



PUBLIC BINGO GAME LICENSE PROCEDURES

Applicant Instructions

1. **FEE:** New OR Change in Person in Charge - \$50.00
Renewal - \$25.00
2. Complete an "Application for Public Bingo Game License," the person in charge needs to complete a "Person in Charge Form," officers must each complete a "Miscellaneous Information Sheet," and all assisting staff members must complete an "Assisting Form".
3. Deliver the following:
 - a.) Completed applications (Public Bingo Game License Application, Person in Charge Form, Miscellaneous Information Sheets and Assisting Staff Forms).
 - b.) Proof of being a nonprofit charitable organization, a mobilehome park organization or a senior citizens organization. (This is only required for new applications.)
 - c.) A check made payable to the City of San Marcos for \$50.00 if new license or if there is a change in the person in charge OR \$25.00 if renewal and there is no change in the person in charge.
4. Upon receipt of approvals from the Sheriff's Dept., Planning Division, Building Division, and Fire Dept., your License will be issued. You will be notified via e-mail when your license is approved and issued. **Please note, bingo licenses can typically take 6 – 8 weeks to complete the approval processing.**
5. Once your license has been issued and you have started your bingo games, you will be required to submit a Financial Statement **no later than** the 10th day of the following month. The Financial Statements will be provided to you once your license has been issued.
6. Applications can be submitted to HANSlicensing@san-marcos.net or by mail to:
City of San Marcos
Housing & Neighborhood Services Department
1 Civic Center Drive
San Marcos, CA 92069

CITY OF SAN MARCOS
1 CIVIC CENTER DRIVE
SAN MARCOS, CA 92069
(760) 744-1050, EXT. 3111

APPLICATION FOR PUBLIC BINGO GAME LICENSE

NEW _____ RENEWAL _____ LICENSE # _____ DATE PAID _____ RECEIPT # _____

ORGANIZATION _____

MAILING ADDRESS _____

PERSON IN CHARGE OF BINGO GAMES _____

(Attached page must be completed)

ADDRESS OR LOCATION OF BUILDING WHERE BINGO GAMES WILL BE HELD:

OWNER OR LESSEE OF BUILDING _____

BINGO GAMES WILL BE CONDUCTED:

DAYS _____ HOURS _____

AGE GROUP OF PARTICIPANTS (Must be 18 years or older) _____

ORGANIZATION OF OFFICERS: (Each officer must complete a Miscellaneous Information Sheet and submit with this application.)

PRESIDENT _____ VICE PRES. _____

SECRETARY _____ TREASURER _____

PROOF OF NON-PROFIT OR CHARITABLE STATUS ATTACHED _____ YES _____ NO

INFORMATION SHEETS FOR BINGO ASSISTING STAFF ATTACHED _____ YES _____ NO

AS CONDITION OF APPLICATION, THE UNDERSIGNED PERSON CERTIFIES UNDER PENALTY OF PERJURY:

- a) The statements made on this application are true to the best of my knowledge.
- b) Within 10 days after the closed of each month a full and completed financial statement of all monies collected, disbursed and amount of remaining for charitable purposes will be filed with the City Clerk covering the previous month's Bingo Games on forms prescribed and furnished by the City Clerk.

Applicant's Signature

Title

OFFICE USE ONLY

SHERIFF'S DEPT. _____ DATE _____ APPROVED _____ DISAPPROVED _____

CITY OF SAN MARCOS
1 CIVIC CENTER DRIVE
SAN MARCOS, CA 92069
(760) 744-1050, EXT. 4517

BINGO STAFF APPLICATION

PERSON IN CHARGE

DATE _____ ATTACH TO LICENSE # _____

ORGANIZATION PROVIDING BINGO GAME: _____

APPLICANTS NAME: _____
(Last) (First) (Middle)

ALIAS OR MAIDEN NAME: _____

DATE OF BIRTH: _____ PLACE OF BIRTH: _____ HEIGHT: _____ WEIGHT: _____

SEX: _____ HAIR: _____ EYES: _____ CDL# _____ SSN: _____

RESIDENCE ADDRESS: _____
(Number) (Street) (City) (State) (Zip)

RESIDENCE PHONE: _____ WORK PHONE: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIME? _____ YES _____ NO IF YES, LIST ALL CONVICTIONS BELOW

DATE	LOCATION	OFFENSE	SENTENCE
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(USE REVERSE IF NECESSARY)

UNDER PENALTY OF PERJURY, I SWEAR THAT THE FOREGOING STATEMENTS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT THE ABOVE INFORMATION MAY BE USED BY THE CITY OF SAN MARCOS AND THE SHERIFF'S DEPARTMENT TO OBTAIN A CRIMINAL RECORD CHECK.

DATE: _____

Signature of Applicant

OFFICE USE ONLY

FOR THE USE OF SHERIFF'S DEPT.

Approved _____ Disapproved _____

Reason _____

Date _____ By _____

CITY OF SAN MARCOS
1 CIVIC CENTER DRIVE
SAN MARCOS, CA 92069
(760) 744-1050, EXT. 4517

MISCELLANEOUS INFORMATION SHEET

ATTACH TO LICENSE # _____

APPLICANTS NAME: _____
(Last) (First) (Middle)

ALL OTHER NAMES USED: _____

DATE OF BIRTH: _____ PLACE OF BIRTH: _____ HEIGHT: _____ WEIGHT: _____

SEX: _____ HAIR: _____ EYES: _____ CDL# _____ SSN: _____

RESIDENCE ADDRESS: _____
(Number) (Street) (City) (State) (Zip)

RESIDENCE PHONE: _____ EMERGENCY PHONE: _____

LIST PREVIOUS RESIDENCES FOR THE PAST 5 YEARS:

LIST ALL CHARGES RESULTING IN CONVICTION OR PLEA OF NOLO CONTENDERE WITHIN THE PAST 5 YEARS (Except for Misdemeanor Traffic Violations).

DATE	PLACE/AGENCY	CHARGE	DISPOSITION	NAME ON DISPOSITION

I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION I HAVE GIVEN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THE INFORMATION SUPPLIED IN THIS APPLICATION MAY BE USED TO OBTAIN A CRIMINAL RECORD CHECK.

DATE: _____

Signature of Applicant

OFFICE USE ONLY

FOR USE OF SHERIFF'S DEPT.

Approved _____ Disapproved _____

Reason _____

Date _____ By _____

CITY OF SAN MARCOS
1 CIVIC CENTER DRIVE
SAN MARCOS, CA 92069
(760) 744-1050, EXT. 4517

BINGO STAFF APPLICATION

ASSISTING STAFF

DATE _____ ATTACH TO LICENSE # _____

ORGANIZATION PROVIDING BINGO GAME: _____

APPLICANTS NAME: _____
(Last) (First) (Middle)

ALIAS OR MAIDEN NAME: _____

DATE OF BIRTH: _____ PLACE OF BIRTH: _____ HEIGHT: _____ WEIGHT: _____

SEX: _____ HAIR: _____ EYES: _____ CDL# _____ SSN: _____

RESIDENCE ADDRESS: _____
(Number) (Street) (City) (State) (Zip)

RESIDENCE PHONE: _____ WORK PHONE: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIME? _____ YES _____ NO IF YES, LIST ALL CONVICTIONS BELOW

DATE	LOCATION	OFFENSE	SENTENCE

(USE REVERSE IF NECESSARY)

UNDER PENALTY OF PERJURY, I SWEAR THAT THE FOREGOING STATEMENTS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT THE ABOVE INFORMATION MAY BE USED BY THE CITY OF SAN MARCOS AND THE SHERIFF'S DEPARTMENT TO OBTAIN A CRIMINAL RECORD CHECK.

DATE: _____
Signature of Applicant

OFFICE USE ONLY

FOR THE USE OF SHERIFF'S DEPT.

Approved _____ Disapproved _____

Reason _____

Date _____ By _____

CITY OF SAN MARCOS – BINGO FINANCIAL STATEMENT**MONTH OF _____ 20_____**

NAME OF ORGANIZATION: _____ ADDRESS: _____ LICENSE# _____

CHARITABLE FUNDS RECEIVED AND EXPENSES

DATE OF GAME	GROSS RECEIPTS	EXPENSES INCURRED	FUNDS AVAILABLE FOR CHARITABLE DISBURSEMENT
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		
	\$		
TOTAL	\$		

CHARITABLE FUNDS DISBURSED

DATE	AMOUNT OF CONTRIBUTION	NAME OF RECIPIENT
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
TOTAL	\$	

BALANCE IN FUND: \$ _____

SUBMIT FINANCIAL STATEMENT, PRIOR TO THE TENTH DAY OF THE NEXT MONTH.**DATE RECEIVED _____**

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE IS A FULL, TRUE AND CORRECT REPORT OF ALL MONIES COLLECTED AND FUNDS REMAINING FOR CHARITABLE PURPOSES.

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

CHAPTER 5.68**BINGO GAMES****SECTIONS:**

5.68.010	Bingo authorized
5.68.020	Definitions
5.68.030	License required
5.68.040	Application
5.68.050	Terms of license and fees
5.68.060	Application investigation
5.68.070	License not transferable
5.68.080	Limitations
5.68.090	Inspection
5.68.100	Application denial, license suspension and/or revocation
5.68.110	Appeal procedure
5.68.120	Violations

5.68.010 Bingo authorized. This chapter is adopted pursuant to section 19 of Article IV of the California Constitution in order to regulate the game of bingo lawful under the terms and conditions set forth in the following sections of this chapter.

5.68.020 Definitions. Whenever in this chapter the following terms are used they shall have the meanings respectively ascribed to them in this section.

(a) Bingo is 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. The game of bingo shall also include 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 persons 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."

(b) Nonprofit, charitable organization is an organization exempted from the payment of the bank and corporation tax by Section 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) and 23701(l) of the Revenue and Taxation Code and a contribution or gift to which would be a charitable contribution under Section 170(c)(2) of the Internal Revenue Code of 1954.

(c) An authorized organization is a nonprofit charitable organization as defined herein, a mobile home park organization or a senior citizens organization.

(d) Minor is any person under the age of eighteen (18) years.

5.68.030 License required. It shall be unlawful for any person to conduct any bingo game(s) in the City of San Marcos, unless such person is a member of an authorized organization acting on behalf of such authorized organization and has been issued a license as provided by this chapter.

5.68.040 Application. Application for a license shall be made to the City Clerk on forms prescribed by the City Clerk and approved by the Chief of Police, and shall be filed not less than ten (10) days prior to the proposed date of the bingo game(s). Such application form shall require from the applicant at least the following:

- (a) A list of all members who will operate the bingo game including full names of each member, date of birth, place of birth, physical description and driver's license number.
- (b) The date(s) and place(s) of the proposed bingo game(s).
- (c) Proof that the organization is an authorized organization as defined by this chapter.

5.68.050 Terms of license and fees.

- (a) The term of a bingo license is one year and may be renewed for a period of one year from its date of issuance, upon application therefor. The bingo license shall be issued on a fiscal year basis, beginning with July first, and ending June thirtieth.
- (b) The fee for the initial bingo license shall be fifty dollars (\$50.00). The fee for renewal shall be twenty-five dollars (\$25.00). The appropriate fee shall accompany the submission of each application and is nonrefundable and nonproratable except in the event an application for a license is denied, one-half of said fee shall be refunded to the applicant.
- (c) An additional fee of one percent of the monthly gross receipts over five thousand dollars (\$5,000.00) derived from bingo games shall be collected monthly by the issuing officer.

5.68.060 Application investigation. Upon receipt of an application for a license the City Clerk shall send copies of such application to any office or department which the City Clerk deems essential in order to carry out a proper investigation of the applicant. The Chief of Police and every officer of the departments to which an application is referred shall investigate the truth of the matters set forth in the application, the character of the applicant, and may examine the premises to be used for the bingo game(s). Upon favorable recommendation of the Chief of Police the City Clerk shall issue the license.

5.68.070 License not transferable. Each license issued hereunder shall be issued to a specific person on behalf of a specific authorized organization to conduct a bingo game at a specific location and shall in no event be transferable from one person to another, nor from one location to another.

5.68.080 Limitations. An authorized organization shall conduct a bingo game only on property owned or leased by it, which property is used by such authorized organization for an office or for the performance of the purposes for which the authorized organization is organized.

- (a) No minors shall be allowed to participate in any bingo game.
- (b) All bingo games shall be open to the public, not just to members of the authorized organization.
- (c) All bingo games shall be operated and staffed only by members of the authorized organization which organized it. Such members shall be approved by the Chief of Police and shall not receive a profit, wage or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game or participate in the promotion, supervision or any other phase of such game.

(d) 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.

(e) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701(d) 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 profit shall be used for charitable purposes. 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. Such proceeds shall be used only for charitable purposes, except as follows:

(l) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed ten (10) percent of the proceeds before the deduction for prizes, or five hundred dollars (\$500.00) per month, whichever is less, may be used for the rental of equipment, overhead, including the purchase of bingo equipment, and administrative costs.

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

(4) Within the first ten (10) days of each month, the applicant shall file with the City Clerk a full and complete financial statement of all monies collected, disbursed and the amount remaining for the charitable purposes, on forms provided by the City Clerk as a result of the previous month's bingo games.

(f) 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.

(g) The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

(h) No bingo game shall be conducted between the hours of midnight and 8:00 a.m.

5.68.090 Inspection. 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.

5.68.100 Application denial, license suspension and/or revocation. The City Clerk may deny any application for a bingo license, or suspend or revoke a license if she has received an unfavorable report from the Chief of Police, or if she finds that the applicant or licensee or any agent or representative thereof has:

(a) Knowingly made any false, misleading or fraudulent statement of material fact in the application or in any record or report required to be filed under this chapter, or

(b) Violated any of the provisions of this chapter. If after an investigation by the Chief of Police and other departmental officers it is determined that a bingo license should be suspended or revoked or an application for such license denied, a notice of suspension,

revocation or denial of application setting forth the reasons for such suspension, revocation or denial of application shall be prepared. Such notice shall be sent by certified mail to the applicant's last address provided in the application or be personally delivered. Any person who has had an application for a bingo license denied, suspended or revoked may appeal the decision in the manner provided in this chapter.

5.68.110 Appeal Procedure. Any appeal shall be filed and conducted as prescribed in this section:

(a) Within fifteen (15) calendar days after the date of any denial, suspension, revocation or other notice of and by the City Clerk, an aggrieved party may appeal such action by filing with the City Clerk of the City of San Marcos a written appeal briefly setting forth the reasons why such denial, suspension, revocation or other decision is not proper.

(b) Within thirty (30) days after the date of receipt of said appeal the City Clerk shall schedule a hearing before the City Council. At least one week prior to the date of the hearing on the appeal, the clerk shall notify the appellant and the Chief of Police of the date and place of the hearing. The City Council is authorized to conduct the hearing on the appeal. At such hearing the Chief of Police or City Clerk and the appellant may present evidence relevant to the denial, suspension, revocation, or other decision of the Chief of Police or City Clerk. The City Council shall receive evidence and shall rule on the admissibility of evidence and on questions of law. The formal rules of evidence applicable in a court of law shall not apply to such hearing.

(c) At the conclusion of the hearing, the City Council may uphold the denial, suspension, revocation or other decision of the Chief of Police or City Clerk, or the City Council may allow that which has been denied, reinstate that which has been suspended or revoked, or modify or reverse any other Chief of Police's or City Clerk's decision which is the subject of the appeal. The City Clerk shall within ten (10) days of said hearing forward the decision of the City Council to the appellant, and other interested parties. The decision of the City Council is final.

5.68.120 Violations and penalties.

(a) It is unlawful for any person to receive a profit, wage or salary from any bingo game authorized by this chapter.

(b) Any person guilty of violating any of the provisions or failing to comply with any of the requirements of this chapter shall be deemed guilty of a misdemeanor and shall be punishable in accordance with section 1.12.020. **(Ord No. 99-1053, 2/1/99)**