

CHAPTER 5.32: BINGO

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5.32.010 Authority.

Pursuant to the authority provided in Section 19(c) of Article IV of the California State Constitution and Section 326.5 of the Penal Code, the City establishes the following requirements for the conduct of bingo games by nonprofit charitable organizations in the incorporated area of the City. (Ord. 777 (part), 1977)

5.32.020 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 that conform to numbers or symbols selected at random. The game of bingo shall include cards having numbers or symbols that are concealed and preprinted in a manner providing for the distribution of prizes. 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 in a Bingo game authorized under California law and pursuant to local ordinance." (Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.030 Organizations Permitted to Conduct Bingo Games.

Only those organizations exempted from the payment of bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701h of the California Revenue and Taxation Code shall be permitted to conduct bingo games; provided, however, that the receipts of those games are used only for charitable purposes. (Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.040 Minors.

No minors shall be allowed to participate in any bingo games. (Ord. 777, (part), 1977)

5.32.050 Open to the Public.

All bingo games shall be open to the public, not just to the members of the authorized organization. (Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.060 Staffing and Operation.

A bingo game shall be operated and staffed only by members of the authorized organization which organized it. Those members shall not receive a profit, wage or salary from any bingo game. Only an organization authorized to conduct a bingo game by license issued pursuant to this chapter shall operate a game, or engage 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 a bingo game by the authorized organization conducting the game. (Ord. 13-2108, § 1 (part), 2013; Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.080 Where Bingo May Be Conducted.

A sponsoring organization 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 that organization for an office or for performance of the purpose for which the organization is organized. Nothing in this section shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to that organization. (Ord. 1705, (part), 1995; Ord. 1255, 1984; Ord. 777, (part), 1977)

5.32.090 Bingo Equipment.

All equipment used in the operation of bingo games shall be owned by the organization authorized by license to conduct such bingo games. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.100 Financial Interest.

No individual corporation, partnership or other legal entity except the organization authorized by license to conduct a bingo game shall hold a financial interest in the conduct of such bingo game. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.110 Profits to Be Used for Charitable Purposes Only.

A. With respect to organizations exempted from payment of the bank and corporation tax by Section 23701d of the California 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. Those profits shall only be used for charitable purposes.

B. With respect to other organizations authorized to conduct bingo games pursuant to this chapter, all proceeds derived from a bingo game shall be kept in a special account or fund and shall not be commingled with any other account or fund. Proceeds are the receipts of bingo games

conducted by an authorized organization not within subsection (A) of this section. Those proceeds shall be used only for charitable purposes except as follows:

1. The proceeds may be used as prizes.
2. A portion of the proceeds, not to exceed twenty percent of the proceeds before deduction for prizes, or two thousand dollars per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel.
3. The proceeds may be used to pay license fees. (Ord. 1705 (part), 1995; Ord. 777 (part), 1977)

5.32.120 Records.

Each organization conducting a bingo game shall maintain detailed records of all profits, expenditures, prizes and other expenses associated with the operation of bingo games. Said records shall be retained for such period of time as required by state and federal law and for a period of three years, for purposes of this chapter. (Ord. 777, (part), 1977)

5.32.130 Total Value of Prizes.

The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred and fifty dollars in cash or kind, or both, for each separate game which is held. (Ord. 777, (part), 1977)

5.32.140 Physical Presence at Bingo Game Required.

No person shall be allowed to participate in a bingo game unless such person is physically present at the time and place at which the bingo game is being conducted. (Ord. 777, (part), 1977)

5.32.150 Hours of Operation.

All bingo games shall be conducted only during the hours of noon to midnight. (Ord. 777, (part), 1977)

5.32.170 Administrative Authority.

There are conferred upon the City Manager those powers and duties necessary for the administration of this chapter. In addition, there are also conferred upon the City Manager the authority and power to designate such officers and employees of the City and of other cooperating public agencies, such as either the Central Fire District or the Sheriffs Department, as may be required to assist him in carrying out the intent and purpose of this chapter. (Ord. 777, (part), 1977)

5.32.180 Authority to Inspect Premises and Records.

A. The Sheriff shall have the authority to inspect the premises in order to insure that the operation of bingo games

at the premises does not constitute a violation of any state or federal law or provision of this code.

B. The Sheriff may inspect the records and special bank accounts containing profits derived from bingo games of any organization conducting bingo games whenever deemed reasonable and appropriate to insure compliance with the provisions of this chapter. (Ord. 777, (part), 1977)

5.32.190 License Required.

No organization shall conduct a bingo game without first obtaining a license from the City Manager to do so. (Ord. 13-2108, § 1 (part), 2013; Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.200 Application for License Required.

Written application for a license required by this chapter shall be made by affidavit under penalty of perjury and filed with the City Clerk. Such application shall contain:

- A. Name of organization; names, signatures and addresses of all the officers of the organization;
- B. Days and hours of operation of bingo games;
- C. Attached copies of certificates or letters evidencing exempt status as described in Section 5.32.030;
- D. Address of premises where bingo games will be conducted;
- E. Statement of ownership or lease of premises;
- F. Purpose(s) for which such premises are used by the organization;
- G. Statement of ownership of bingo equipment used in the operation of bingo games;
- H. Statement of consent for Sheriff to inspect any bank accounts containing profits derived from bingo games;
- I. Name of each individual, corporation, partnership or other legal entity which has a financial interest in the conduct of the bingo games;
- J. Name of person responsible for the operation of the bingo games;
- K. Such further information as may be required by the City Manager. (Ord. 13-2108, § 1 (part), 2013; Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.210 Authority of the Investigation and Recommendation by Sheriff.

- A. The City Manager shall submit each application to the Sheriff for investigation and recommendation.
- B. The Sheriff shall have the authority to obtain criminal history information for each person operating or assisting in the operation of a bingo game for purposes of his investigation. If he finds that such operators or persons assisting in the operation of a bingo game have been convicted within the past five years of crimes involving

lotteries, gambling, larceny, perjury, bribery, extortion, fraud or similar crimes involving moral turpitude, he may not recommend issuance of the license in question. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.220 Investigation and Recommendation by Other City Departments or Other Agencies.

The City Manager shall submit each application to the following City departments or other agencies for investigation and recommendation:

- A. Chief of the Central Fire District as to any fire hazard on the premises in question;
- B. County Health Officer as to the health and sanitary conditions of the premises in question;
- C. Chief Building Inspector as to compliance with City building regulations;
- D. Director of Planning as to compliance with City zoning requirements. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.230 Opportunity for Applicant to Review Records.

- A. Each applicant shall have the opportunity, upon request, to review all records, papers, files and any other evidence relating to the application for a bingo license except criminal history information before the application is signed by the City Manager. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.240 Final Action by the City Manager.

- A. Within thirty (30) days of receipt of a complete application, the City Manager shall consider the records, papers, files and any other evidence he or she deems relevant and shall render a decision either granting or denying the license.
- B. If the license is approved, the City Manager may include such restrictions and conditions in the license as the City Manager deems reasonable and necessary under the circumstances to insure compliance with the purposes and intent of this chapter. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.250 Denial of License.

The City Manager may refuse to issue a license if, after consideration of the application and any other papers, records and files he or she deems relevant, it is determined that the operation of a bingo game would be injurious to the health, safety and morals of the people of the City, or that the permit application or proposed mode of operation of the bingo game is not in compliance with the provisions of this chapter. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.260 Further Investigation by Sheriff.

A. Any changes as to the staff operating or assisting in the operation of a bingo game, or any other changes in the information furnished under Section 5.32.190 made subsequent to the issuance of a bingo license, shall be reported to the Sheriff for any further investigation which he deems necessary and appropriate.

B. If, after such investigation, the Sheriff finds that the changes require suspension or revocation of the bingo license, such determination shall be transmitted to the City Manager for appropriate action. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.270 License Required.

A. In addition to obtaining a permit as required by this chapter, each organization conducting a bingo game shall obtain a license from the license collector; no license shall be issued until the applicant therefor has a valid permit covering the organization and the premises.

B. Each organization proposing to conduct ten bingo games or less a year shall obtain a special license from the license collector for each bingo game. Said special license shall be valid only for the bingo game specified thereon.

C. Each organization proposing to conduct more than ten bingo games a year shall obtain a general license from the license collector. (Ord. 777, (part), 1977)

5.32.280 License Fee.

A. The fee for a license shall be set by resolution of the City Council and payable at the time the application is submitted.

B. If an application for a license is denied one-half of the license fee paid shall be refunded. (Ord. 13-2108, § 1 (part), 2013; Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.290 License Renewal.

A. Licenses are granted for terms up to one year and may be renewable annually each January. Written applications for renewal of a license shall be made to the City Manager by December 1 of each year. (Ord. 13-2108, § 1 (part), 2013; Ord. 1386, § 1, 1986; Ord. 777, (part), 1977)

5.32.300 Filing of Annual Report.

Each authorized organization which has been issued a license shall file at the end of each fiscal year a report made under penalty of perjury with the City clerk containing the following information:

1. Any changes in or additions to the information required under Section 5.32.190;
2. The total amount of money received from the operation of the bingo games in the previous fiscal year;

3. The total amount paid out in prizes;

4. Detailed costs to the organization for the operation of the bingo games. (Ord. 13-2108, § 1 (part), 2013; Ord. 1705, (part), 1995; Ord. 777, (part), 1977)

5.32.310 Licenses Nontransferable.

Licenses granted under this chapter shall not be transferable, either as to the license or the location. Any attempt to transfer shall render the license in question invalid. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.320 Revocation, Suspension of License Authorized.

Any license issued under this chapter may be suspended or revoked by the City Manager on his or her own motion or on application of the Sheriff, District Attorney or City Attorney for violation of any of the provisions of this chapter, or any provisions of this code or of federal or state law. The holder of a bingo license shall be given prompt notice of revocation or suspension of said license and shall immediately desist from conducting or operating any bingo game. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.330 Appeal of Revocation, Suspension.

Appeals of revocations or suspensions of bingo licenses shall be as provided in Chapter 1.16. (Ord. 13-2108, § 1 (part), 2013; Ord. 777, (part), 1977)

5.32.350 Provisions Supplementary to State Law.

The provisions of this chapter are not intended to conflict with, but shall supplement all laws of the State of California relating to lotteries, gaming or gambling. (Ord. 777, (part), 1977)

5.32.360 Penalty.

Any person who violates any provision of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punished as provided in Chapter 1.12. (Ord. 1886, (part), 2001)