

## **Chapter 5.16 CHARITABLE BINGO GAMES\***

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\* For statutory provisions authorizing bingo games for charity, see Penal Code § [326.5](#).

### **5.16.010 Statutory and constitutional 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 city. (Ord. 77-373 § 1).

### **5.16.020 Bingo 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 which conforms to numbers or symbols selected at random. (Ord. 77-373 § 2).

### **5.16.030 Eligibility to conduct bingo games.**

No person, organization, or other legal entity shall be permitted to conduct bingo games in the city unless such persons, organizations, or other legal entities possess a valid certificate or letter from the Franchise Tax Board and the Internal Revenue Service stating that they are exempted from the payment of the bank and corporation tax by Section 23701(d) of the Revenue and Taxation Code and that a contribution or gift to them would be a charitable contribution under Section 170(c)(2) of the Internal Revenue Code of 1954, and possess a valid permit issued pursuant to the provisions of this chapter. (Ord. 77-373 § 3).

**5.16.040 Permit – Required – Application.**

A. No person or organization shall conduct a bingo game without first obtaining a permit from the city council to do so.

B. Written application for a permit required by this chapter shall be made by affidavit under penalty of perjury and filed with the city clerk. Such application shall contain the following:

1. Name of organization; names, signatures, and addresses of all the officers of the organization;
2. Days and hours of operation of bingo games;
3. Attached copies of certificates or letters evidencing exempt status under Section 23701(d) of the Revenue and Taxation Code and Section 170(c)(2) of the Internal Revenue Code of 1954, received from the Franchise Tax Board and the Internal Revenue Service;
4. Address of premises where bingo games will be conducted;
5. Statement of ownership or lease of premises;
6. Purpose for which such premises are used by the organization;
7. Statement of ownership of bingo equipment used in the operation of bingo games;
8. Statement of consent for chief of police to inspect any bank accounts containing profits derived from bingo games;
9. Name of each individual, corporation, partnership, or other legal entity which has a financial interest in the conduct of bingo games;
10. Name of person responsible for the operation of the bingo games;
11. Such further information as may be required by the city council. (Ord. 77-373 §§ 18, 19).

**5.16.050 Permit – Application hearing.**

The city clerk shall set the time and place for public hearing on each application for a bingo permit and shall mail notice thereof to the applicant and to any other person who has filed a written request for such notice. (Ord. 77-373 § 20).

**5.16.060 Permit – Action by council.**

A. At the time and place set for public hearing on the application for a bingo permit, the city council shall consider the records, papers, files and any other evidence it deems relevant and shall render its decision either granting or denying the permit.

B. If the permit is approved, the city council may include such restrictions and conditions in the permit as the council deems reasonable and necessary under the circumstances to ensure compliance with the purposes and intent of this chapter. (Ord. 77-373 § 21).

**5.16.070 Permit – Denial by council.**

The city council may refuse to issue a permit if, after consideration of the application and any other papers, records, and files it 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. 77-373 § 22).

**5.16.080 Permit – Nontransferable.**

Permits granted under this chapter shall not be transferable, either as to the permittee or the location. Any attempt to transfer shall render the permit in question invalid. (Ord. 77-373 § 23).

**5.16.090 Permit – Suspension or revocation.**

Any permit issued under this chapter may be suspended or revoked by the city council on its own motion or an application of the chief of police for violation of any of the provisions of this chapter, or any provisions of federal or state law. (Ord. 77-373 § 24).

**5.16.100 Suspension or revocation – Notice – Hearing.**

The holder of a bingo permit shall be given prompt notice of revocation or suspension of the permit and shall immediately desist from conducting or operating any bingo game. The notice shall fix a time and place, not less than five nor more than 60 days after service thereof, at which time the holder of the permit may appear before the city council and be granted a hearing upon the merits of the suspension or revocation. (Ord. 77-373 § 25).

**5.16.110 Minors – Public.**

A. No minors shall be allowed to participate in any bingo game.

B. All bingo games shall be open to the public, not just to the members of the nonprofit charitable organization. (Ord. 77-373 §§ 4, 5).

**5.16.120 Staffing and operation.**

A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized it. Only an organization authorized to conduct a bingo game by permit issued pursuant to this chapter shall operate such game, or engage in the promotion, supervision, or any other phase of such game. (Ord. 77-373 § 6).

**5.16.130 Profit making prohibited.**

No person or agent of such person shall receive a profit, wage, salary, or other income from any bingo game authorized by this chapter, except as a bona fide prize received as a participant in such bingo game. (Ord. 77-373 § 7).

**5.16.140 Premises.**

A nonprofit charitable organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization solely for an office or for performance of the purposes for which the organization is organized. (Ord. 77-373 § 8).

**5.16.150 Equipment.**

All equipment used in the operation of bingo games shall be owned by the organization authorized by permit and license to conduct such bingo games. (Ord. 77-373 § 9).

**5.16.160 Financial interest restricted.**

No individual, corporation, partnership, or other legal entity except the organization authorized by permit to conduct a bingo game shall hold a financial interest in the conduct of such bingo game. (Ord. 77-373

§ 10).

**5.16.170 Keeping of funds.**

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. (Ord. 77-373 § 11).

**5.16.180 Recordkeeping.**

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. The 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. 77-373 § 12).

**5.16.190 Prize value limit.**

The total value of prizes awarded during the conduct of any bingo games shall not exceed \$250.00 in cash or kind, or both, for each separate game which is held. (Ord. 77-373 § 13).

**5.16.200 Physical presence 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. 77-373 § 14).

**5.16.210 Hours of operation.**

All bingo games shall be conducted only during the hours of noon to midnight. (Ord. 77-373 § 15).

**5.16.220 Inspection of records and premises.**

A. The chief of police shall have the authority to inspect the premises in order to ensure that the operation of bingo games at the premises does not constitute a violation of any state or federal law or provision of this chapter.

B. The chief of police 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 ensure compliance with the provisions of this chapter. (Ord. 77-373 § 17).

**5.16.230 Penalty for violation.**

A. Any person who violates FMC 5.16.040, 5.16.110, 5.16.120, or 5.16.140 through 5.16.200 shall be guilty of a misdemeanor; and any person, upon conviction thereof, shall be punished by a fine of not less than \$25.00 and not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

B. A violation of FMC 5.16.130 shall be punishable by a fine not to exceed \$10,000, which fine shall be deposited in the city general fund. (Ord. 77-373 § 16).