having numbers or symbols which are concealed in a manner providing for distribution of prizes. Electronics or video displays shall not be used in connection with the game of bingo, except in connection with the caller's drawing of numbers or symbols and the public display of that drawing. 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 preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." Only a covered or marked tangible card possessed by a player and presented to an attendant may be used to claim a prize.

6-8.2.2 Bingo games shall be conducted only by organizations exempted from the payment of the bank and corporation tax by Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) and 23701(l) of the Revenue and Taxation Code and by mobile home park associations, charitable organizations affiliated with a school district and senior citizens organizations; provided the proceeds of such games are used only for charitable purposes.

6-8.2.3 An organization authorized to conduct bingo games pursuant to Section 6-8.2, 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. Nothing in this subdivision shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

6-8.2.4 A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision, or any other phase of such game. This section does not preclude the employment of security personnel who are not members of the authorized organization at such bingo games by the organization conducting the game. All bingo games shall be open to the public, not just to the members of the authorized organization.

6-8.2.5 No individual corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

6-8.2.6(a) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701(d) 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. 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. 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 20 per cent of the proceeds before the deduction for prizes, or three thousand dollars (\$3,000.00) per month increased annually by the annual average percentage in the California Consumer Price Index for the preceding calendar year, whichever is less, may be used for rental of property, overhead, including

the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

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

6-8.2.6(b) By the fifth day of each month a copy of the records of receipts, disbursements and special fund balance for the preceding month's games shall be delivered to the Clearlake Police Department in Lakeport. If games are held less frequently than at least once per month the above records shall be delivered not later than ten (10) days following the games. All records and bank accounts pertaining to the bingo games shall be open to inspection by the Police Department at all reasonable times.

6-8.2.7 Only an organization licensed by the Police Department may conduct bingo games. Application for licenses shall be made to the Police Department on forms provided by that office. In the discretion of the Police Department any person in an organization who expects to or does participate in the conduct of the games shall submit to being fingerprinted and photographed by the Police Department. The license shall be renewed annually.

6-8.2.9(a) An annual license fee in the amount set forth below shall be payable upon application for the license and on the date of each annual renewal thereof:

More than two (2) games per month \$50.00

Two (2) games per month 35.00

One game per month 25.00

Less than one game per month 15.00

6-8.2.9(b) If an application for a license is denied, one-half (1/2) of any license fee paid shall be refunded to the organization.

6-8.2.10 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. No minor shall be allowed to participate in any bingo game. A minor is a person under the age of eighteen (18) years.

6-8.2.11 No bingo game shall be conducted between the hours of 12 midnight and 10 a.m.

6-8.2.12 The total value of prizes awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500.00) in cash or kind, or both, for each separate game which is held.

Sec. 6-8.3. Violations.

6-8.3.1 Any person who receives or pays a profit, wage, or salary from any bingo game authorized by this article is guilty of a misdemeanor and is punishable by a fine not to exceed ten thousand dollars (\$10,000.00) which fine shall be deposited in the general fund of Clearlake.

6-8.3.2 Any other violation of any of the provisions of this ordinance is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment.

6-8.3.3 Any violation of the provisions of this ordinance shall be cause for immediate suspension or revocation of the license pursuant to Section 6-8.4.

Sec. 6-8.4. Suspension or Revocation Hearing.

6-8.4.1 The Chief of Police is authorized to temporarily suspend or revoke the license of any licensee under this section whenever it appears to him/her that the licensee shall have violated any of the provisions of this article.

6-8.4.2 Upon suspension or revocation the Chief of Police shall within ten (10) days, file with City Council written charges against the licensee.

6-8.4.3 The City Council shall set the matter for hearing and notify the licensee at least ten (10) days before the hearing.

6-8.4.4 The City Council shall have the power to revoke or temporarily suspend the license for any such period as it may deem proper, as the facts may warrant.

Secs. 6-8.5—6-8.10. Reserved.

Section 6-8.11. If any section, subsection, clause, sentence, work or phrase of this title is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of the title. The City Council declares that it would have passed and adopted this ordinance and each of the provisions thereof irrespective of the fact that any one or more such provisions be declared invalid and/or unconstitutional.

Section 6-8.12. This ordinance shall take effect on the _____ day of _____, _____ and before the expiration of fifteen (15) calendar days after its passage it shall be published at least once in a newspaper of general circulation in the City of Clearlake.

INTRODUCED by the City Council of the City of Clearlake, County of Lake, State of California on the 3rd day of April, 2025 and **PASSED AND ADOPTED** on this _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Mayor

ATTEST:

City Clerk