

Indio, CA Code of Ordinances

CHAPTER 111: BINGO GAMES

Section

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§ 111.01 AUTHORITY.

This chapter is adopted per Section 19 of Article IV of the California Constitution, as implemented by Cal. Penal Code §§ 326.3 and 326.4, and in accord with Cal. Penal Code § 326.5. Bingo games are permitted within the city only per the terms and conditions specified in this chapter. Nothing in this chapter shall be deemed to limit the applicability of any provision of state law to any bingo game in the city.

(Ord. 1595, passed 5-18-11)

§ 111.02 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BINGO GAME. A game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player's possession and that conform to numbers or symbols, selected at random and announced by a live caller. For purposes of this chapter, **BINGO GAMES** shall include remote caller bingo games.

BINGO LICENSE. The annual license required by the city to operate a bingo game, and issued per this chapter.

CARD-MINDING DEVICE. A device approved, supplied and functioning per state law that:

- (1) Is capable of storing in the memory of the device bingo faces of tangible cards purchased by a player,
- (2) Provides a means for bingo players to input manually each individual number or symbol announced by a live caller,

(3) Compares the numbers or symbols entered by the player to the bingo faces previously stored in the memory of the device, and

(4) Identifies winning bingo patterns that exist on the stored bingo faces.

LICENSE OFFICIAL. The City Manager or his/her designee.

REMOTE CALLER BINGO GAME. A bingo game in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live bingo game is conducted, and an organization conducting the bingo game uses audio and video technology to link any of its in-state facilities for the purpose of transmitting the remote calling of a live bingo game from a single location to multiple locations owned, leased, or rented by that organization, or in co-sponsorship in a manner consistent with state law. The audio or video technology used to link the facilities, and the process for drawing each ball shall be consistent with state law.

(Ord. 1595, passed 5-18-11)

§ 111.03 BINGO AND REMOTE CALLER BINGO AUTHORIZED.

Bingo games may be lawfully played in the city pursuant to the provisions of Cal. Penal Code §§ 326.3, 326.4 and 326.5 and this chapter, and not otherwise. No bingo game shall be played in the city by any player using any electronic device, with the sole exception of a card-minding device.

(Ord. 1595, passed 5-18-11)

§ 111.04 QUALIFIED ORGANIZATIONS; APPLICATIONS.

(A) *Qualified organizations.* The following organizations are qualified to apply to the license official for an annual bingo license if the receipts of all games organized are used only for charitable purposes, with the organization retaining authority to determine the disbursement of the net receipts of any bingo game.

(1) An organization exempt from the payment of the bank and corporation tax by Cal. Rev. and Tax Code §§ 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w;

(2) A mobile home park association of a mobile home park that is situated in the city;

(3) A senior citizens organization operating in, or serving residents of the city;

(4) A charitable organization affiliated with the Desert Sands Unified School District or the Coachella Valley Unified School District, or a private school operating in, or serving residents of the city.

(B) *Application; filing fee.* Each application for a bingo license, whether for a new license or a renewal of a previously existing license, shall be in writing. Each application shall be filed under penalty of perjury in a form prescribed by the license official and shall be accompanied by a nonrefundable filing fee of \$50, or such other filing fee as may be determined by resolution of the City Council from time to time. One-half of any filing fee paid shall be refunded to an applicant if the application for a bingo license upon the denial of that license. Each application shall

include a statement indicating the purpose and uses for which the proceeds of bingo games are to be used. The following documentation shall be attached to an application, as applicable.

(1) A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the bank and corporation tax pursuant to Cal. Rev. and Tax Code § 23701d.

(2) A report signed by city officials from the Building, Planning and Fire Departments of stating that inspection of any property proposed as a site for bingo games has been made, and that such property meets with the fire, building and safety regulations, and further has adequate off-street parking for one car for each two potential participant in a bingo game to be held per the license in question.

(3) Such evidence as the license official determines is necessary to verify that an applicant is a qualified organization per division (A) above in compliance with this chapter and all applicable state law.

(C) *Renewal applications; additional statements.* Applications for renewal of a previously issued bingo license shall comply with division (B) above and further, shall be submitted together with the following:

(1) A written statement succinctly describing the use of the funds derived from bingo games held during the previous year under the expiring bingo license.

(2) A written statement signed by the officers of the applicant organization stating that bingo games held were operated in conformance with the provisions of this chapter.

(D) *Review; verification.* The license official shall commence the review of an application for a bingo license within five business days of the city's receipt of that application in complete form. The license official's review of a bingo license application shall be complete within 30 days after commencing that application's review. A bingo license shall not issue until the license official has verified in writing that the facts stated in the application, determined that the applicant is qualified for a bingo license per this chapter, and determined that the issuance of the bingo license in question will not adversely impact the public health, safety or welfare. Absent such verification, an application for a bingo license shall be denied. Each bingo license application and the corresponding verification of the license official shall be maintained as a public record in compliance with applicable law and the city's records retention policy.

(E) *Annual licenses; no vested right.* A license issued pursuant to this chapter shall be valid until the end of the calendar year during which it was issued, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee. The fact that a license has been issued to an applicant during a particular year creates no vested right on the part of the licensee to continue to offer bingo for play. The City Council expressly reserves the right to amend or repeal this chapter at any time. If this chapter is repealed, all licenses issued pursuant to this chapter shall cease to be effective for any purpose on the effective date of the repealing ordinance.

(Ord. 1595, passed 5-18-11)

§ 111.05 CONDITIONS OF LICENSURE.

(A) Any bingo license issued per to this chapter shall be subject to the conditions and restrictions contained in Cal. Penal Code §§ 326.3, 326.4 and 326.5. Each bingo licensee in the city shall comply with all requirements of state law and this chapter in applying for its bingo

license, and in organizing and operating any bingo game in the city.

(B) Each license issued pursuant to this chapter shall be subject to the following additional conditions:

(1) Bingo games shall not be conducted by any bingo licensee on more than two days during any week, except that a licensee may hold a single additional game, at its election, during each calendar quarter.

(2) Each licensed organization is responsible for ensuring compliance with the conditions of this chapter and Cal. Penal Code §§ 326.3, 326.4 and 326.5 by itself, its officers and members.

(Ord. 1595, passed 5-18-11)

§ 111.99 PENALTY.

(A) Any natural person, partnership, association, corporation, or other legal entity that willfully engages in any conduct that represents a violation of this chapter shall be guilty, within the charging discretion of the City Attorney, of an infraction or a misdemeanor, and upon conviction thereof, shall be punished as provided in § 10.99 of this code.

(B) This section is intended to be cumulative to, and not in place of, other rights and remedies available to the city. Above and beyond the violations and penalties specified herein, the City Attorney and/or the license official, in order to enforce this chapter, may pursue any other right or remedy permitted by this code or other applicable authority, including but not limited to the commencement of a civil action, or an administrative action based upon a citation issued per Chapter 11 of this code to any person, partnership, association, corporation, or other legal entity that engages in any conduct that represents a violation of this chapter.

(C) Administrative penalties for citations arising from a violation of this chapter shall be punished per the schedule of fines established by the license official in accord with all applicable law, and maintained as a public record by the City Clerk. Any person who fails to timely pay an administrative penalty specified in Chapter 11 for a violation of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in § 10.99 of this code.

(D) A violation of any condition or provision of this chapter shall constitute cause for the license official's revocation and/or denial of a bingo license. Any such revocation or denial shall be in writing. Appeals regarding any city decision under this chapter shall be to the City Council per § 30.89 of this code.

(Ord. 1595, passed 5-18-11)