

ORDINANCE NO. 4380

An ordinance of the County of San Bernardino, State of California, amending Chapter 17 of Division 1 of Title 4 of the San Bernardino County Code, relating to bingo games.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 17 of Division 1 of Title 4 of the San Bernardino County Code is amended, to read:

Chapter 17: Bingo Games

41.1701 Legislative Authorization.

41.1702 Bingo Authorized.

41.1703 License Required.

41.1704 Qualified Applicants.

41.1705 Application Requirements.

41.1706 License Application; Verification.

41.1707 Annual License.

41.1708 Conditions of Licensure.

41.1709 Responsibility of Licensed Organization.

41.1710 Cause for Denial of Application, Suspension or Revocation of License.

41.1711 Notice.

41.1712 Appeal Hearing.

41.1713 Violations, Remedies, and Penalties.

41.1701 Legislative Authorization.

This chapter is adopted pursuant to Section 19 of Article IV of the California Constitution, as implemented by Penal Code sections 326.4 and 326.5.

1 **41.1702 Bingo Authorized.**

2 Bingo, including remote caller bingo, may be lawfully played in the County
3 pursuant to the provisions of Penal Code sections 326.4 and 326.5, and this chapter,
4 and not otherwise.

5 **41.1703 License Required.**

6 No bingo game, including a remote caller bingo game, may be conducted without
7 a current valid license issued by the responsible department pursuant to this chapter,
8 and without compliance with other applicable state law. The responsible department,
9 for purposes of this chapter, is the Land Use Services Department.

10 **41.1704 Qualified Applicants.**

11 The following organizations are qualified to apply to the responsible department
12 for a license to operate a bingo game, including a remote caller bingo game, if the
13 receipts of those games are used only for charitable purposes:

14 (a) An organization exempt from the payment of the taxes imposed under the
15 Corporation Tax Law by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g,
16 23701k, 23701l, or 23701w of the Revenue and Taxation Code;

17 (b) A mobilehome park association of a mobilehome park that is situated in
18 the County;

19 (c) Senior citizens organizations;

20 (d) Charitable organizations affiliated with a school district.

21 **41.1705 Application Requirements.**

22 (a) The application shall be in a form prescribed by the responsible
23 department and shall be accompanied by a nonrefundable license fee in an amount set
24 forth in County Code section 16.0215C.

25 (b) The following documentation shall be attached to the application, as
26 applicable:

27 (1) A certificate issued by the Franchise Tax Board certifying that the
28 applicant is exempt from the payment of the taxes imposed under the Corporation Tax

1 Law pursuant to Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k,
2 23701l, or 23701w of the Revenue and Taxation Code. In lieu of a certificate issued by
3 the Franchise Tax Board, the responsible department may refer to the Franchise Tax
4 Board's Internet Web site to verify that the applicant is exempt from the payment of the
5 taxes imposed under the Corporation Tax Law;

6 (2) Other evidence as the responsible department determines is
7 necessary to verify that the applicant is a duly organized mobilehome park association
8 of a mobilehome park situated in the County, or a senior citizens organization, or a
9 charitable organization affiliated with a school district.

10 (c) No person may use a fictitious name or fictitious address in connection
11 with the application.

12 (d) The Sheriff shall investigate the application. The Sheriff shall determine if
13 the granting of a license would be inimical to public health, safety, and welfare, or would
14 undermine the public trust that gambling operations are free from criminal or dishonest
15 elements. The Sheriff shall report to the Clerk of the Board the findings of the
16 investigation and a recommendation as to whether the applicant should be issued a
17 license.

18 **41.1706 License Application: Verification.**

19 The license shall not be issued until the responsible department has verified the
20 facts stated in the application and determined that the applicant is qualified.

21 **41.1707 Annual License.**

22 A license issued pursuant to this chapter shall be valid for a period of one year
23 beginning from the date of issuance. At the end of the year the license shall
24 automatically expire. A new license shall only be issued after the filing of a new
25 application, payment of the license fee, and compliance with the requirements of this
26 chapter. The fact that a license has been issued to an applicant creates no vested right
27 on the part of the licensee to continue to offer bingo for play. The Board of Supervisors
28 expressly reserves the right to amend or repeal this chapter at any time. If this chapter

1 is repealed, all licenses issued pursuant to this chapter shall cease to be effective for
2 any purpose on the effective date of the repealing action.

3 **41.1708 Conditions of Licensure.**

4 (a) Any license issued pursuant to this chapter for any bingo shall be subject
5 to the conditions contained in Penal Code section 326.5, and each licensee shall
6 comply with the requirements of those provisions.

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

9 (1) For purposes of this chapter, the term "profit" shall not include one
10 complimentary meal to be consumed on the premises at which a bingo game, including
11 remote caller bingo games, is being conducted by any volunteer helping to staff the
12 bingo game then being played. A volunteer may have no more than one complimentary
13 meal per five hour period, and must consume the meal on the same date that his or her
14 services are being rendered.

15 (2) Records required by this chapter and law shall be retained for a
16 period of five years. The licensed organization's books and records shall be available
17 for inspection by the Sheriff upon reasonable notice.

18 (3) Each licensed organization shall display the license issued
19 pursuant to this chapter in a conspicuous place in the premises where the bingo games,
20 including remote caller bingo games, are conducted.

21 (4) A license issued pursuant to this chapter shall be issued to a
22 specific qualified organization and for a specific location and shall not be transferred
23 from one organization to another organization or utilized for purposes of playing bingo at
24 another location.

25 (5) Bingo games shall not be conducted by any licensed organization
26 on more than ten days in each calendar month, nor for more than five hours in any 24-
27 hour period, nor between 2:00 a.m. and 6:00 a.m.

28 **41.1709 Responsibility of Licensed Organization.**

1 The licensed organization is responsible for ensuring that the conditions of this
2 chapter and Penal Code sections 326.4 and 326.5 are complied with by the
3 organization and its officers, members, employees, volunteers, staff, and agents.

4 **41.1710 Cause for Denial of Application, Suspension or Revocation of**
5 **License.**

6 The following shall be cause for the denial of an application for a license or the
7 suspension or revocation of a license:

8 (a) A violation of any requirement of this chapter.

9 (b) A violation of any requirement of Penal Code sections 326.4 or 326.5, or
10 California Code of Regulations, Title 4, Division 18, Chapter 8 (section 12480 et seq.).

11 (c) The knowingly making of any false, misleading, or fraudulent statement of
12 a material fact in an application for a license, or in any report, record, or other
13 information submitted to the responsible department, the Sheriff, or any other public
14 official or officer.

15 (d) A determination that granting the license would be inimical to public
16 health, safety, and welfare, or would undermine the public trust that gambling
17 operations are free from criminal or dishonest elements.

18 (e) The conducting of a bingo game, including a remote caller bingo game, in
19 a manner that is inimical to public health, safety, and welfare, or that undermines the
20 public trust that gambling operations are free from criminal or dishonest elements.

21 (f) The failure of an organization to comply with zoning, building and safety,
22 environmental health, or fire regulations, or other federal, state, or local laws or
23 regulations.

24 **41.1711 Notice.**

25 If the responsible department denies an application, then the responsible
26 department shall provide the applicant with written notice of the denial and the
27 applicant's right to request an appeal hearing before a hearing officer pursuant to
28 Section 41.1712. If the responsible department finds cause for the suspension or

1 revocation of a license, then the responsible department shall provide the licensed
2 organization with written notice of the responsible department's intent to suspend or
3 revoke the license and the organization's right to request an appeal hearing before a
4 hearing officer pursuant to Section 41.1712.

5 **41.1712 Appeal Hearing.**

6 (a) A request for an appeal hearing must be submitted to the responsible
7 department, in writing, within ten working days of the service of the responsible
8 department's notice issued pursuant to Section 41.1711. The request shall contain the
9 address to which the notice of hearing shall be sent. If no request for an appeal hearing
10 is submitted, or no request for an appeal is submitted in compliance with this
11 subsection, then the appellant will be deemed to have waived its right to an appeal
12 hearing and the decision of the responsible department shall be final.

13 (b) The responsible department shall appoint a hearing officer to hear the
14 appeal. The responsible department shall provide written notice of the appeal hearing
15 to the appellant. Upon the written request of the appellant and if good cause is found,
16 the responsible department or the hearing officer may postpone the hearing date. If the
17 appellant does not confirm in advance that it will appear at the appeal hearing or if the
18 appellant fails to appear at the appeal hearing, the appellant will be deemed to have
19 waived its right to an appeal hearing and the decision of the responsible department
20 shall be final.

21 (c) The hearing need not be conducted according to technical rules relating to
22 evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which
23 responsible persons are accustomed to rely in the conduct of serious affairs, regardless
24 of the existence of any common law or statutory rule which might make improper the
25 admission of the evidence over objection in civil actions. Hearsay evidence may be
26 used for the purpose of supplementing or explaining other evidence, but shall not be
27 sufficient in itself to support a finding unless it would be admissible over objection in civil
28 actions. The rules of privilege shall be effective to the extent that they are otherwise

1 required by statute to be recognized at the hearing. Irrelevant and unduly repetitious
2 evidence shall be excluded.

3 (d) The responsible department shall present its case first. The appellant
4 shall present thereafter. Each party may be represented by counsel, examine and
5 cross-examine witnesses, and, after completion of both parties' presentation of
6 evidence, make a closing oral argument or, if requested by the hearing officer, submit a
7 written post-hearing brief. The decision of the hearing officer shall be final.

8 **41.1713 Violations, Remedies, and Penalties.**

9 (a) It shall be unlawful for any person or entity to violate any provision of this
10 chapter. Enforcement, violations, remedies, and penalties shall be governed by
11 Chapter 2 (Section 11.0201 et seq.) of Division 1 of Title 1 of the County Code, and
12 other applicable law.

13 (b) Pursuant to Penal Code section 326.5(b) and (c), it is a misdemeanor for
14 any person to receive or pay a profit, wage, or salary from any bingo game authorized
15 by Section 19 of Article IV of the California Constitution and this chapter. A violation of
16 Penal Code section 326.5(b) shall be punishable by a fine not to exceed \$10,000.00,
17 which fine shall be deposited in the general fund of the County. A violation of any
18 provision of Penal Code section 326.5, other than subdivision (b), shall be a
19 misdemeanor. The County may bring an action to enjoin a violation of Penal Code
20 section 326.5.

21
22 SECTION 2. This ordinance shall take effect thirty (30) days from the date of
23 adoption.

24
25 
26 CURT HAGMAN, Chairman
27 Board of Supervisors
28

1 SIGNED AND CERTIFIED THAT A COPY
2 OF THIS DOCUMENT HAS BEEN DELIVERED
3 TO THE CHAIR OF THE BOARD

4 LYNNA MONELL, Clerk of the
5 Board of Supervisors

6 
7 STATE OF CALIFORNIA)
8) ss.
9 COUNTY OF SAN BERNARDINO)

10 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San
11 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
12 Supervisors of said County and State, held on the 7th day of April, 2020, at which
13 meeting were present Supervisors: Robert A. Lovingood, Janice Rutherford, Dawn
14 Rowe, Curt Hagman, Josie Gonzales, and the Clerk, the foregoing ordinance was
15 passed and adopted by the following vote, to wit:

16 AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford,
17 Dawn Rowe, Curt Hagman, Josie Gonzales
18 NOES: SUPERVISORS: None
19 ABSENT: SUPERVISORS: None

20 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
21 seal of the Board of Supervisors this 7th day of April, 2020.

22 LYNNA MONELL, Clerk of the
23 Board of Supervisors of the
24 County of San Bernardino,
25 State of California

26 
27 Deputy

28 Approved as to Form:

MICHELLE D. BLAKEMORE
County Counsel

By: 
KENNETH C. HARDY
Supervising Deputy County Counsel

Date: 5/7/2020