ORDINANCE NO. 1393

AN ORDINANCE REPUBLISHING CHAPTER 14.5
OF THE SOLANO COUNTY CODE
CONCERNING BINGO GAMES

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Chapter 14.5 of the Solano County Code entitled "Bingo Games," is hereby republished, to read as follows:

CHAPTER 14.5.
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§ 14.5-10. Policy.
§ 14.5-12. License; necessity for.
§ 14.5-13. License; application for.
§ 14.5-14. License; application fees.
§ 14.5-15. License; application investigation.
§ 14.5-16. License; issuance or denial.
§ 14.5-17. License; transferability.
§ 14.5-18. License; term.
§ 14.5-19. License; suspension or revocation; hearing; appeals; notice.
§ 14.5-20. Maintaining records; inspection.
§ 14.5-22. Violation and penalties.

Sec. 14.5-10. Policy.
Notwithstanding the provisions of section 18.5 of this Code, or any other provisions of the Solano County Code, to the contrary, this chapter is adopted pursuant to section 19 of article IV of the California Constitution, in order to make the game of bingo lawful under the terms and conditions in the following sections of this chapter. (Ord. No. 963, § 1.)

Sec. 14.5-11. Definitions.
Whenever, in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.
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Bingo. Bingo is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

Minor. A minor is any person under the age of eighteen years.

Nonprofit charitable organization. A nonprofit, charitable organization is an organization exempted from the payment of the bank and corporation tax by sections 23701a, b, d, e, f, g and l of the California Revenue and Taxation Code. (Ord. No. 963, § 1; Ord. No. 1000, § 1.)

Sec. 14.5-12. License; necessity for.
It shall be unlawful for any person or organization to conduct any bingo games in the unincorporated areas of Solano County unless such person or organization is a member of or is a nonprofit, charitable organization acting on behalf of such nonprofit, charitable organization, or is a mobilehome park association or senior citizen organization, and has been issued a license as provided below. (Ord. No. 963, § 1; Ord. No. 1000, § 2.)

Sec. 14.5-13. License; application for.
An application for a license to conduct a bingo game in accordance with the provisions of this chapter shall be filed with the sheriff of Solano County, on forms approved by the board of supervisors. The application for such a license shall be signed and verified by the applicant and shall set forth the following information, as a minimum:

(a) The name and address of the organization to which the license will be issued;
(b) The name, address and telephone number of the applicant, who shall be a duly authorized representative of the sponsoring organization;
(c) The name, address and telephone number of the president or chief officer of the organization which intends to conduct any bingo games under this license;
(d) The name, address and telephone number of the person who has custody of the financial records of the bingo games, which records are required by the provisions of this chapter, and the location of such records;
(e) A list of those persons who are members of the authorized organization, and who will operate or staff the bingo games;
(f) The location where the bingo games are intended to be held;
(g) The day or days of the week, and/or specific dates upon which the bingo games are to be conducted and the hours thereof;
(h) A schedule of fees or charges to be collected from players for each bingo game, or for different varieties of bingo games to be conducted;
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(i) A statement that the place where the bingo games are to be conducted is property which is owned or leased by the organization conducting said games, and that such organization uses said property for an office or for performance of the purposes for which the organization is formed. Nothing herein shall require that the property owned or leased by the organization be used or leased exclusively by such organization;

(j) Each application for a bingo license shall be accompanied by a written resolution of the governing board or body of the organization which is to conduct such games, such resolution being signed by the president or presiding officer of such organization and its secretary authorizing the application for a bingo license;

(k) Each application for a bingo license filed by a nonprofit charitable organization shall be accompanied by a certificate issued by the Franchise Tax Board of the State of California, certifying the tax exempt status of the organization applying for such license;

(l) Each application for a bingo license filed by a mobilehome park association or a senior citizens organization shall be accompanied by a copy of the articles of association and bylaws of the organization applying for such license. (Ord. No. 963, § 1; Ord. No. 1000, § 3.)

Sec. 14.5-14. License; application fees.
All applications for bingo licenses shall be accompanied by an application fee of fifty dollars, one-half of which shall be refundable if the application for license is denied. This fee shall be used to help defray the costs incurred in the investigation for issuance of the license. (Ord. No. 963, § 1; Ord. No. 1000, § 4.)

Sec. 14.5-15. License; application investigation.
Upon receipt of an application for a license, the sheriff may send copies of such application to any individual, office, or department which the sheriff deems essential in order to carry out a proper investigation of the applicant. As a minimum, the applications shall be reviewed by the environmental management department, and the applicable fire protection district. County counsel shall review each application for legal sufficiency prior to issuance of the license.

The sheriff shall verify the eligibility of the applicant organization and shall verify that the bingo games will be conducted where the applicant organization owns or leases property, which property is used for an office, or performance of its business, and shall verify that the staff conducting the bingo games are members of the organization.

The sheriff shall also investigate, for the purpose of determining that:
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(a) The conduct of such bingo games at the times and at the place indicated will not disturb the peace of the neighborhood, create a nuisance, and will not create substantial traffic or parking problems; and

(b) Neither the applicant organization, nor any person listed on the application, has violated any laws and regulations of the county regarding building, fire, health or safety, and that the applicant has not knowingly and with any intent to deceive, made any false, misleading or fraudulent statement of facts in the application, or any other documents required by the county to be submitted in conjunction with the application. (Ord. No. 963, § 1; Ord. No. 1000, § 5.)

Sec. 14.5-16. License: issuance or denial.
Licenses shall be issued by the board of supervisors, upon the recommendation of the sheriff, to organizations exempted from the payment of the bank and corporation tax by sections 23701a, b, d, e, f, g and l of the California Revenue and Taxation Code, or to mobilehome park associations or senior citizen organizations. The board of supervisors will not issue a license to any applicant if the board, or any reviewing county agency, cannot favorably verify any one of the findings required by section 14.5-15 above, or if it appears from the application that the conduct of such games would be in violation of any of the terms, conditions, and requirements of this chapter. (Ord. No. 963, § 1; Ord. No. 1000, § 6.)

Sec. 14.5-17. License; transferability.
Each license issued hereunder shall be issued to a specific person on behalf of a specific organization to conduct a bingo game, or games, at a specific location, and shall in no event be transferable from one person to another, from one organization to another, or from one location to another. (Ord. No. 963, § 1; Ord. No. 1000, § 7.)

Sec. 14.5-18. License; term.
Each license issued hereunder shall be issued for a period of one year, and the license may be renewed for additional one-year periods upon payment of the license renewal fee of fifty dollars and filing a supplemental application statement with the sheriff on forms to be provided by the sheriff's department. (Ord. No. 963, § 1; Ord. No. 1000, § 8.)

Sec. 14.5-19. License; suspension or revocation; hearings; appeals; notice.
(a) Licenses to conduct bingo games shall be suspended by the sheriff for a period up to thirty days if the licensee has violated
any of the provisions of this chapter. Prior to the suspension, the licensee shall be given notice and the opportunity to be heard. Such hearings shall be conducted by the sheriff and a notice shall be given by certified mail, at least five days prior to such hearing, which notice shall contain the grounds set forth for the proposed suspension. Any person may appeal the ruling of the sheriff to the county board of supervisors in writing, within ten days after the ruling has been rendered. Upon the mailing of the notice of suspension, the licensee organization and any person acting in its behalf shall not conduct any bingo games for the duration of the suspension until such time as the board of supervisors acts favorably on the appeal.

(b) If the sheriff, in the sheriff's discretion, feels that revocation is warranted, the sheriff shall request that the board of supervisors revoke such license. Upon receipt of the request of the sheriff, the board of supervisors shall set a public hearing to consider the revocation, and shall cause notice to be issued by certified mail to the licensee of such hearing at least ten days prior to the hearing. The board of supervisors may revoke any bingo license upon a finding that any provision of this chapter has been violated. No organization or person listed on a license application may reapply for a bingo license within one year of revocation by the board of supervisors. (Ord. No. 963, § 1.)

Sec. 14.5-20. Maintaining records; inspection.
Licensees shall keep and maintain full records and accountings and shall detail the amount of money obtained from players, the amount of money or value of prizes given for each game played, and the disposition of any funds generated by the conduct of bingo games. The sheriff, or the sheriff's designee, shall have the right to inspect such records at any reasonable time. The sheriff may request that such records be submitted to the sheriff, or the sheriff's designee, for inspection when the licensee applies for renewal of its annual license.

Any peace officer of the county shall be entitled to enter the premises of any establishment licensed to conduct bingo games at any time such games are being conducted. The licensee shall have the bingo license, a list of the staff conducting the games, and a schedule of fees or charges available for inspection at all times during the operation of any bingo game. (Ord. No. 963, § 1.)

(a) It is a misdemeanor, punishable by a fine not to exceed ten thousand dollars, as authorized by Penal Code Section 326.5(c), for any person to receive a profit, wage or salary from any bingo game. Such fines, when collected shall be deposited in the general fund of the county. Any violation of any other provision of this chapter is punishable as a misdemeanor.
(b) No minors shall be allowed to participate in any bingo game.

(c) A licensee shall conduct bingo games only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purpose for which the organization is organized. Nothing herein shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

(d) All bingo games shall be open to the public and shall not be restricted to the members of the nonprofit charitable organization.

(e) A bingo game 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 organization shall operate such game or participate in the promotion, supervision, or any other phase of such game.

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

(g) With respect to organizations exempt from payment of the bank and corporation tax by section 23701d of the Revenue and Taxation Code, which includes religious, charitable, scientific, literary, educational and humanitarian corporations, 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. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.
2. A portion of such proceeds, not to exceed ten percent of the proceeds after the deduction for prizes, or five hundred dollars per month, whichever is less, may be used for rental of property, overhead and administrative expenses.

(h) 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.

(i) The total value of prizes awarded during the conduct of any bingo game shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game held. (Ord. No. 963, § 1; Ord. No. 1000, § 9.)

Sec. 14.5-22. Violation and penalties.

In addition to the criminal penalties provided by this code, violation of any provision of this chapter is a public nuisance which may be abated by the county. (Ord. No. 963, § 1.)
SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the Daily Republic, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk to the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the Office of the Clerk of the Board of Supervisors, at least FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the supervisors for or against the Ordinance.

ATTEST:

LINDA TERRA, Clerk to the Board of Supervisors

I, LINDA TERRA, Clerk to the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 2nd day of July, 1991.

On the motion of Supervisor Simmons and the Second of Supervisor Stewart, this Ordinance was
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adopted at a regular meeting of said Board on the 23rd day of
July_______, 1991, by the following vote:

AYES: SUPERVISORS Caddle, Carroll, Simmons, Stewart
        and Chairman Davis

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS None

WITNESS my hand and the Seal of said Board this 23rd day of

LINDA TERRA, Clerk to the Board
of Supervisors

By _____________________________