

ORDINANCE NO. 1626

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING THE REDLANDS ORDINANCE CODE, DIVISION 5, CHAPTER 51, BY ADOPTING ARTICLE 516 AND AMENDING CHAPTER 22, ARTICLE 226, BY ADOPTING SECTION 2261.6, PROVIDING FOR REGULATIONS AND LICENSING FOR BINGO GAMES FOR CHARITY

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOL-
LOWS:

SECTION ONE: That the Redlands Ordinance Code be amended by adding Article 516, Bingo Games, as follows:

ARTICLE 516
Bingo Games

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| Section 51600. | Definitions |
| 51601. | License Required |
| 51602. | License Fee |
| 51603. | Application for License |
| 51604. | Granting License |
| 51605. | Operation of Bingo Game |
| 51606. | Financial Interest |
| 51607. | Account for Profits |
| 51608. | Participation Limited to Those Present |
| 51609. | Bingo Game Open to Public |
| 51610. | Value of Prizes |
| 51611. | Minors Prohibited from Participation |
| 51612. | Display of License |
| 51613. | License Not Transferable |
| 51614. | Suspension or Revocation of License |
| 51615. | Disciplinary Action -- Grounds |
| 51616. | Suspension or Revocation Without Hearing |
| 51617. | Procedure |
| 51618. | Pending Revocation or Suspension Proceedings -- Effect on Licensee |
| 51619. | Fictitious Name |
| 51620. | Penalty |

ARTICLE 516
Bingo Games

§ 51600. DEFINITIONS.

- (a) Non-profit organization. A non-profit organization is an organization exempted from the bank and corporation tax by Section 23701(d) of the California Revenue and Taxation Code and a contribution or gift to which would be a charitable contribution under Section 170(c) of the United States Internal Revenue Code of 1954.
- (b) Minors. Minors are all persons defined as minors under Civil Code Section 25.1.
- (c) Bingo. Bingo means a game of chance in which prizes are awarded by designated numbers or symbols on a card which conforms with numbers or symbols selected at random.
- (d) Prizes. Prizes mean cash, kind, or both for each separate game which is held.

§ 51601. LICENSE REQUIRED. No person other than a non-profit charitable organization may conduct bingo games. A non-profit charitable organization may conduct bingo games. A non-profit charitable organization shall not conduct bingo games unless such organization shall first obtain a license for such games from the City Treasurer as hereinafter provided.

§ 51602. LICENSE FEE. A license fee as specified in Article 226, Section 2261.6 shall be paid upon filing of each application for license or for renewal of license for the purpose of defraying the expense incidental to the processing of said application. The license fee is not refundable in the event the applicant is determined not to qualify for a license.

§ 51603. APPLICATION FOR LICENSE. Applicants for bingo license shall file a written, signed, and acknowledged application with the City Treasurer showing:

- (a) The name and address of applicant.
- (b) The dates, hours, and location where the bingo games will be operated.
- (c) The name or names of the person or persons having the management or supervision of said games.

- (d) Such other reasonable information as may be required as to the identity or character of the applicant, manager, members of the applicant operating said games.
- (e) The maximum number of participants expected on the premises.
- (f) Proof by copy of exempt status issued by California State Franchise Tax Board.

§ 51604. GRANTING LICENSE. After making and filing the application, the City Treasurer shall refer the application to the Planning Department, Building and Safety Department, the Fire Chief, and the Chief of Police for investigation. The Planning Department, the Fire Chief, and Police Chief shall make reports on their findings, together with a recommendation as to whether or not the applicant shall be granted a license to the City Treasurer within ten (10) working days after the application was referred to them. The license shall be issued for not longer than one (1) year and shall specify maximum number of participants permitted on the premises. The license may be renewed each succeeding year by filing application therefore at least thirty (30) days prior to the expiration of the license period.

§ 51605. OPERATION OF BINGO GAME. A bingo game shall be conducted only on property owned or leased by the non-profit organization and used by it for an office or for performance of the purposes for which the organization is organized. The bingo game shall be operated and staffed only by members of the non-profit charitable organization which organized said game. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization licensed to conduct a bingo game shall operate such game. Bingo games shall not be held for more than five (5) hours in any twenty-four (24) hour period. The number of bingo sessions shall not exceed ten (10) such sessions in each calendar month. No games between 2:00 A.M. and 6:00 A.M.

§ 51606. FINANCIAL INTEREST. No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

§ 51607. ACCOUNT FOR PROFITS. All profits derived from a bingo game shall be kept in a special fund or account and shall not be co-mingled with any other fund or account. Records required by this section shall be retained for a period of three (3) years. The licensee

shall maintain a record of all receipts derived from bingo games and cash disbursement thereof including those disbursements awarded as prizes of each game. The licensee's books and records shall be available for inspection upon reasonable notice. No licensee may expend funds to publicize its bingo games except for small signs or handbills.

§ 51608. PARTICIPATION LIMITED TO THOSE PRESENT. 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.

§ 51609. BINGO GAME OPEN TO PUBLIC. All bingo games shall be open to the public, not just to the members of the non-profit charitable organization.

§ 51610. VALUE OF PRIZES. The total value of prizes awarded during the conduct of any bingo games shall not exceed two-hundred fifty dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

§ 51611. MINORS PROHIBITED FROM PARTICIPATION. No minor shall be allowed to participate in any bingo game.

§ 51612. DISPLAY OF LICENSE. Every licensee shall display the license issued by the City of Redlands in a conspicuous place on the premises where the bingo games are conducted.

§ 51613. LICENSE NOT TRANSFERABLE. Each license issued hereunder shall be issued to a specific non-profit organization and shall in no event be transferable from one organization to another.

§ 51614. SUSPENSION OR REVOCATION OF LICENSE. The City Council may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any licensee and may temporarily suspend, for a period not exceeding one (1) year, or revoke the permit of any licensee which commits any one or more of the acts or omissions constituting grounds for disciplinary action under this chapter.

§ 51615. DISCIPLINARY ACTION -- GROUNDS. It shall be a ground for denial, revocation, or other disciplinary action of any applicant, licensee, the agent, or employee, or any person connected or associated with the applicant or licensee as partner, director, officer, stockholder, general manager, or person exercising managerial authority of or on behalf of the licensee if such organization or person has:

- (a) Knowingly made any false, misleading, or fraudulent statement of a material fact in an application for a license, or in any report or record required to be filed with the City; or
- (b) Violated any provision of this chapter or of any statute relating to the permitted activity; or
- (c) Been convicted of a felony or any crime involving moral turpitude; or
- (d) A bad moral character, intemperate habits, or a bad reputation for truth, honesty, or integrity; or
- (e) Committed any unlawful, false, fraudulent, deceptive, or dangerous act while conducting permitted bingo games; or
- (f) Violated any rule or regulation adopted by the City Council relating to the licensed bingo games; or
- (g) Conducted the permitted bingo games in a manner contrary to the peace, health, safety, and general welfare of the public; or
- (h) Failed to comply with Zoning and Building and Safety regulations of the City of Redlands, the Health Department, and the Fire Chief or the Police Chief.

§ 51616. SUSPENSION OR REVOCATION WITHOUT HEARING. If any applicant, licensee, the agent or employee, or any person connected or associated with the applicant or licensee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority on behalf of the licensee is convicted in any court of the violation of any law regulating any activity at the licensee's business premises, the Council may revoke said license forthwith without any further action thereon other than giving notice of revocation to the licensee.

§ 51617. PROCEDURE. An applicant or licensee may, within ten (10) days after service of a written notice of denial of a license or suspension or revocation of his license, file a request for a hearing with the City Council. The request for a hearing shall be in writing and signed by or on behalf of the applicant or licensee. It

need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the licensee's right to a hearing.

§ 51618. PENDING REVOCATION OR SUSPENSION
PROCEEDINGS -- EFFECT ON LICENSEE

(a) Continuing Operation of Bingo Games. Pending the final determination of a proceeding for revocation or suspension of a license, a licensee may continue to operate bingo games for the period of his license or until the Council makes such final determination.

(b) Renewal - Effect of Pendency or Proceeding to Suspend or Revoke License. A licensee may file an application for renewal of a license pursuant to Section 51604 accompanied by the required fee. Renewal application should be filed at least thirty (30) days prior to expiration of the license period. In the event a renewal application is filed during the pendency of a proceeding to suspend or revoke the license, such filing shall continue such license in full force and effect until the entry of the final order by the City Council terminating proceedings. Failure of the Council to revoke, suspend, limit, or condition the license shall have the effect of granting said license. The application for renewal shall become a part of the pending proceeding and be subject to all evidence which has been or is thereafter presented. No further notice to the applicant is required and the City Council is authorized to consider and make findings upon such application in accordance with this chapter.

§ 51619. FICTITIOUS NAME. It shall be unlawful for any person or persons to sign a fictitious name or fictitious address in connection with applications submitted pursuant to this chapter.

§ 51620. PENALTY. Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500.00) or both such fine and imprisonment; provided, however, pursuant to sub-sections (b) and (c) of Section 326.5 of the Penal Code, any person receiving a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution and this chapter shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed ten thousand dollars (\$10,000.00).

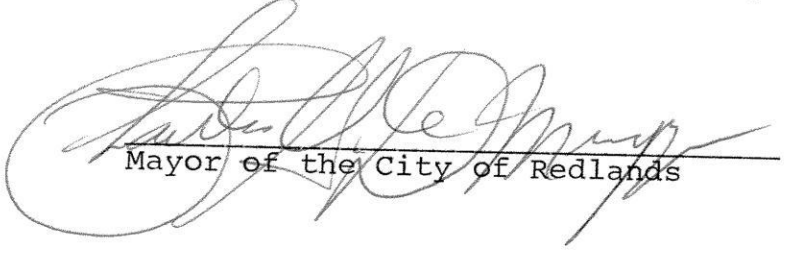
SECTION TWO: That the Redlands Ordinance Code be amended by adding Section 2261.6, Bingo Games, as follows:

§ 2261.6 BINGO GAMES. For every religious, charitable, scientific, literary, educational, or prevention of cruelty to children or animal groups, License \$25.00 semi-annually.

SECTION THREE: This ordinance shall be in force and take effect as provided by law.

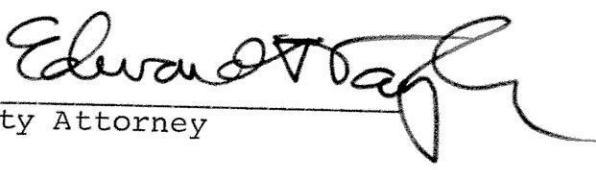
SECTION FOUR: The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City of Redlands.

ATTEST:


Mayor of the City of Redlands


City Clerk

APPROVED FOR FORM:



City Attorney

I, Peggy A. Moseley, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 20th day of September, 1977, by the following vote:

AYES: Councilmembers Knudsen, Miller, Grace, Elliott; Mayor DeMirjyn

NOES: None

ABSENT: None


City Clerk