

ORDINANCE NO. 17-2017

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE SECTIONS 4.21.015 AND 4.21.110
RELATING TO BINGO GAMES (CEQA EXEMPT)**

WHEREAS, Elk Grove Municipal Code Title 4, Chapter 21 (Chapter 4.21) establishes regulations governing bingo games; and

WHEREAS, the Elk Grove City Council (Council) adopted Chapter 4.21 in 2005 as a means to regulate bingo gaming in the City of Elk Grove and at the time of that adoption the standards and limits established were consistent with California state law; and

WHEREAS, the Elk Grove Municipal Code undergoes updates at times to stay consistent with state law and suitable for the businesses and residents it affects. This amendment is an effort to do both; and

WHEREAS, the proposed amendments would raise the prize limitations in a single bingo game from Two Hundred and Fifty dollars (\$250.00) to Five Hundred dollars (\$500.00), as is now allowed by state law. The raising of this limit provides for the benefit of local charities that must compete to attract participants with games outside Elk Grove that have already adjusted to the higher limit and keeps the Elk Grove Municipal Code consistent with state law.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend Elk Grove Municipal Code (EGMC) Sections 4.21.015 Definition of "bingo game" and 4.21.110 Operating Rules.

Section 2: CEQA Findings and Evidence

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

Evidence: Section 15061 (b)(3) of Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed changes amend definitions and clarify nuisance standards contained in the Elk Grove Municipal Code by making changes to Title 16 related to Nuisances. Because each of these components, individually and cumulatively, do not have the potential to result in

individually or cumulatively significant effects on the environment, these Municipal Code amendments are exempt from review under CEQA. Therefore, these changes are not subject to CEQA review at this time under the General Rule and no further environmental review is necessary.

Section 3: Action - Amend Elk Grove Municipal Code Section 4.21.015 Definition of "bingo game"

Elk Grove Municipal Code Section 4.21.015 is hereby amended to read as follows:

4.21.015 Definition of "bingo game"

A. Bingo game means a game of chance in which prizes are awarded on the basis of designated numbers or symbols 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. A bingo game starts when the first (1st) ball or number symbol is called and ends when the first (1st) ball and all succeeding balls or number symbols are returned to the cage or blower. Each progressive play in a series which continues to utilize and count any number symbols called and utilized in a previous part of this progression shall be deemed part of the same bingo game, even if a separate prize is awarded for each part of the progression.

B. It shall be unlawful for any person to establish, provide or authorize the establishment or provision of a prize or prizes in violation of the provisions of this section, and a violation of the provisions of this section shall constitute grounds for revocation of a special business license authorizing the operation of bingo games issued pursuant to the provisions of this chapter and EGMC Chapter 4.10.

Section 4: Action – Amend Elk Grove Municipal Code Section 4.21.110 Operating Rules

Elk Grove Municipal Code Section 4.21.110 is hereby amended to read as follows:

4.21.110 Operating rules.

A. Each licensee shall formulate, publish and post in a conspicuous place at the location of the bingo games written rules by which the bingo games are conducted and which recite the prohibitions described below. It is unlawful for a licensee to knowingly authorize, permit, and unlawful for any person to do any of the following:

1. Provide or award total prizes for each separate bingo game which exceeds Five Hundred and no/100^{ths} (\$500.00) Dollars in cash or kind, or both. The cumulative prizes awarded for a "progressive" or other similar bingo game shall not exceed Five Hundred and no/100^{ths} (\$500.00) Dollars in cash or kind or both, for each separate bingo game.

2. Limit attendance or participation in such games to members of the licensee or otherwise deny attendance or participation to any member of the general public who complies with the rules of the game and conducts himself or herself in an orderly and law-abiding manner;

3. Participate in a bingo game, if the participant is under the age of eighteen (18) years old;

4. Participate in a bingo game where alcoholic beverages are consumed in the room where the bingo games are conducted or if the participant is under the influence of alcohol;

5. Participate in bingo games, unless personally present at the location of the games at the time the games are being conducted.

B. In this section "participate" is defined as including, but not limited to, the handling of bingo supplies or receipts during any bingo session.

Section 5: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 7: Savings Clause

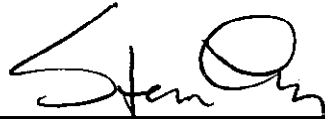
The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but

prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 8: Effective Date and Publication

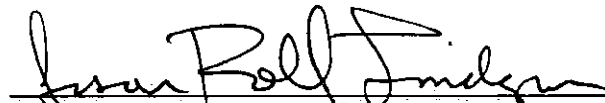
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 17-2017
INTRODUCED: June 28, 2017
ADOPTED: July 12, 2017
EFFECTIVE: August 11, 2017




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: July 20, 2017

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 17-2017**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on June 28, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 12, 2017 by the following vote:

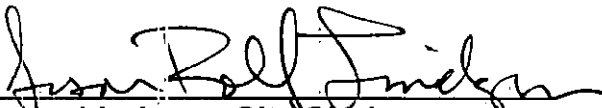
AYES : **COUNCILMEMBERS:** *Ly, Detrick, Hume, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**