

Corona Municipal Code

CHAPTER 5.12 BINGO

Sections

- 5.12.010 Permitted for certain organizations.
- 5.12.020 License - Required.
- 5.12.030 License - Application.
- 5.12.040 License - Applicant investigation.
- 5.12.050 License - Content.
- 5.12.060 License - Suspension - Revocation.
- 5.12.070 License - Alternative to revocation.
- 5.12.080 License - Revocation - Appeal and reinstatement.
- 5.12.090 Attendance limited to occupancy capacity - No reserved seats.
- 5.12.100 Rules of operation.
- 5.12.110 Issuance - Appeals.

§ 5.12.010 Permitted for certain organizations.

(A) **Traditional bingo**. Traditional **bingo** may be lawfully played in the city pursuant to the conditions and restrictions of this chapter and Penal Code § 326.5, as amended from time to time, and not otherwise. Traditional **bingo** may be played in the city only by and for the benefit of the organizations authorized by Penal Code § 326.5(a), as amended from time to time.

(B) **Remote caller bingo**. Remote caller **bingo** may be lawfully played in the city pursuant to the conditions and restrictions of this chapter and Penal Code §§ 326.3 and 326.4, as amended from time to time, and not otherwise. Remote caller **bingo** may be played in the city only by and for the benefit of the organizations authorized by Penal Code § 326.3(b)(1), as amended from time to time.

(C) **Bingo defined**. For the purposes of this chapter, “**bingo**” includes both traditional **bingo** and remote caller **bingo**, and 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.

(‘78 Code, § 5.12.010.) (Ord. 3093 § 1 (part), 2011; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

Statutory reference:

*For statutory provisions on **bingo** games for charity, see Penal Code §§ 326.3, 326.4, and 326.5*

§ 5.12.020 License - Required.

No **bingo** shall be played without a valid and unexpired license. Only those nonprofit organizations set forth in Penal Code §§ 326.3 and 326.5 are eligible to apply for a **bingo** license. Eligible organizations shall file a written application for a **bingo** license with the City Police Department, on a form provided by the City Police

Department. The issuing authority shall be the Chief of Police. A license shall extend for one year from date of issuance, subject to renewal and annual fee.

(78 Code, § 5.12.020.) (Ord. 3093 § 1 (part), 2011; Ord. 2347 § 16, 1998; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.030 License - Application.

(A) An application for a **bingo** license shall contain the following:

- (1) The name of the applicant organization and a statement that the applicant organization is eligible to apply for a license under the terms of state law and this chapter, as amended from time to time;
- (2) The name and signature of at least two officers of the applicant organization, including the presiding officer of the applicant organization;
- (3) The address of the particular property within the city owned or leased by the applicant organization, used by the applicant organization for an office or for performance of the purposes for which the applicant organization is organized, and on which **bingo** will be conducted, together with the occupancy capacity of such location;
- (4) Proposed hours and days of operation;
- (5) A statement that the applicant agrees to conduct **bingo** in strict accordance with the provisions of Penal Code §§ 326.3 and 326.5, as applicable, and the provisions of this chapter, as such provisions may be amended from time to time, and that the applicant organization agrees that the license may be revoked by the Chief of Police upon violation of any such provisions;
- (6) Proof that the applicant organization has owned or leased property within the city that was used by the applicant organization for an office, or for performance of the purposes for which the applicant organization is organized, for a period of at least 12 months immediately preceding the filing of such application, and the property upon which any **bingo** game is to be conducted is property so owned or leased by the applicant organization;
- (7) Written verification from the Development Services Division of the city that there is improved vehicular access to the premises wherein a **bingo** game is to be conducted, and that such premises contain off-street vehicle parking facilities on the basis of not less than one parking space for each two seats, “one seat” being defined as an area of seven and one-half square feet;
- (8) Written verification from the Development Services Division of the city that the operation of such game or games is in compliance with Title 15;
- (9) A certificate or determination of exemption or a letter of good standing from the Exemption Division of the Franchise Tax Board, evidencing that the applicant organization is exempt from the payment of the taxes imposed under the Corporation Tax Law, pursuant to §§ 23701, 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code, if the applicant organization applies for a **bingo** license based on such exemption.
- (10) Any other evidence that the city determines is necessary to verify that the applicant organization is permitted to operate **bingo** games and/or apply for a **bingo** license under the provisions of this chapter and Penal Code §§ 326.3, 326.4, and/or 326.5, as applicable and as amended from time to time.

(B) The application shall be signed by the applicant organization under penalty of perjury.

(C) The annual license fee fixed by City Council resolution shall accompany the application. If an application for a license is denied, one-half of this fee shall be refunded.

(‘78 Code, § 5.12.030.) (Ord. 3093 § 1 (part), 2011; Ord. 2347 § 17, 1998; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.040 License - Applicant investigation.

Upon receipt of the completed application, fee and exemption information, the Police Department shall, in conjunction with the Fire Department, investigate the truth of all statements in the application and determine whether the property of the applicant qualifies as property on which **bingo** may be lawfully conducted under existing fire, occupancy and any other applicable requirements.

(‘78 Code, § 5.12.040.) (Ord. 3093 § 1 (part), 2011; Ord. 2347 § 18, 1998; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.050 License - Content.

Upon a satisfactory conclusion of this investigation, the Chief of Police shall issue a license to the applicant organization. The license shall contain the name and nature of the organization to whom the license is issued, the address where **bingo** is authorized to be conducted, the occupancy capacity of the room or rooms in which **bingo** is to be conducted, the expiration date of the license, and such other information as may be necessary or desirable for the full enforcement of the provisions of this chapter and the provisions of Penal Code §§ 326.3, 326.4, and/or 326.5, as applicable and as amended from time to time.

(‘78 Code, § 5.12.050.) (Ord. 3093 § 1 (part), 2011; Ord. 2347 § 19, 1998; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.060 License - Suspension - Revocation.

(A) If it appears to the Chief of Police that a licensee is conducting **bingo** or allowing **bingo** to be conducted in violation of any provision of this chapter or Penal Code §§ 326.3, 326.4, and/or 326.5, as applicable and as amended from time to time, the Chief of Police shall have the authority to suspend the license summarily and order the licensee to cease and desist from any further operation of **bingo** within the city.

(B) Any licensee continuing to conduct **bingo** after such suspension shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$1,000, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

(C) An order and suspension issued under this chapter shall also notify the licensee that it shall have five days from the date of the order to request a hearing to determine whether such license shall be revoked. If no such hearing is requested within this five-day period, the license shall be revoked.

(D) Within ten days after receipt of a timely hearing request by the licensee, the Chief of Police shall provide and conduct such a hearing. At this hearing, the suspended licensee may appear for the purpose of presenting evidence and information tending to show why the license should not be revoked.

(E) No license shall be revoked under division (D) of this section unless notice of the time and place of the hearing has first been given at least five days before the hearing, by depositing in the United States mail a notice directed to the suspended licensee at the address given in licensee’s application. Notice shall set forth a summary of the grounds advanced as the basis for the suspension and revocation.

(F) An organization whose license is revoked under this section shall conduct no **bingo** in the city unless the appeal sets aside the license revocation.

(‘78 Code, § 5.12.060.) (Ord. 3093 § 1 (part), 2011; Ord. 2347 § 20, 1998; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.070 License - Alternative to revocation.

(A) If it appears to the Chief of Police that the licensee is conducting **bingo** in violation of any provisions of this chapter or Penal Code §§ 326.3, 326.4, and/or 326.5, as applicable and as amended from time to time, or that the license was obtained by fraudulent representations, and if no summary suspension is ordered under § 5.12.060, the license may be revoked; provided, however, that the licensee may appear before the Chief of Police, at the time set by the Chief of Police, for the purpose of presenting evidence and information why the license should not be revoked.

(B) No license shall be revoked under this section unless written notice has first been given at least five days before the hearing, by depositing in the United States mail a notice directed to the suspended licensee at the address given in licensee's application. Notice shall set forth a summary of the grounds advanced as the basis for the suspension and revocation.

(C) An organization whose license is revoked under this section shall conduct no **bingo** in the city unless the City Council on appeal sets aside the license revocation.

(78 Code, § 5.12.070.) (Ord. 3093 § 1 (part), 2011; Ord. 2347 § 21, 1998; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.080 License - Revocation - Appeal and reinstatement.

All appeals of this chapter shall be heard pursuant to § 5.12.110 below. An organization whose license is revoked may not apply again for a license to conduct **bingo** in the city for a period of two years from the date of such revocation; provided, however, that if the ground for revocation is cancellation of the exemption for the organization under Revenue and Taxation Code §§ 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w, such organization may apply again for a license upon satisfactory proof of reinstatement of this exemption.

(78 Code, § 5.12.080.) (Ord. 3093 § 1 (part), 2011; Ord. 2883 § 5 (part), 2007; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.090 Attendance limited to occupancy capacity - No reserved seats.

Notwithstanding the requirement of Penal Code §§ 326.3, 326.4 and/or 326.5, as applicable and as amended from time to time, that **bingo** be 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 and building authorities of the city under applicable laws and regulations. No licensee shall reserve seats or space for any person.

(78 Code, § 5.12.090.) (Ord. 3093 § 1 (part), 2011; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.100 Rules of operation.

(A) No licensee shall conduct **bingo** more often than eight hours out of a 24-hour period. **Bingo** shall be conducted only between 12:00 noon and 12:00 midnight. No licensee shall conduct **bingo** games as provided herein more frequently than once in any seven-day period, except that a licensee may hold one additional game, at its election, in each calendar quarter.

(B) No person who is obviously intoxicated shall be allowed to participate in any **bingo** game.

(C) All licensees shall keep and maintain full and complete records detailing the amount of money obtained from players, the amount of money or value of the prizes given, and the disposition of any funds generated by the conduct of **bingo**. The city shall have the right to inspect these records at any reasonable time, and the Director of Finance may request such inspection if and when the licensee applies for renewal of its annual license. The city may disclose to the public, or require the licensee to disclose to the public, the amount of funds generated by the conduct of **bingo** that are used for charitable purposes or are retained by the licensee.

(D) Any peace officer of the city shall have free access to any **bingo** game licensed under this chapter. The licensee shall have the **bingo** license and lists of approved staff available for inspection at all times during any **bingo** game.

(E) Any license issued pursuant to this chapter shall be subject to the conditions contained in Penal Code §§ 326.3, 326.4 and/or 326.5, as applicable and as amended from time to time, and each licensee shall comply with the requirements of those provisions.

(F) The licensee shall be responsible for ensuring that the conditions of this chapter and Penal Code §§ 326.3, 326.4 and/or 326.5, as applicable and as amended from time to time, are complied with by the licensee and its officers and members. A violation of any one or more of those conditions or provisions shall constitute cause for the revocation of the license pursuant to this chapter.

('78 Code, § 5.12.100.) (Ord. 3093 § 1 (part), 2011; Ord. 1500 § 1 (part), 1978; Ord. 1475 § 1 (part), 1977; Ord. 1446 § 2 (part), 1976.)

5.12.110 Issuance - Appeals.

Any person claiming to be aggrieved by a decision of the Chief of Police with respect to the issuance, renewal, suspension, revocation or refusal to issue or renew the license required by the provisions of this chapter may appeal pursuant to Chapter 1.09 of this Code.

('78 Code, § 5.12.110.) (Ord. 3093 § 1 (part), 2011; Ord. 2883 § 5(part), 2007; Ord. 2347 § 22, 1998.)

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