

Rancho Cucamonga Municipal Code

Chapter 5.08 -

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5.08.010 - Definitions.

For the purposes of this chapter, the words set out below shall have the following meanings:

A.

"**Bingo**" means 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.

B.

"Mobile home park associations" means those organizations that are formed by the residents of mobile home parks within the city.

C.

"Senior citizen organizations" means those organizations formed for the benefit of senior citizens living primarily in the city.

(Ord. 90 § 2, 1979)

5.08.020 - Eligible organizations.

Bingo games may be conducted only by organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701i of the Revenue and Taxation Code, and by mobile home park associations, and senior citizens' organizations; provided, that

the proceeds of such games are used only for charitable purposes, prizes and operational costs; and provided further, that any organization authorized to conduct **bingo** games comply with the provisions of this chapter and Section 326.5 of the Penal Code.

(Ord. 90 § 1, 1979)

5.08.030 - License—Required.

No eligible organization shall conduct a **bingo** game unless it has first applied for and obtained a license from the city pursuant to the provisions of the chapter.

(Ord. 90 § 3, 1979)

5.08.040 - License—Application.

Any organization which is eligible under Section 5.08.020 may apply in writing for a license to conduct **bingo** games to the office of licensing official. The issuing authority shall be the finance director.

(Ord. 90 § 4, 1979)

5.08.050 - License—Contents of application.

A.

The application for license shall contain the following:

1.

The name and address of the organization;

2.

The address within the city at which the **bingo** game will be conducted, and the occupancy capacity of such place;

3.

The legal names, residence addresses, home telephone numbers, drivers' license numbers, and social security numbers of the directors and officers;

4.

The basis for eligibility;

5.

The date on which the organization was organized for the purpose stated in the application, and the date on which the organization actively began to pursue the purpose stated in the application;

6.

The proposed days of the week and hours of the day for conduct of **bingo** games;

7.

The bank and account number of the account into which proceeds of the **bingo** game shall be deposited;

8.

The name and address of the person who will be responsible for keeping the books of the organization;

9.

A statement that the applicant agrees to conduct **bingo** games in strict accordance with the provisions of Section 326.5 of the Penal Code 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 finance director upon violation of any such provisions;

10.

Any other information specified by the finance director which is reasonably required to complete the investigation on any application;

11.

The application shall be signed by the officers of the applicant under penalty of perjury.

B.

The license fee fixed by the city council by resolution shall accompany the application.

C.

In addition to the foregoing information, the following documents shall be attached to the application.

1.

If the organization is a corporation, certified copies of its articles of incorporation and bylaws.
If the organization is other than a corporation, certified copies of its bylaws;

2.

Certified copies of the "Certificate of Tax Exempt Status" from the California Franchise Tax Board, except for mobile home park associations or senior citizens organizations.

(Ord. 90 § 5, 1979)

5.08.060 - License—Investigation.

The finance director shall examine all applications filed under Section 5 hereof and shall make, or cause to be made, such further investigation of the application and the organization as he shall deem necessary in order to perform his duties under this ordinance. Upon request by the finance director, the organization shall make available for inspection by the finance director, or his authorized representative for such purposes, all of the organization's books, records, and papers at any reasonable time before the license is granted, during the time a license is granted, during the time a license is in effect, or after a license has expired, or after a license has been suspended or revoked.

(Ord. 90 § 6, 1979)

5.08.070 - License—Standards for granting or denying.

A.

The finance director may issue the license provided for in Section 5.08.050 whenever he finds the following facts to exist:

1.

That all of the statements made in the application are true;

2.

That the organization is qualified under Section 5.08.020

3.

No evidence that a director, officer or employee of the organization has engaged in any fraudulent transaction or enterprise;

4.

That the **bingo** games shall be controlled, supervised and conducted only by a director, officer or employee of the organization;

5.

That the organization has consented to inspection of the premises where the bingo games shall be conducted, and the books and bank accounts relating to the proceeds from the bingo games.

B.

The finance director may deny a license whenever he finds that any one or more of the facts in subsection A of this section do not exist.

(Ord. 90 § 7, 1979)

5.08.080 - License—Contents.

A.

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

1.

The name and nature of the organization to whom the license is issued;

2.

The address where bingo games are authorized to be conducted;

3.

The occupancy capacity of the room in which bingo games are to be conducted;

4.

The date of the expiration of such license which shall be December 31st of the year it is issued;

5.

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

B.

Any organization holding a license under this chapter shall post it in a prominent place at the location wherein it shall conduct its bingo games.

C.

Any license issued under this chapter shall not be transferred and any attempted transfer shall void the license.

(Ord. 90 § 8, 1979)

5.08.090 - Accounting requirements.

All profits derived from a bingo game shall be kept in a separate account or fund and shall not be commingled with any other fund or account. The licensee shall keep full and accurate record of the income and expenditures received and disbursed in connection with its operation, conduct, promotion, supervision, and any other phase of bingo games which are authorized by this chapter. All profits derived from a bingo game shall be used only for the charitable purposes. The city, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time, and the licensee shall fully cooperate with the city by making such records available.

(Ord. 90 § 9, 1979)

5.08.100 - Conduct of games.

Each organization holding a license under this chapter shall conduct **bingo** games in accordance with the following requirements:

- A. No minor shall be allowed to participate in any **bingo** games;
- B. The licensee shall conduct **bingo** games on property as listed on the license application form;
- C. All **bingo** games shall be open to the public, not just to the members of the licensee organization;
- D. A **bingo** game shall be operated and staffed only by members of the licensee organization. No person shall receive or pay a profit, wage or salary from any **bingo** game;
- E. No individual, corporation, partnership or other entity except the licensee organization shall hold a financial interest in the conduct of such **bingo** game;
- F. No person who is obviously intoxicated shall be allowed to participate in a **bingo** game, and no alcoholic beverage shall be allowed to be consumed in the room in which the **bingo** game is being conducted;
- G. No person shall be allowed to participate in a **bingo** game, unless a person is physically present at the time and place at which the **bingo** game is being conducted;
- H. 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 which is held;
- I. No licensee shall conduct **bingo** games more than two days per calendar week and more than six hours out of any twenty-four hour period. No **bingo** game shall be conducted before ten a.m. nor after 11:59 p.m. of any day.

(Ord. 90-A § 1, 1997; Ord. 90 § 10, 1979)

5.08.110 - Attendance limitation.

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 such game is conducted as determined by the fire department and building division of the city in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

(Ord. 90 § 11, 1979)

5.08.120 - **Bingo games conducted by no more than two licensees on one parcel of property.**

No more than two licensees shall conduct **bingo** games on any one parcel of property. One of those licensees shall own or lease the subject parcel and shall use it as an office or for 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 or as a place for performance

of the purposes for which one of the two licensees is organized, both licenses shall terminate. Notwithstanding such termination, any eligible organization may apply for a license pursuant to this chapter to be utilized at another location which qualifies pursuant to the provisions of this section.

(Ord. 90-A § 2, 1997; Ord. 90 § 12, 1980)

5.08.130 - Reporting requirements.

A.

Each organization holding a license under this chapter shall file a written report, on a form provided by the finance director, every calendar quarter.

B.

The reports required by this section shall be filed with the finance director within ten days of expiration of each reporting period; and such reports shall contain the names and addresses of any new director or officer of the organization.

C.

Any license issued under this chapter shall be suspended for any failure to comply with the reporting provisions of this section; and notice thereof shall be given by registered mail to the address shown on the organization's application.

D.

Any organization whose license has been suspended under this section shall cease to conduct any **Bingo** games until further notice from the finance director.

(Ord. 90 § 13, 1980)

5.08.140 - License—Renewals.

A.

At least thirty days prior to the expiration of any license hereunder, the licensee organization may apply to the license official for renewal of its license under this chapter. The application for renewal shall be on a form provided by the license official, and it shall determine whether the information provided on the original application is still true.

B.

The finance director shall not renew a license if he finds that any of the facts listed in Section 5.08.050 no longer exists, or that the organization applying for renewal has failed to comply, in any respect, with the provisions of this chapter.

(Ord. 90 § 14, 1980)

5.08.145 - Remote Caller **Bingo authorized.**

A.

Notwithstanding any other provision of this Code, Remote Caller **Bingo** may be lawfully played in the City of Rancho Cucamonga pursuant to the provisions of California Penal Code Sections 326.3 and 326.4, and this chapter, subject to the additional requirements and restrictions set forth in this section.

B.

Eligible Organizations. Only those organizations specified in Section 5.08.020 of this Chapter are eligible and authorized to apply for a license or license endorsement to conduct Remote Caller **Bingo**. It is unlawful to play Remote Caller **Bingo** in the City without such license or license endorsement.

C.

License and Operating Requirements.

1.

In order to conduct Remote Caller [REDACTED], any eligible organization may apply for a license, or license endorsement if such organization already possesses a current, valid license issued pursuant to Section 5.08.070 of this Chapter. Each applicant for a license or endorsement shall comply with and be subject to the licensing procedures set forth in Sections 5.08.050 through 5.08.080 provided, however, that the finance director may require such additional information be provided as deemed necessary to ensure that the applicant complies with all requirements of California Penal Code Section 326.3.

Each license endorsement shall expire upon the expiration of the underlying license, and any license or license endorsement may be renewed pursuant to the procedures in Section 5.08.140. Each Remote Caller [REDACTED] license or license endorsement issued pursuant to this chapter is 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.

2.

Each eligible organization issued a Remote Caller [REDACTED] license or license endorsement pursuant to this chapter ('licensee') shall comply with all applicable provisions of California Penal Code Sections 326.3 and 326.4, including, but not limited to, the following additional conditions:

a.

Remote Caller [REDACTED] games may only be conducted on property owned or leased by, or donated for use by, the licensee.

b.

Subject to the limitations in Section 5.08.110, no more than 750 players may participate in a Remote Caller [REDACTED] game in a single location.

c.

Every licensee shall provide the California Gambling Commission not less than ten (10) days prior written notice of its intent to conduct Remote Caller [REDACTED], which shall include all information described in California Penal Code Section 326.3(j)(4).

d.

The licensee is responsible for ensuring that the provisions of this chapter and California Penal Code Sections 326.3 and 326.4 are complied with by the licensee and its officers, employees, volunteers and members, and any violation of any of said provisions by any of the foregoing shall be imputed to the licensee. In addition to criminal penalties imposed by law, substantial evidence of a violation of any provision of this chapter, any provision of the foregoing Penal Code Sections, or of any other law involving fraud or theft in connection with conducting or sponsoring a [REDACTED] game, shall constitute cause for the suspension and/or revocation of the licensee's license in accordance with the procedures set forth in Section 5.08.150 of this chapter.

D.

The provisions of this Section 5.08.145 shall govern over any inconsistent provisions of any other section of this chapter.

5.08.150 - License—Revocation.

A.

Whenever it shall be shown or whenever the finance director has knowledge that any organization, or agent thereof, holding a license under this chapter has violated any of the provisions of this chapter, the finance director shall immediately suspend the license and give the organization written notice by registered mail of the suspension and a brief statement of the reasons therefor.

B.

Upon receipt of the "notice of suspension," the organization whose license has been suspended shall cease from conducting any **bingo** game, and its failure to do so shall constitute a separate and further violation of this chapter.

C.

Together with the "notice of suspension" required by subsection A of this section, the finance director shall invite the organization whose license has been suspended to participate in a hearing to be held within fifteen days of the date of the suspension to show cause why the license should not be permanently revoked. At the hearing, the organization whose license was suspended shall have the right to present evidence as to the facts upon which the finance director based his suspension of this license, and any other facts which may aid the finance director in determining whether this chapter has been violated. Within fifteen days after the hearing the finance director shall decide to reinstate, conditionally reinstate, suspend or revoke the license. The decision together with the reasons therefor shall be in writing and shall be delivered to the organization whose license has been suspended by registered mail.

(Ord. 90 § 15, 1980)

5.08.160 - Appeal.

A.

In the event of any finding or decision of the finance director which is adverse to the application of an organization for a license or renewal thereof under this chapter, or if a license is suspended or revoked, the organization may appeal to the city council, provided, that such appeal is filed with the city clerk within fifteen days from the date of the finding or decision of the finance director. The finance director shall notify an organization of this right to appeal, and such notice shall accompany each and every finding and decision of the finance director which is adverse to any organization applying for a license or renewal thereof under this chapter. The finding or decision and the notice of this right to appeal shall be mailed by registered mail, to the organization at the address which appears on its application for a license or renewal thereof.

B.

At its first regular meeting after the filing of a notice to appeal, the city council shall set a hearing on said appeal for a date certain within the next thirty days.

(Ord. 90 § 16, 1979)

5.08.170 - Violations—Penalties.

A.

It is a misdemeanor for any person to receive or pay a profit, wage or salary from any **bingo** game authorized by this chapter. A violation of this subsection shall be punished by a fine not to exceed

ten thousand dollars which fine shall be deposited in the general fund of the City of Rancho Cucamonga.

B.

Any other violation of this chapter by any person, organization or entity shall constitute a misdemeanor and may be punished by a fine not to exceed five hundred dollars, or imprisonment in the county jail, not to exceed six months, or both.

C.

The city may commence an action in a court of competent jurisdiction to enjoin any violation of this chapter.

(Ord. 90 § 17, 1979)