

## **Chapter 5.12 BINGO GAMES**

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## Title 5 - BUSINESS LICENSES AND REGULATIONS

### Chapter 5.12 BINGO GAMES

#### **5.12.010 Bingo defined.**

For the purposes of 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 numbers or symbols conform to numbers or symbols selected at random.

(Prior code § 5-8.02)

#### **5.12.020 Compliance with laws.**

No person shall operate a bingo game in the city except in conformance with state laws, this chapter and any other applicable city laws.

(Prior code § 5-8.01)

#### **5.12.030 Licenses—Eligibility.**

Organizations which are exempted from the payment of the bank and corporation tax by subsection (d) of Section 2-3.701 of the Revenue and Taxation Code of the state and a contribution or gift to which would be a charitable contribution under subsection (2) of subsection (c) of Section 170 of the Internal Revenue Code of 1954 shall be eligible to apply for a license to conduct bingo games in the city under the provisions of the Constitution of the state, Section 326.5 of the Penal Code of the state and the provisions of this chapter.

(Prior code § 5-8.03)

#### **5.12.040 Licenses—Applications.**

The issuing authority for the licenses required by the provisions of this chapter shall be the city clerk or his or her designee. An eligible organization desiring to obtain a license to conduct bingo games shall file an application in writing therefor with the city clerk on a form provided by the city. The license issued shall be for a term of one year after the date of issuance, subject to renewal and payment in advance of the annual fee.

(Prior code § 5-8.04)

#### **5.12.050 Licenses—Applications—Qualifications.**

No license to conduct a bingo game shall be issued to any organization unless such applicant is an eligible organization pursuant to the provisions of Section 5.12.030 of this chapter and the application conforms to the requirements, terms and conditions of this chapter.

(Prior code § 5-8.05)

#### **5.12.060 Licenses—Applications—Contents.**

An application for a license to conduct bingo games shall contain the following:

- A. The name of the applicant organization and a statement that the applicant is an eligible organization as set forth in Section 5.12.030 of this chapter;
- B. The names and signatures of at least two officers, including the presiding officer of the organization and the name and signature of the member of the organization who will be primarily responsible for conducting bingo games;

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- C. A description of the property, including the street number and post office box, owned, leased or rented by the applicant and used by the applicant for an office or for the 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. The proposed days of the week and hours of the day for the conduct of bingo games; and
- E. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code of the state and this chapter, as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the city upon the violation of any such provisions. The application shall be executed under penalty of perjury.

(Prior code § 5-8.06)

**5.12.070 Licenses—Applications—Fees.**

The annual fee for licenses to conduct bingo games fixed by the council by resolution shall accompany the application. Unless otherwise provided by resolution, the license fee shall be ten dollars (\$10.00) per year.

(Prior code § 5-8.07)

**5.12.080 Licenses—Applications—Certificates of exemption.**

The applicant for a license to conduct bingo games shall submit with its application for such license a certificate of determination of exemption under subsection (d) of Section 23701 of the Revenue and Taxation Code of the state or a letter of good standing from the Exemption Division of the Franchise Tax Board of the state showing such exemption.

(Prior code § 5-8.08)

**5.12.090 Licenses—Applications—Investigations.**

Upon the receipt of the complete application and fee for a license to conduct bingo games, the city clerk shall refer the application to the chief of police for an investigation and report to assure that the statement and the application made are true and shall otherwise make or cause to be made such investigations as will enable the city clerk to determine whether the applicant qualifies for a license under the provisions of this chapter. The city clerk may require such additional information from the applicant as he or she deems relevant to the consideration of the application.

(Prior code § 5-8.09)

**5.12.100 Licenses—Contents.**

Upon being satisfied that the applicant for a license to conduct bingo games is fully qualified under law to conduct bingo games, the city clerk shall issue a license to the applicant, which license shall contain the following information:

- A. The name and nature of the organization to which the license 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 expiration of the license; and

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- E. Such other conditions as may be necessary or desirable for the enforcement of the provisions of this chapter.

(Prior code § 5-8.10)

#### **5.12.110 Licenses—Denial.**

If the city clerk determines that the applicant does not qualify under this chapter or other city or state laws for the issuance of a license to conduct bingo games, he or she shall deny the license application. The city clerk shall not issue a license unless it appears:

- A. That all of the statements made in the application are true;
- B. That no person whose name is required to be contained in the license application and no other manager of the applicant has been convicted of any felony, misdemeanor involving moral turpitude or any provision of this chapter;
- C. That the applicant has not engaged in any fraudulent transaction or enterprise which the city clerk deems relevant to the application;
- D. That the bingo games will not be a fraud to the public;
- E. That the bingo games will not be conducted for private profit;
- F. That the proposed method of conducting bingo games will not be contrary to the provisions of this chapter;
- G. That the applicant is maintaining an adequate system of record keeping and accounting which will be available to the city clerk or his or her designee for inspection; and
- H. That the conduct of bingo games on the premises will be compatible with the existing zoning and land uses in the neighborhood.

(Prior code § 5-8.11)

#### **5.12.120 Licenses—Posting.**

A copy of the license issued pursuant to the provisions of this chapter shall be conspicuously posted at the location of the bingo games.

(Prior code § 5-8.12)

#### **5.12.130 Licenses—Suspension or revocation.**

- A. Any license issued pursuant to the provisions of this chapter may be suspended or revoked by the city clerk, city attorney or council if they determine that the activity authorized by the license has been or is being conducted, maintained or carried out in a manner contrary to or in violation of any law of the state, city or federal government or any provision of this chapter. The city clerk may also suspend or revoke the license upon any grounds which would justify a denial of a license.
- B. No license shall be revoked or suspended until a hearing has been held by the city attorney. Written notice of the time and place of such hearing shall be served upon the organization to which the license was granted at least five days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied on for revoking or suspending the license. Notice may be given either by personal delivery or by depositing the notice in the United States mail in a sealed envelope, postage prepaid, addressed to the organization to be notified at its address as it appears in its application for the license.

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(Prior code § 5-8.13)

**5.12.140 Licenses—Denial, suspension or revocation—Appeals—Judicial review.**

- A. Any licensee or applicant aggrieved by the decision of the city clerk in denying, suspending or revoking a license to conduct bingo games, within ten (10) days after such decision is delivered or sent to the licensee in writing, may appeal to the council by filing a written notice of appeal with the city clerk. During the pendency of an appeal of a suspension or revocation, the license shall remain in effect.
- B. If such appeal is not taken within ten (10) days, the decision of the city clerk shall be final. If a timely appeal is filed, the council shall thereupon hold a hearing on the appeal and render its decision within thirty (30) days. The decision may deny, suspend or revoke the license if the council finds any of the grounds set forth in Section 5.12.110 of this chapter. The decision of the council shall be final forthwith.
- C. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provision of the Code of Civil Procedure of the state. Any such petition shall be filed within thirty (30) days after the day the decision of the council becomes final.

(Prior code § 5-8.14)

**5.12.150 Licenses—Denial or revocation—Effect.**

When the city attorney has denied or revoked any license to conduct bingo games, as provided for in this chapter and the time for appeal to the council has elapsed or if, after appeal to the council, the decision of the city clerk has been affirmed by the council, no application for the same type of license at the same location shall be accepted from the applicant or licensee and no such license shall be issued to such organization for a period of one year after the action by the city attorney in denying or revoking the license.

(Prior code § 5-8.15)

**5.12.160 Licenses—Nontransferable—Expiration.**

Any license issued pursuant to the provisions of this chapter shall be nontransferable and shall be returned to the city clerk within seven days after its expiration.

(Prior code § 5-8.16)

**5.12.170 Profits—Separate funds or accounts.**

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. The licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city clerk shall have the right to examine and audit such records at any reasonable time and the licensee shall fully cooperate with the city clerk by making such records available.

(Prior code § 5-8.17)

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**5.12.180 Maximum prizes.**

The total value of prizes awarded during the conduct of any bingo game shall not exceed two hundred fifty dollars (\$250.00) in cash or kind or both, for each separate game which is held.

(Prior code § 5-8.18)

**5.12.190 Financial interests.**

No individual, corporation, partnership or other entity, except the licensee, shall hold a financial interest in the conduct of any bingo game.

(Prior code § 5-8.19)

**5.12.200 Exclusive operation by licensees.**

Bingo games shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage or salary from any bingo game. Only the licensee shall operate such game or participate in the promotion, supervision or any other phase of such game.

(Prior code § 5-8.20)

**5.12.210 Open to the public.**

All bingo games shall be open to the public, not just to the members of the licensee organization.

(Prior code § 5-8.21)

**5.12.220 Attendance limited to occupancy capacity.**

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which the game is conducted as determined by the fire department in accordance with applicable laws and regulations. The licensee shall not reserve seats or space for any person.

(Prior code § 5-8.22)

**5.12.230 Conduct on property of licensees only.**

The organization which holds a bingo license shall conduct a bingo game only on property owned, leased or rented by it and which property is used by the organization for an office or for the performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office by the licensee or as a place for the performance of the purposes for which the licensee is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon an application under this chapter, when such organization again owns or leases property used by it for an office or for the performance of the purposes for which the organization is organized.

(Prior code § 5-8.23)

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**5.12.240 Posting of rules.**

The rules for the bingo games conducted by the licensee shall be posted by the licensee in a conspicuous place at the location of the bingo games.

(Prior code § 5-8.24)

**5.12.250 Participation by minors.**

No person under the age of eighteen (18) years shall be allowed to participate in any bingo games.

(Prior code § 5-8.25)

**5.12.260 Hours of operation.**

- A. Except as otherwise provided in the bingo license, no bingo game shall be conducted between the hours of two a.m. and ten a.m. of any day unless permission therefor is received from the city attorney.
- B. A licensee shall not conduct bingo games on more than a total of two days in any calendar week. For the purposes of this subsection, a week shall be deemed to commence on Monday at ten a.m. and end on the next following Monday at two a.m. and a day shall be the sixteen (16) hour period commencing at ten a.m. of any day and ending at two a.m. of the next following day.
- C. There shall be no deviation from the requirements of this section unless written permission therefor is received in advance from the city.

(Prior code § 5-8.27)

**5.12.270 Participants to be present.**

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.

(Prior code § 5-8.28)

**5.12.280 Violation—Penalty.**

- A. It is a misdemeanor under subsection (b) of Section 326.5 of the Penal Code of the state for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), which fine shall be deposited in the general fund of the city.
- B. Except as provided in subsection A of this section, a violation of any provision of this chapter shall be an infraction and shall be punishable by a fine as set forth in Section 1.24.010 of this code.

(Prior code § 5-8.29)

**5.12.290 Violation—Enjoinment.**

The city may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.5 of the Penal Code of the state or any provision of this chapter.

(Prior code § 5-8.30)