ORDINANCE NO. 763

AN ORDINANCE ADDING CHAPTER 14.5 TO THE
SOLANO COUNTY CODE FOR PURPOSES OF
ESTABLISHING AND REGULATING BINGO GAMES

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

SECTION I.

Chapter 14.5 is added to the Solano County Code to read as follows:

CHAPTER 14.5

BINGO GAMES

Section 14.5-100. Policy. Notwithstanding the provisions of Section 18.5 of this Code, or any other provisions of the Solano County Code, to the contrary, this ordinance 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.

Section 14.5-200. Definitions. Whenever, in this Chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section.

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.

Nonprofit, Charitable Organization. A nonprofit, charitable organization is an organization exempted from the payment of the bank and corporation tax by Section 23701(d) of the California Revenue and Taxation Code and to whom a contribution or gift would be a charitable contribution under Title 26 U.S.C. Section 170(c)(2).

Minor. A minor is any person under the age of eighteen (18) years.

Section 14.5-300. 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 and has been issued a license as provided below.

Section 14.5-305. License: Application for.

An application for a license to conduct a bingo game in accordance with the provisions of this ordinance 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 said records.

E. A list of those persons who are members of the nonprofit, charitable 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.

I. A statement that the place where the bingo games
are to be conducted is the regular meeting place of the organi-
zation conducting said games, or that such organization has no
such meeting place and will conduct the bingo games on premises
owned or controlled by a tax exempt organization as described in
this Chapter.

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, said
resolution being signed by the president or presiding officer
of said organization and its secretary, authorizing the appli-
cation for a bingo license.

K. Each application for a bingo license shall be
accompanied by a certificate issued by the Franchise Tax Board
of the State of California, or by the Internal Revenue Service,
certifying the tax exempt status of the organization applying
for said license.

Section 14.5-310. License; Application Fees.
All applications for bingo licenses shall be accompanied by
an application fee of $25.00, no part of which shall be refundable. This fee
shall be used to help defray the costs incurred in the investiga-
tion for issuance of the license.

Section 14.5-315. 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 Planning Department,
Environmental Health Department and the Fire Marshal. County Counsel shall review each application for legal sufficiency prior to issuance of the license.

The Sheriff shall verify the tax exempt status of the applicant organization and shall verify that the bingo games will be conducted where the applicant organization usually meets or conducts its business, or that the organization has no such meeting place and will conduct the bingo games on property owned or controlled by a tax exempt organization, and shall verify that the staff conducting the bingo games are members of the nonprofit, charitable organization.

The Sheriff shall also investigate, for the purpose of determining that:

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 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.

Section 14.5-320. 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 Section 23701(d) of the California Revenue and Taxation Code and a contribution to which would be a charitable contribution under Title 26 U.S.C., Section 170(d)(2).

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 14.5-315 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 Ordinance.

**Section 14.5-325. License; Transferability.**

Each license issued hereunder shall be issued to a specific person on behalf of a specific nonprofit, charitable 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.

**Section 14.5-330. 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 TWENTY-FIVE & NO/100 - - - Dollars ($25.00) and filing a supplemental application statement with the Sheriff on forms to be provided by the Sheriff's Department.

**Section 14.5-335. 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 (30) 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 (5) 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 within ten (10) days in writing 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 his discretion, feels that revocation is warranted, he shall request that the Board of Supervisors revoke said 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 (10) 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 (1) year of revocation by the Board of Supervisors.

Section 14.5-400. Maintaining Records; Inspection.
Licensees shall keep and maintain full records and accounting 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 his designee, shall have the right to inspect such records at any reasonable time. The Sheriff may request that such records be submitted to him, or his 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.

Section 14.5-500. Conduct of Bingo Games.
A. It is a misdemeanor, punishable by a fine not to
exceed Ten Thousand Dollars ($10,000), 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.

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 pur­
poses for which the organization is organized; however, a lic­
ensee organization which regularly meets in a building owned
or controlled by a public entity, or an organization which has
no adequate regular meeting place and conducts a bingo game on
the property of a tax exempt organization, is exempted from this
requirement.

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 fin­
ancial interest in the conduct of any bingo game.

G. All profits derived from any bingo game shall be
kept in a special fund or account and shall not be comingled
with any other fund or account.

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 ($250) in cash or kind, or both, for each separate game held.

Section 14.5-600. 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.

SECTION II.

This ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its passage in the newspaper of general circulation, printed and published in the County of Solano, and shall be in full force and effect THIRTY (30) DAYS after its passage.

THOMAS HANNIGAN, Chairman of the Board of Supervisors of Solano County

ATTEST:

NEIL CRAWFORD, County Clerk and ex officio Clerk of the Board of Supervisors,

By S/ Deputy Clerk

I, NEIL CRAWFORD, County Clerk and ex officio Clerk of 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 on the 18 day of January, 1977.

On the motion of Supervisor , and the second of Supervisor , this Ordinance was adopted at
a regular meeting of said Board on the 25 day of January, 1977, by the following vote:

AYES: SUPERVISORS: Cranston, Haddad, Harnigan

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 25th day of January, 1977.

NEIL CRAWFORD, County Clerk

By /s/ Deputy Clerk