

Chapter 24
BINGO

- ' 24.1 Limited authorization of bingo.
- ' 24.2 Penal Code section 326.5 incorporated.
- ' 24.3 Permit required.
- ' 24.4 Application-Contents.
- ' 24.5 Term of permit and fee.
- ' 24.6 Investigation.
- ' 24.7 Issuance or denial.
- ' 24.8 Separate permit required.
- ' 24.9 Contents of permit.
- ' 24.10 Display of permit.
- ' 24.11 Hours.
- ' 24.12 Alcoholic beverages.
- ' 24.13 Profits-Separate fund or account-Misdemeanor.
- ' 24.14 Reservations.
- ' 24.15 Limitation on frequency of bingo games.
- ' 24.16 Inspection.
- ' 24.17 Tax-exempt status-Loss.
- ' 24.18 Revocation.
- ' 24.19 Notice of intent to revoke-Immediate suspension-Hearing.
- ' 24.20 Appeal procedure.
- ' 24.21 Criminal prosecution.

SEC. 24.1 LIMITED AUTHORIZATION OF BINGO

Bingo games are authorized pursuant to and as restricted by Penal Code section 326.5 (including future amendments thereto), and the provisions of this chapter, but may only be conducted by a charitable organization. (Ord. No. 350 N.S., ' 1)

SEC. 24.2 PENAL CODE SECTION 326.5 INCORPORATED

The provisions of Penal Code section 326.5 (including future amendments) are incorporated herein by this reference; and "charitable organizations" herein means an organization referred to therein. (Ord. No. 350 N.S., ' 2)

SEC. 24.3 PERMIT REQUIRED

No charitable organization shall conduct a bingo game without a currently valid, unrevoked, unsuspended permit as provided for by this article. (Ord. No. 350 N.S., ' 3)

SEC. 24.4 APPLICATION-CONTENTS

Application for a permit shall be made to the police chief on forms provided by him. The application shall be accompanied by certificates or letters of exemption from the Franchise Tax Board and the U.S. Internal Revenue Service which establish that the applicant is currently exempted from payment of the Bank and Corporation Tax by section 23701(d) of the State Revenue and Taxation Code and that a contribution or gift to the organization would be a charitable contribution under section 170(c)(2) of the Internal Revenue Code of 1954 and shall contain the following:

- (a) The name of the applicant organization;
- (b) The name, address and signature of at least two officers, including the presiding officer of the organization;
- (c) The property, and the room or designated area thereon, where bingo games will be conducted, including the street number, the occupancy capacity and whether the property is owned or leased;
- (d) The application shall be signed by the applicant under penalty of perjury;
- (e) The occupancy capacity of any room in which bingo games are to be conducted;
- (f) A diagram showing the number of off-street parking spaces available on the property on which the bingo games are to be conducted;
- (g) Such other information as the police chief may require. (Ord. No. 350 N.S., ' 4)

SEC. 24.5 TERM OF PERMIT AND FEE

(a) A permit shall be valid for a one-year period; provided, that any permit issued prior to March 1, 1978, shall expire on February 28, 1978; provided, further, that the City Council may at any time shorten the permit period to no less than one week nor more than one year by Council resolution, which resolution shall apply to all permits issued hereafter and until a different permit period is set by a later Council resolution.

(b) The amount of the annual permit fee shall be fixed by resolution of the City Council and shall accompany the application. (Ord. No. 350 N.S., ' 5; Ord. No. 358 N.S., ' 1)

SEC. 24.6 INVESTIGATION

Upon receiving a completed application with fee, the police chief shall investigate to determine whether the permit shall be issued. (Ord. No. 350 N.S., '6)

SEC. 24.7 ISSUANCE OR DENIAL

Within fourteen days after receipt of a completed application, the police chief shall either issue the permit or deny it with a written statement of reason(s) therefor. (Ord. No. 350 N.S., '7)

SEC. 24.8 SEPARATE PERMIT REQUIRED

A separate application, permit, and permit fee shall be required for each location at which bingo games are conducted. Permits shall not be transferable from one location to another or from one organization to another. (Ord. No. 350 N.S., '8)

SEC. 24.9 CONTENTS OF PERMIT

The permit shall contain the following information:

- (a) The name and nature of the organization;
- (b) The address where bingo games are authorized to be conducted;
- (c) The occupancy capacity of any room in which bingo games are to be conducted;
- (d) The date of the expiration of the permit;
- (e) Such other information deemed necessary by the police chief. (Ord. No. 350 N.S., '9)

SEC. 24.10 DISPLAY OF PERMIT

Each permit shall be prominently displayed at the authorized location at all times during the conduct of the game. (Ord. No. 350 N.S., '10)

SEC. 24.11 HOURS

No bingo game shall be conducted between the hours of eleven p.m. and ten a.m. (Ord. No. 350 N.S., '11)

SEC. 24.12 ALCOHOLIC BEVERAGES

No alcoholic beverages shall be consumed, sold, or given away, served or delivered to any person within the room or designated area where any bingo games are being conducted. No person who is intoxicated shall be allowed to participate in a bingo game. (Ord. No. 350 N.S., ' 12)

SEC. 24.13 PROFITS-SEPARATE FUND OR ACCOUNT-MISDEMEANOR

(a) All profits derived from a bingo game shall be kept by the permittee in a special fund or account and shall not be commingled with any other fund or account.

(b) The permittee shall keep detailed and accurate records of the income and expenses received and disbursed in connection with the operation, conduct, promotion and supervision of bingo games authorized hereunder.

(c) The City, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time and the permittee shall keep such records open to inspection by the City.

(d) Any person or corporation violating any of the provisions of subdivisions (a), (b) or (c) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months in the County jail, or by both. (Ord. No. 350 N.S., ' 13)

SEC. 24.14 RESERVATIONS

The permittee shall not reserve seats or space for any person or persons, except the handicapped. (Ord. No. 350 N.S., ' 14)

SEC. 24.15 LIMITATION ON FREQUENCY OF BINGO GAMES

No permittee shall be allowed to conduct bingo games more frequently than one calendar day in a consecutive seven-day period. (Ord. No. 350 N.S., ' 15)

SEC. 24.16 INSPECTION

All bingo games and the property on which they are located may be inspected by City officials, including but not limited to officials of the fire department, police department and

building department, at any time during the course of the bingo games and at other times with at least twelve hours' prior notice from the City. (Ord. No. 350 N.S., ' 16)

SEC. 24.17 TAX-EXEMPT STATUS-LOSS

Whenever the permittee is notified by the Internal Revenue Service or the Franchise Tax Board of the loss of the tax-exempt status described in Section 24.4 above, the permit issued hereunder shall be automatically revoked and the permittee shall forthwith return the permit to the police chief. (Ord. No. 350 N.S., ' 17)

SEC. 24.18 REVOCATION

The police chief may revoke a permit for any violation of the provisions of this chapter or of any applicable law or regulation, or for any false, misleading or fraudulent statement of a material fact in the application for the permit, or upon evidence that the bingo games being conducted pursuant to such permit are causing undue parking or traffic problems, undue noise, disturbance or nuisance in the area of the location where the bingo games are conducted, or are causing other problems detrimental to the public health, safety or welfare. (Ord. No. 350 N.S., ' 18)

SEC. 24.19 NOTICE OF INTENT TO REVOKE-IMMEDIATE SUSPENSION
SUSPENSION-HEARING

If the police chief determines that a permit should be revoked, he shall serve on the permittee a notice of his intent with his reasons therefor. The notice shall provide for revocation of the permit seven days after service of the notice upon the permittee, unless the permittee requests a hearing before the police chief or his designee prior to revocation. The notice may contain a statement that the permit is immediately suspended and such suspension shall remain in effect during the pendency of the revocation and appeal procedures. The police chief shall give the permittee at least five days' prior written notice of the time and place of the hearing which shall be held within fourteen days of the receipt by the police chief of the request therefor, and shall issue his written decision within seven days after the conclusion of the hearing. (Ord. No. 350 N.S., ' 19)

SEC. 24.20 APPEAL PROCEDURE

The applicant shall have the right to appeal any action of the police chief in denying an application for a permit or revoking a permit to the City Council of the City of Piedmont. The appeal shall be made in writing, specifying the grounds therefor, and filed with the city clerk of the City Council within ten days after the action of the police chief. The City Council may hear additional evidence and may sustain, reverse, or modify the decision of the police chief. The decision of the City Council shall be final. (Ord. No. 350 N.S., ' 20)

SEC. 24.21 CRIMINAL PROSECUTION

Nothing in this chapter shall be construed as preventing criminal prosecution under Chapters 9 and 10, Title 9 of Part 1 of the Penal Code, whenever bingo games are conducted with a suspended or revoked permit or with a permit fraudulently obtained. (Ord. No. 350 N.S., '21)