



SAN JOSE POLICE DEPARTMENT
PERMITS UNIT
(408) 277-4452



BINGO PERMIT PROCEDURES

Steps for Applicant

- A. Applicants must read and review the San Jose Municipal Code (see attached).
- B. Applicants must read and review California Penal Code 326.5 (see attached).
- C. Applicants must set up an appointment with Bingo Permits Officer and provide the following documentation according to SJMC 6.16.060 and 6.16.090:
 - Statement of ownership, lease, or rental agreement of premises.
 - Statement of ownership for bingo equipment used at premises.
 - Statement whether the total value of prizes awarded for any separate game, will on any occasion exceed \$5.00 in cash, kind or both.
 - Statement if refreshments will be served and if there will be a charge for such refreshments.
 - The organization roster which includes the names, signatures and addresses of all the officers of the organization.
 - Name, address, and phone number of person(s) responsible for the operation of the bingo games.
 - Updated tax exempt letters from IRS and State Franchise Tax Board.
 - Valid San Jose Fire Department inspection and occupancy report for location per SJMC 6.16.090.
 - Planning Department Letter of Compliance for location per SJMC 6.16.090.
- D. Interview in person with the San Jose Police Department Permits Unit personnel, for new and renewal of applications, **by appointment only**.



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BINGO PERMIT APPLICATION

Statement of owner, lease, or rental agreement of premises*

The premises that we hold our Bingo games at is owned by: _____

Name: _____

Signature: _____

Date: _____

* Attach proof of ownership, lease, or rental agreement.

Statement of ownership for bingo equipment used at premises

The Bingo equipment that will be used on site for our Bingo games, is owned by:

Name: _____

Signature: _____

Date: _____



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BINGO PERMIT APPLICATION

Statement whether the total value of prizes awarded for any separate game, will on any occasion exceed \$5.00 in cash, kind or both.

The total amount that a participant can win on a game is: \$_____. Then that amount is divided up by the number of winners for that game.

Name: _____

Signature: _____

Date: _____

Statement if refreshments will be served and if there will be a charge for such refreshments.

Refreshment are/are not (circle one) served during our Bingo games. We do/do not (circle one) charge for the refreshments served.

Refreshment

Amount Charged

Name: _____

Signature: _____

Date: _____



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BINGO PERMIT APPLICATION

NEW

RENEWAL

Date of Application: _____

Name of Organization: _____

Organization Address: _____
Number/Street Name Zip Code

Email Address: _____

Applicant Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Bingo Hall Name & Address: _____
Number/Street Name City/Zip Code Phone No.

Type of Premises: _____

Organization Status: Charitable Educational Religious Fraternal
 Other _____

Days and hours of operation of Bingo Games

Days: _____ Hours: _____

Name of Bingo Administrator: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Email Address: _____

Approved Government Photo ID: _____ Expiration Date: _____



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BINGO PERMIT APPLICATION

Officers of the Bingo Organization:

Name _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Signature: _____ Title: _____

Name _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Signature: _____ Title: _____

Name _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Signature: _____ Title: _____

Name _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Signature: _____ Title: _____

Name _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Signature: _____ Title: _____

Person(s) responsible for receipts and accounting:

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Name of each individual, corporation, partnership or other legal entity which has any financial interest in the bingo games.

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Responsible Party Name: _____

Home Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Business Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Approved Government Photo ID: _____ Expiration Date: _____

Bank Account Information

Bank Name: _____ Branch: _____

Bank Address: _____
Number/Street Name City/Zip Code Contact Phone No.

Authorized Signature: _____ Title: _____

SWORN AFFIDAVIT

I declare under penalty of perjury, that the foregoing information contained in this application, is true and correct. I understand that any false, misleading, or fraudulent statement(s) in this application or accompanying documents could be used as grounds to deny a new application or to revoke any existing Bingo Permit.

I acknowledge that I have reviewed Chapter 6.16 of the San Jose Municipal Code. I, as a sanctioned member of the organization, can state that the organization fully understands its legal obligations and agrees to comply with and obey all the ordinances and statutes listed in the San Jose Municipal Code. I also give consent to the Chief of Police or City Director of Finance or designated representative to inspect any bank accounts containing profits derived from bingo games. Additionally, the organization recognizes its responsibility for obeying all Federal, State and local statutes that are applicable to bingo games for charity. (See California Penal Code 326.5) Any violations of these statutes will lead to denial, suspension, or revocation of the organization's Bingo Permit.

Signature/Title

Date



CITY OF SAN JOSE
 Finance Dept-Treasury
 200 E Santa Clara St-13th Fl
 San Jose CA 95113-1905
 (408) 535-4148

Date: _____

Report for the month of:
 _____, 20__

MONTHLY REPORT & RETURN FORM
Bingo Gross Receipts & Expenditures

FORM MUST BE COMPLETED BY ORGANIZATION GROSSING MORE THAN \$2,500.00 MONTHLY

Organization Name: _____

Address: _____

Gross Bingo Payout (total prizes) \$ _____ x 2.27% * = \$ _____ Fees owed to the City of San Jose	
Monthly Gross Receipts \$ _____	This report is due on or before the 15th day of the month following the month reported hereon. (SJMC 6.16.195) Checks should be made payable to: CITY OF SAN JOSE

EXPENDITURE REPORT

In accordance with California Penal Code Subsection 326.5(k), all organization excluding those organizations exempt from payment of the bank and corporations tax by Section 23701d of the Revenue and Taxation Code must list their monthly expenses in the space provided below.

DO NOT LIST ANY ITEMS AS MISCELLANEOUS

<i>AMOUNT</i>	<i>TYPE OF EXPENSE</i>	<i>NOTE:</i> For organizations other than those exempted by Section 23701d of the Revenue and Taxation Code, a portion of the proceeds, not to exceed 20% of the proceeds before the deduction for prizes, or \$2,000 per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel. Proceeds may also be used to pay license fee.
\$		
\$		
\$		
\$		
\$		
\$		
\$	<i>TOTAL EXPENSES</i>	

DECLARATION BY AUTHORIZED MEMBER OF THIS ORGANIZATION

I declare, under penalty of perjury, that the information given herein is complete, true and correct:
 The above organization is: () exempt under Section 23701d of the Revenue & Taxation Code () exempt under another section of the Revenue & Taxation Code or () a non-exempt senior or mobile home park organization.

Executed on this date _____, 20__

Signature: _____ Title: _____

Name (printed or typed) _____

Contact Phone No.: _____ Email Address: _____

*** For fiscal year July 1, 2011 to June 30, 2012**

Chapter 6.16 BINGO

Sections:

- 6.16.010 Bingo defined.
- 6.16.020 Provisions intended supplementary to state law.
- 6.16.030 Only certain organizations permitted to conduct bingo.
- 6.16.040 No profit, wage or salary permitted.
- 6.16.050 Permit - Required.
- 6.16.060 Permit - Application requirements.
- 6.16.063 Qualified organizations.
- 6.16.066 Suppliers and distributors.
- 6.16.070 Authority of chief of police to inspect premises and records.
- 6.16.080 Access to criminal history information.
- 6.16.090 Application - Investigation and recommendation by other departments.
- 6.16.100 Application - Notice of hearing - Inspection of evidence.
- 6.16.110 Application - Hearing and decision.
- 6.16.120 Permit - Denial or conditional approval - Conditions.
- 6.16.130 Permit - Appeal from denial, conditional issuance, suspension or revocation.
- 6.16.140 Changes in operating staff - Further investigation.
- 6.16.150 Permit - Fees.
- 6.16.160 Permit - Terms - Renewal - Special permits.
- 6.16.170 Permits - Nontransferable.
- 6.16.180 Filing of reports - Renewals - After permit expiration.
- 6.16.185 Filing of monthly reports.

- 6.16.190 Records required.
- 6.16.195 Monthly Gross Receipt and Expenditure Report.
- 6.16.200 Where bingo may be conducted.
- 6.16.210 Staffing and operation.
- 6.16.213 Sale of cards.
- 6.16.216 False or misleading advertising.
- 6.16.220 Hours of operation.
- 6.16.230 Bingo equipment.
- 6.16.240 Financial interest restriction.
- 6.16.250 Proceeds to be kept in separate fund - Use restrictions.
- 6.16.260 Total value of prizes limited.
- 6.16.265 Award of prizes.
- 6.16.270 Games to be open to the public.
- 6.16.280 Physical presence at bingo game required.
- 6.16.290 Minors prohibited.

6.16.010 Bingo defined.

As used in this chapter, "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; and the game of bingo shall also include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. (All such preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance.")

(Prior code § 4900; Ord. 20203.)

6.16.020 Provisions intended supplementary to state law.

The provisions of this chapter are not intended to conflict with but shall supplement all laws of the state of California relating to lotteries, gaming or gambling, except that bingo as defined in Section 6.16.010 applies exclusively to this chapter and shall not be applied in the construction or enforcement of any other provision of law.

(Prior code § 4930; Ord. 20203.)

6.16.030 Only certain organizations permitted to conduct bingo.

No individual, corporation, partnership or other legal entity shall be permitted to conduct a bingo game except organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701L of the Revenue and Taxation Code and mobilehome park associations and senior citizen organizations; and provided that the proceeds of such games are used only for charitable purposes.

(Prior code § 4901; Ords. 19507, 20203.)

6.16.040 No profit, wage or salary permitted.

No person shall receive or pay a profit, wage, or salary from any bingo game authorized herein.

(Prior code § 4902; Ord. 20203.)

6.16.050 Permit - Required.

No person shall conduct a bingo game without first obtaining a permit from the chief of police.

(Prior code § 4914; Ord. 20203.)

6.16.060 Permit - Application requirements.

Written application for a permit required by this chapter shall be made by an affidavit under penalty of perjury and filed with the chief of police. Such application shall contain:

- A. Name of organization; names, signatures and addresses of all the officers of the organization;
- B. Days and hours of operation of bingo games;
- C. Copy of certificate or letter from the franchise tax board evidencing exempt status under Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, or 23701L of the Revenue and Taxation Code, if so exempt; a copy of a yearly updated exemption letter shall be submitted at time of renewal, including also any changes in the hours or days of operation;
- D. Address of premises where bingo games will be conducted;
- E. Statement of ownership or lease of premises;
- F. Purposes for which such premises are used by the organization;
- G. State of ownership of bingo equipment used in the operation of bingo games;
- H. Statement of consent for chief of police or city director of finance or designated representative to inspect any bank accounts containing profits derived from bingo games;
- I. Name of each individual, corporation, partnership or other legal entity which has a financial interest in the conduct of the bingo games;

J. Name, address, and phone number of person responsible for the operation of the bingo games;

K. Names of two persons responsible for receipts and accounting who shall be a bona fide and active member of applicant organization and of good moral character and who shall be present and in immediate charge of and responsible for the conduct of bingo games at each bingo session, including signatures, addresses, and phone numbers of said members, which shall be updated yearly or when any changes occur and submitted in writing to the chief of police;

L. Statement whether the total value of prizes awarded for any separate game will on any occasion exceed five dollars in cash, or kind, or both;

M. Whether any refreshments will be served during the time the games are being conducted, and if so, whether there will be a charge for such refreshments.

(Prior code § 4915; Ord. 20203.)

6.16.063 Qualified organizations.

All qualified organizations shall be functioning as bona fide charitable organizations for one year prior to application for a bingo permit.

(Ord. 20203.)

6.16.066 Suppliers and distributors.

Applicants shall submit to the San José police department vice unit a list of the names and addresses of any and all suppliers or distributors of bingo supplies and equipment to the applicant, including types of cards, serial numbers, and/or game descriptions.

(Ord. 20203.)

6.16.070 Authority of chief of police to inspect premises and records.

A. In connection with any bingo permit applied for, or issued, the chief of police shall have the authority to inspect the premises in order to ensure that the operation of bingo games does not constitute a violation of any state or federal law or provision of this Code.

B. In connection with any bingo permit applied for, or issued, the chief of police or designated representative may inspect the records and special bank accounts containing profits derived from bingo games of any organization conducting bingo games whenever deemed reasonable and appropriate to ensure compliance with the provisions of this chapter.

(Prior code § 4916; Ord. 20203.)

6.16.080 Access to criminal history information.

The chief of police shall have the authority to obtain criminal history information for each person operating or assisting in the operation of a bingo game for purposes of determining those who have been convicted within the past five years of crimes involving lotteries, gambling, larceny, perjury, bribery, extortion, fraud, or similar crimes involving moral turpitude, and to present such information at any bingo permit hearing.

(Prior code § 4917; Ord. 20203.)

6.16.090 Application - Investigation and recommendation by other departments.

The chief of police shall submit any application to other departments or governmental agencies for investigation and recommendation, including but not limited to the following:

- A. Fire department as to any fire hazard on the premises in question;
- B. Property and code enforcement department as to health and sanitary conditions of the premises; and
- C. Planning department as to compliance with zoning requirements and ordinances.

(Prior code § 4918; Ords. 20156, 20203.)

6.16.100 Application - Notice of hearing - Inspection of evidence.

A. The chief of police shall set the time, not less than five or more than thirty days following filing of an application, and place for public hearing on each application for a bingo permit, and shall mail notice thereof to the applicant and to any other person who has filed a written request for such notice.

B. Each applicant shall have the opportunity to review all records, papers, files and any other evidence relating to the application for a bingo permit, except criminal history information, at least five days prior to the time set for public hearing on such application.

(Prior code § 4919; Ord. 20203.)

6.16.110 Application - Hearing and decision.

At the time and place set for public hearing on the application for a bingo permit, the chief of police, or assistant or deputy chief of police appointed by and acting for the chief of police, shall consider the records, papers, files and any other evidence deemed relevant. Decision of the chief, or assistant or deputy acting for the chief of police, either granting or denying the permit shall be mailed to the applicant and to any other person who has filed a written request for such notice within ten days following the close of the hearing.

(Prior code § 4920; Ord. 20203.)

6.16.120 Permit - Denial or conditional approval - Conditions.

A. The chief of police, or assistant or deputy acting for him, may refuse to issue a permit if it is determined that the operation of a bingo game would be injurious to the health, safety and morals of the people of the city; that the apparent mode of operation of the bingo game would not be in compliance with state or federal law, or with this Code; that the apparent mode of operation of the bingo game would constitute a fire, or health or sanitary hazard, or would not be in compliance with building or zoning regulations, requirements and ordinances; that any person to be operating or assisting in the operation of a bingo game has been convicted within the past five years of a crime involving lotteries, gambling, larceny, perjury, bribery, extortion, fraud or similar crimes involving moral turpitude; that there has, been a willful misstatement of fact in an application or report filed hereunder, or a negligent failure to file any report required hereunder; or that there has been any other violation of any provision of this

chapter.

B. If the permit is approved, the chief, or assistant or deputy acting for him, may include restrictions and conditions in the permit deemed reasonable and necessary under the circumstances to ensure compliance with the purpose and intent of this chapter. Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the City of San José for a period of one year.

(Prior code § 4921; Ord. 20203.)

6.16.130 Permit - Appeal from denial, conditional issuance, suspension or revocation.

A. At any time within ten days after mailing of notice of the denial or conditional issuance of a bingo permit, or of a suspension or revocation thereof, the applicant or permit holder may appeal the decision to the code enforcement appeals commission. Such shall be done by filing written notice of appeal with said commission at the office of the director of neighborhood preservation. The perfecting of such appeal shall not suspend the denial, conditional issuance, suspension or revocation of a bingo permit.

B. The code enforcement appeals commission shall set the time, not less than fifteen nor more than forty-five days following perfecting of an appeal, and place for public hearing thereon, and shall mail notice thereof to the appellant and to any other person who has filed a written request for such notice. The commission shall make its order affirming or overruling the decision within ten days following the close of the hearing.

(Prior code § 4922; Ords. 20203, 20879.)

6.16.140 Changes in operating staff - Further investigation.

A. Any changes as to the staff operating or assisting in the operation of a bingo game, and any other changes in the information furnished in the application subsequent to its filing, shall be reported promptly to the chief of police for any further investigation deemed necessary and appropriate.

B. If at any time after issuance of a bingo permit the chief of police suspects that grounds exist which would warrant denial or conditional approval of such permit, he or she may conduct a hearing to decide whether such permit should be suspended or revoked in the manner provided herein for a permit application.

(Prior code § 4923; Ord. 20203.)

6.16.150 Permit - Fees.

A. Fees for bingo permits shall be as set forth in the schedule of fees established by resolution of the city council.

B. If an application for a permit is denied, one-half of the permit fee payable upon application shall be refunded to the organization.

(Prior code § 4924; Ords. 20203, 20640, 21023, 21039, 21285.)

6.16.160 Permit - Terms - Renewal - Special permits.

General permits shall be granted for one-year terms on a calendar-year basis from January 1st through December 31st, without proration of fees, and shall be renewable on an annual basis thereafter.

A special permit is granted only for a one-day term for each bingo game; said special permit shall not be renewable.

(Prior code § 4925; Ord. 20203.)

6.16.170 Permits - Nontransferable.

Permits granted under this chapter shall not be transferable, either as to permittee or location. Any attempt to transfer shall render the permit in question invalid.

(Prior code § 4927; Ord. 20203.)

6.16.180 Filing of reports - Renewals - After permit expiration.

A notice of licensee's intention to renew shall be filed with the licenses and permits section of the San José police department not later than thirty days prior to expiration date of the permit.

Within thirty days following expiration of the period of the permit, each permittee shall file a report made under penalty of perjury with the chief of police containing the following information:

- A. Any changes in or additions to the information required in the application;
- B. Names, signatures and addresses of all the officers of the organization;
- C. Roster of bona fide active members;
- D. Any change of hours and hours of operation of bingo games;
- E. Copy of current tax exemption status from franchise tax board;
- F. Name, address and phone number of person responsible for the operation of bingo games;
- G. Names, addresses and phone numbers of two persons that are responsible for the receipts and accounting of bingo games;
- H. Names and addresses of all suppliers and distributors of bingo supplies, including description of supplies;
- I. A copy of an annual gross receipts and expenditures report.

(Prior code § 4926; Ord. 20203.)

6.16.185 Filing of monthly reports.

A. A monthly list of all winners over one hundred dollars, including signatures, addresses, and phone numbers.

B. A gross receipts and expenditures report will be due by all organizations who gross over two thousand five hundred dollars.

C. An annual list of all suppliers or distributors, including description of supplies.

(Ord. 20203.)

6.16.190 Records required.

Each organization conducting a bingo game shall maintain detailed records of all profits, expenditures, prizes and other expenses associated with the operation of bingo games. Said records shall be retained for such period of time as required by state and federal law and for a period of three years for purposes of this chapter. These records, or any reports as determined necessary, shall be made available by the licensee to the chief of police, or designated representative, at all reasonable times upon demand.

(Prior code § 4913; Ord. 20203.)

6.16.195 Monthly gross receipt and expenditure report.

Licensees shall submit a monthly gross receipt and expenditure report to the vice unit of the police department on forms provided by the city treasurer. The report and check made payable to the City of San José where the additional fee of one percent of the monthly gross receipts over five thousand dollars is applicable shall be sent on or before the fifteenth day of each month immediately preceding the calendar month. These gross receipt and expenditure reports are due only from those organizations which gross over two thousand five hundred dollars per month.

(Ord. 20203.)

6.16.200 Where bingo may be conducted.

An organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this section shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

(Prior code § 4904; Ord. 20203.)

6.16.210 Staffing and operation.

A bingo game shall be operated and staffed only by members of the licensed organization. Only the organization authorized to conduct a bingo game shall participate in the promotion, supervision, or any other phase of such game. A roster of the volunteer staff members of the licensed organization shall be conspicuously posted on the premises where such games are conducted and shall be open to public inspection.

Any person participating in the operation, conduct, or staffing of any bingo game shall wear on his or her outside clothing, in plain view, an identification insignia or badge measuring not less than 2 1/2 inches by 3 1/2 inches in size and specifying the full name and title of such person and the name of the licensed organization.

(Prior code § 4906; Ord. 20203.)

6.16.213 Sale of cards.

All cards with concealed preprinted numbers or symbols are to be sold only during the operation of a bingo game, and it shall be the responsibility of the game's operators to ensure that such cards remain on the premises at all times. Any sale or transport of said cards to the bingo operator may be accepted only by United States mails from out of the state of California. These cards shall not be used in any manner so as to violate any of the provisions of Section 330b of the Penal Code.

(Ord. 20203.)

6.16.216 False or misleading advertising.

It shall be unlawful for any licensee with intent directly or indirectly to induce, encourage or solicit any person to participate in any bingo game or games authorized pursuant to this chapter, to make or disseminate or cause to be made or disseminated before the public in this city, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or any other manner or means whatsoever, any statement concerning any such bingo game including, but not limited to, the amount of prizes to be awarded or distributed in any game, which is untrue or misleading, and which is known or which, by the exercise of reasonable care, should be known to be untrue or misleading.

(Ord. 20203.)

6.16.220 Hours of operations.

Bingo games shall be conducted by a licensee only during the hours of noon to midnight, and only on the following prescribed days:

- A. Not more than two days during any calendar week, where the total value of prizes awarded for any separate game will not exceed five dollars in cash or kind, or both;
- B. Not more than one day during any calendar week, where the total value of prizes awarded for any separate game will exceed five dollars in cash or kind, or both.

No property shall in any event be used for the conduct of bingo games more often than two days out of any seven-day period, nor more than twelve hours out of any day, regardless of the total number of licensees utilizing said property.

(Prior code § 4911; Ords. 20203, 20318.)

6.16.230 Bingo equipment.

All equipment used in the operation of bingo games shall be owned by the organization authorized to conduct such bingo games.

All cards as defined with concealed preprinted numbers or symbols shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance."

(Prior code § 4912; Ord. 20203.)

6.16.240 Financial interest restriction.

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.

(Prior code § 4907; Ord. 20203.)

6.16.250 Proceeds to be kept in separate funds - Use restrictions.

With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this chapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

A. Such proceeds may be used for prizes;

B. A portion of such proceeds, not to exceed ten percent of the proceeds after the deduction for prizes, or five hundred dollars per month, whichever is less, may be used for rental of property, overhead, and administrative expenses, including the purchase of bingo equipment;

C. Such proceeds may be used to pay license fees.

All disbursements from the bingo account shall be by consecutively numbered checks signed by two authorized officers of the licensee and shall be made payable to a specific individual or organization. There shall be written on each check the nature of the expenditure for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee.

(Prior code § 4908; Ord. 20203.)

6.16.260 Total value of prizes limited.

The total value of prizes awarded during the conduct of any bingo games, including preprinted cards, shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game which is held.

(Prior code § 4910; Ord. 20203.)

6.16.265 Award of prizes.

A monthly list of all winners of one hundred dollars, cash, or over, in kind or cash or both, including signature, address, phone number, amount of prize, date, game number, and number of players of said game shall be submitted monthly to the vice unit of the police department.

Licensee shall inform all patrons of this requirement prior to the commencement of each bingo session. All such information shall be kept strictly confidential by licensee and shall be made available only to the City of San José upon request by designated representatives of the police department.

(Ord. 20203.)

6.16.270 Games to be open to the public.

All bingo games shall be open to the public, not just to the members of the authorized organizations.

No person who is obviously intoxicated shall be allowed to participate in a bingo game.

(Prior code § 4905; Ord. 20203.)

6.16.280 Physical presence at bingo game required.

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.

(Prior code § 4909; Ord. 20203.)

6.16.290 Minors prohibited.

No minors shall be allowed to participate in any bingo games.

(Prior code § 4903; Ord. 20203.)

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326.5. (a) Neither the prohibition on gambling in this chapter nor in Chapter 10 (commencing with Section 330) applies to any bingo game that is conducted in a city, county, or city and county pursuant to an ordinance enacted under Section 19 of Article IV of the State Constitution, if the ordinance allows games to be conducted only in accordance with this section and only by organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, and 23701l of the Revenue and Taxation **Code** and by mobilehome park associations, senior citizens organizations, and charitable organizations affiliated with a school district; and if the receipts of those games are used only for charitable purposes.

(b) It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games, as provided in subdivisions (j) and (k).

(c) A violation of subdivision (b) shall be punishable by a fine not to exceed ten thousand dollars (\$10,000), which fine is deposited in the general fund of the city, county, or city and county that enacted the ordinance authorizing the bingo game. A violation of any provision of this section, other than subdivision (b), is a misdemeanor.

(d) The city, county, or city and county that enacted the ordinance authorizing the bingo game may bring an action to enjoin a violation of this section.

(e) No minors shall be allowed to participate in any bingo game.

(f) An organization authorized to conduct bingo games pursuant to subdivision (a) shall conduct a bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by that organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subdivision shall be construed to require that the property owned or leased by, or whose use is donated to, the organization be used or leased exclusively by, or donated exclusively to, that organization.

(g) All bingo games shall be open to the public, not just to the members of the authorized organization.

(h) A bingo game shall be operated and staffed only by members of the authorized organization that organized it. Those members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such a game, or participate in the promotion, supervision, or any other phase of a bingo game. This subdivision does not preclude the employment of security personnel who are not members of the authorized organization at a bingo game by the organization conducting the game.

(i) 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 a bingo game.

(j) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation **Code**, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Those profits shall be used only for charitable purposes.

(k) With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the

receipts of bingo games conducted by organizations not within subdivision (j). Those proceeds shall be used only for charitable purposes, except as follows:

(1) The proceeds may be used for prizes.

(2) (A) Except as provided in subparagraph (B), a portion of the proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or two thousand dollars (\$2,000) per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

(B) For the purposes of bingo games conducted by the Lake Elsinore Elks Lodge, a portion of the proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or three thousand dollars (\$3,000) per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel. Any amount of the proceeds that is additional to that permitted under subparagraph (A), up to one thousand dollars (\$1,000), shall be used for the purpose of financing the rebuilding of the facility and the replacement of equipment that was destroyed by fire in 2007. The exception to subparagraph (A) that is provided by this subparagraph shall remain in effect only until the cost of rebuilding the facility is repaid, or January 1, 2019, whichever occurs first.

(3) The proceeds may be used to pay license fees.

(4) A city, county, or city and county that enacts an ordinance permitting bingo games may specify in the ordinance that if the monthly gross receipts from bingo games of an organization within this subdivision exceed five thousand dollars (\$5,000), a minimum percentage of the proceeds shall be used only for charitable purposes not relating to the conducting of bingo games and that the balance shall be used for prizes, rental of property, overhead, administrative expenses, and payment of license fees. The amount of proceeds used for rental of property, overhead, and administrative expenses is subject to the limitations specified in paragraph (2).

(1) (1) A city, county, or city and county may impose a license fee on each organization that it authorizes to conduct bingo games. The fee, whether for the initial license or renewal, shall not exceed fifty dollars (\$50) annually, except as provided in paragraph (2). If an application for a license is denied, one-half of any license fee paid shall be refunded to the organization.

(2) In lieu of the license fee permitted under paragraph (1), a city, county, or city and county may impose a license fee of fifty dollars (\$50) paid upon application. If an application for a license is denied, one-half of the application fee shall be refunded to the organization. An additional fee for law enforcement and public safety costs incurred by the city, county, or city and county that are directly related to bingo activities may be imposed and shall be collected monthly by the city, county, or city and county issuing the license; however, the fee shall not exceed the actual costs incurred in providing the service.

(m) No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place where the bingo game is being conducted.

(n) The total value of prizes available to be awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500) in cash or kind, or both, for each separate game which is held.

(o) As used in this section, "bingo" means 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. Notwithstanding Section 330c, as used in this section, the game of bingo includes tangible cards having numbers or symbols that are concealed and preprinted in a manner providing for distribution of prizes. Electronics or video displays shall not be used in connection with the game of bingo, except in connection with the caller's drawing of numbers or symbols and the public display of that drawing, and except as provided in subdivision (p). The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." Only a covered or marked tangible card possessed by a player and presented to an attendant may be used to claim a prize. It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law.

(p) (1) Players who are physically present at a bingo game may use hand-held, portable card-minding devices, as described in this subdivision, to assist in monitoring the numbers or symbols announced by a live caller as those numbers or symbols are called in a live game. Card-minding devices may not be used in connection with any game where a bingo card may be sold or distributed after the start of the ball draw for that game. A card-minding device shall do all of the following:

(A) Be capable of storing in the memory of the device bingo faces of tangible cards purchased by a player.

(B) Provide a means for bingo players to input manually each individual number or symbol announced by a live caller.

(C) Compare the numbers or symbols entered by the player to the bingo faces previously stored in the memory of the device.

(D) Identify winning bingo patterns that exist on the stored bingo faces.

(2) A card-minding device shall perform no functions involving the play of the game other than those described in paragraph (1).

Card-minding devices shall not do any of the following:

(A) Be capable of accepting or dispensing any coins, currency, or other representative of value or on which value has been encoded.

(B) Be capable of monitoring any bingo card face other than the faces of the tangible bingo card or cards purchased by the player for that game.

(C) Display or represent the game result through any means, including, but not limited to, video or mechanical reels or other slot machine or casino game themes, other than highlighting the winning numbers or symbols marked or covered on the tangible bingo cards or giving an audio alert that the player's card has a prize-winning pattern.

(D) Determine the outcome of any game or be physically or electronically connected to any component that determines the outcome of a game or to any other bingo equipment, including, but not limited to, the ball call station, or to any other card-minding device. No other player-operated or player-activated electronic or electromechanical device or equipment is permitted to be used in connection with a bingo game.

(3) (A) A card-minding device shall be approved in advance by the commission as meeting the requirements of this section and any additional requirements stated in regulations adopted by the commission. Any proposed material change to the device, including any

change to the software used by the device, shall be submitted to the commission and approved by the commission prior to implementation.

(B) In accordance with Chapter 5 (commencing with Section 19800) of Division 8 of the Business and Professions Code, the commission shall establish reasonable criteria for, and require the licensure of, any person that directly or indirectly manufactures, distributes, supplies, vends, leases, or otherwise provides card-minding devices or other supplies, equipment, or services related to card-minding devices designed for use in the playing of bingo games by any nonprofit organization.

(C) A person or entity that supplies or services any card-minding device shall meet all licensing requirements established by the commission in regulations.

(4) The costs of any testing, certification, license, or determination required by this subdivision shall be borne by the person or entity seeking it.

(5) On and after January 1, 2010, the commission and the Department of Justice may inspect all card-minding devices at any time without notice, and may immediately prohibit the use of any device that does not comply with the requirements of subdivision (r) of Section 19841 of the Business and Professions Code. The Department of Justice may at any time, without notice, impound any device the use of which has been prohibited by the commission.

(6) The California Gambling Control Commission shall issue regulations to implement the requirements of this subdivision and may issue regulations regarding the means by which the operator of a bingo game, as required by applicable law, may offer assistance to a player with disabilities in order to enable that player to participate in a bingo game, provided that the means of providing that assistance shall not be through any electronic, electromechanical, or other device or equipment that accepts the insertion of any coin, currency, token, credit card, or other means of transmitting value, and does not constitute or is not a part of a system that constitutes a video lottery terminal, slot machine, or device prohibited by Chapter 10 (commencing with Section 330).

(7) The following definitions apply for purposes of this subdivision:

(A) "Commission" means the California Gambling Control Commission.

(B) "Person" includes a natural person, corporation, limited liability company, partnership, trust, joint venture, association, or any other business organization.