

CHAPTER 14.5
BINGO GAMES
ARTICLE I. IN GENERAL

- § 14.5-10. Legislative Authorization
- § 14.5-11. Definitions

ARTICLE II. BINGO GAMES FOR CHARITY

- § 14.5-20. License Required
- § 14.5-21. Qualified Organizations
- § 14.5-22. License Application
- § 14.5-23. License Fee
- § 14.5-24. License Investigation and Approval
- § 14.5-25. License Conditions
- § 14.5-26. License Term and Renewal
- § 14.5-27. License not Transferable
- § 14.5-28. Denial, Suspension or Revocation of License
- § 14.5-29. Enforcement

ARTICLE III. REMOTE CALLER BINGO GAMES

- § 14.5-30. Authorized
- § 14.5-31. Qualified Organizations
- § 14.5-32. License Application and Fee
- § 14.5-33. License Application Verification
- § 14.5-34. Annual Licenses
- § 14.5-35. License Conditions

ARTICLE I. IN GENERAL

Sec. 14.5-10. Legislative Authorization

This chapter is adopted pursuant to Section 19 of Article IV of the California Constitution, as implemented by Sections 326.3, 326.4, and 326.5 of the Penal Code.

(Ord. No. 963, §1; Ord. No. 1393, §1; Ord. No. 1707, §2)

Sec. 14.5-11. Definitions

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them.

- (a) "Bingo game" shall have the definition ascribed to it in Section 326.5(o) of the Penal Code.

- (b) "License Official" means the Sheriff or his or her designee.
- (c) "Qualified organization" means:
- (1) An organization that is exempted from the payment of the bank and corporation tax by Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, or 23701l of the Revenue and Taxation Code; or
 - (2) A mobile home park association of a mobile home park that is situated in the county; or
 - (3) A senior citizens organization; or
 - (4) A charitable organization affiliated with a school district.
- (d) "Remote caller bingo game" shall have the definition ascribed to it in Section 326.3(u)(1) of the Penal Code.

(Ord. No. 963, §1; Ord. No. 1000; Ord. No. 1393, §1; Ord. No. 1707, §2)

ARTICLE II. BINGO GAMES FOR CHARITY

Sec. 14.5-20. License Required

It shall be unlawful for any person or organization to conduct a bingo game in the county without a valid license issues pursuant to this article.

(Ord. No. 963, §1; Ord. No. 1393, §1; Ord. No. 1707, §3)

Sec. 14.5-21. Qualified Organizations

Only a qualified organization shall be permitted to obtain a license, so long as the receipts of its bingo games are used only for charitable purposes.

(Ord. No. 963, §1; Ord. No. 1000, §9; Ord. No. 1393, §1; Ord. No. 1707, §3)

Sec. 14.5-22. License Application

An application for a license to conduct bingo games shall be filed with the License Official. The application shall be in a form prescribed by the License Official and shall be accompanied by the license fee provided for in this article.

(Ord. No. 963, §1; Ord. No. 1393, §1; Ord. No. 1707, §3)

Sec. 14.5-23. License Fee

(a) All applications for licenses shall be accompanied by a fee set by the county board of supervisors by resolution from time to time, one-half of which shall be refunded if the application for the license is denied. The fee shall initially be set at fifty dollars

(b) In addition to the application fee, the county may impose a monthly fee for law enforcement and public safety costs incurred by the county that are directly related to bingo activities; however, the fee shall not exceed the actual costs incurred in providing the service. Such fee may be set by the county board of supervisors by resolution from time to time.

(Ord. No. 1707, §3)

Sec. 14.5-24. License Investigation and Approval

The license shall not be issued until the License Official has verified the facts stated in the application and determined that the applicant will adhere to the license conditions. The License Official may send copies of the application to any other individual, office or department in order to carry out a proper investigation of the application.

(Ord. No. 1707, §3)

Sec. 14.5-25. License Conditions

Any license issues pursuant to this article shall be subject to the following:

- (a) The conditions contained in Section 326.5 of the Penal Code; and
- (b) Any applicable state or local law, including laws governing nuisances; and
- (c) Any regulations established by the License Official necessary for carrying out the intent of this article, including those pertaining to the inspection of records and establishments.

(Ord. No. 1707, §3)

Sec. 14.5-26. License Term and Renewal

A license issues pursuant to this article shall be valid until the end of the calendar year, at which time the license shall expire. A new license shall only be obtained upon filing a supplemental application and payment of the license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer bingo for play.

(Ord. No. 1707, §3)

Sec. 14.5-27. License not Transferable

Any license issued pursuant to this article is not transferable.

(Ord. No. 1707, §3)

Sec. 14.5-28. Denial, Suspension or Revocation of License

(a) If the License Official denies an organization's application, the License Official shall provide notice to the applicant of the reasons for the denial and of the applicant's right to appeal. The applicant may appeal this decision by filing an appeal with the License Official within ten (10) days of delivery of the License Official's notice of denial.

(b) Licenses to conduct bingo games may be suspended or revoked by the License Official if the licensee has violated any of the provisions of this article. No less than thirty (30) days prior to the suspension or revocation, the License Official shall notify the applicant or license holder in writing of the intent to suspend or revoke the license. The notice shall inform the licensee of the reasons for such suspension or revocation and of the right to appeal. The licensee may appeal this decision by filing an appeal with the License Official within ten (10) days of delivery of the License Official's notice of intent to suspend or revoke the license. The licensee's appeal must be in writing, must assert the specific grounds for relief, and must be signed under penalty of perjury. Failure to file an appeal shall result in the immediate suspension or revocation of the license.

(c) No later than thirty (30) days after the receipt of a valid appeal under either subsection (a) or (b), the License Official shall designate a hearing officer and the hearing officer shall hear the appeal. Written notice of the time, date, and place of the hearing shall be served upon all parties no later than fourteen (14) days before the hearing. The License Official shall develop hearing procedures to ensure that the hearing is fair and impartial. The hearing officer shall issue his or her decision no later than twenty-one (21) days after the hearing. Any person may appeal the ruling of the hearing officer by filing an action in the Superior Court of Solano County within thirty (30) days after the ruling was rendered and delivered.

(d) No organization or person listed on a license application may reapply for a license within one year of revocation.

(e) Pending final adjudication of the appeal, the licensee and any person acting on its behalf may not conduct any bingo games.

(Ord. No. 1707, §3)

Sec. 14.5-29. Enforcement

(a) Notwithstanding Section 14.5-28 or any other provision of this article, the county shall retain any and all enforcement powers with respect to licensees.

(b) Violation of any provision of this article is a public nuisance which may be abated by the county.

(c) Each day a violation exists shall be considered a new and separate offense.

(Ord. No. 963, §1; Ord. No. 1000; Ord. No. 1393, §1Ord. No. 1707, §3)

ARTICLE III. REMOTE CALLER BINGO GAMES

Sec. 14.5-30. Authorized

Remote caller bingo may be lawfully played in the county pursuant to the provisions of Sections 326.3 and 326.4 of the Penal Code, and this article, and not otherwise.

(Ord. No. 1707, §4)

Sec. 14.5-31. Qualified Organizations

A qualified organization shall be permitted to obtain a license pursuant to this article if:

- (a) The organization has been incorporated or in existence for three years or more; and
- (b) The organization possesses a valid license pursuant to article II of this chapter; and
- (c) The receipts of remote caller bingo games shall be used only for charitable purposes; and
- (d) The operation of bingo is not the primary purpose for which the organization is organized.

(Ord. No. 1707, §4)

Sec. 14.5-32. License Application and Fee

An application for a license to conduct remote caller bingo games shall be in a form prescribed by the License Official and shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the county board of supervisors from time to time. The filing fee shall be initially set at fifty dollars (\$50). The following documentation shall be attached to the application, as applicable:

- (a) A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the Bank and Corporation Tax pursuant to Section 23701d of the Revenue and Taxation Code.
- (b) Other evidence as the License Official determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the county.

To the extent possible, the License Official shall integrate the process for obtaining a license under this article with the process for obtaining the license in article II.

(Ord. No. 1707, §4)

Sec. 14.5-33. License Application Verification

The license shall not be issued until the License Official has verified the facts stated in the application and determined that the applicant is qualified.

(Ord. No. 1707, §4)

Sec. 14.5-34. Annual Licenses

A license issued pursuant to this article shall be valid until the end of the calendar year, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer bingo for play. The county board of supervisors expressly reserves the right to amend or repeal this article at any time. If this article is repealed, all licenses issued pursuant to this article shall cease to be effective for any purpose on the effective date of the repeal.

(Ord. No. 1707, §4)

Sec. 14.5-35. License Conditions

(a) Any license issued pursuant to this article shall be subject to the conditions contained in Sections 326.3 and 326.4 of the Penal Code, and each licensee shall comply with the requirements of those provisions.

(b) Each license issued pursuant to this article shall be subject to the following additional conditions:

(1) Bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.

(2) The licensed organization is responsible for ensuring that the conditions of this chapter and Sections 326.3 and 326.4 of the Penal Code are complied with by the organization and its officers and members. A violation of any one or more of those conditions or provisions shall constitute cause for the revocation of the organization's license. Revocations and their appeals shall be governed by the same procedures in article II.

(Ord. No. 963, §1; Ord. No. 1000; Ord. No. 1393, §1Ord. No. 1707, §4)