

REGULAR

NUMBER: 198.4

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTION III-7-13.02 OF THE MILPITAS MUNICIPAL CODE TO INCREASE THE TOTAL VALUE OF PRIZES THAT MAY BE AWARDED FOR EACH BINGO GAME FROM TWO HUNDRED FIFTY DOLLARS (\$250.00) TO FIVE HUNDRED DOLLARS (\$500.00) AS AUTHORIZED UNDER CALIFORNIA PENAL CODE SECTION 326.5

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of September 3, 2013, upon motion by Councilmember Giordano and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, Chapter 7 of Title III of the Milpitas Municipal Code sets forth the requirements for the conduct of Bingo games in the City of Milpitas in accordance with Section 19(c) of Article IV of the California Constitution and Section 326.5 of the California Penal Code; and

WHEREAS, Section 326.5 of the California Penal Code has been amended authorizing an increase in the maximum total value of prizes which may be awarded during the conduct of any one Bingo game, whether in cash or in kind or both, from two hundred fifty dollars (\$250.00) to five hundred dollars (\$500.00); and

WHEREAS, Section III-7-13.02 of the Milpitas Municipal Code currently authorizes a maximum payout of two hundred fifty dollars (\$250) per Bingo game and the City Council wishes to increase the maximum amount as permitted under State law.

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

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE III, CHAPTER 7

Section III-7-13.02 of the Milpitas Municipal Code is hereby amended in its entirety and replaced with the text below to read as follows:

“13.02 Other Licenses: The total value of prizes awarded during the conduct of any Bingo game by other licensees shall not exceed Five Hundred Dollars (\$500.00) in cash or in kind or both, for each separate game that is held. No jackpot of any kind shall exceed Five Hundred Dollars (\$500.00).”

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.