

5.21 Ord
7/26/16



ORDINANCE NO._____

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. The Board of Supervisors finds and determines that amendments to Title 5 are necessary to update the El Dorado County Ordinance Code to establish a legal framework for the regulation of Remote Caller Bingo Games.

Section 2. Chapter 5.21 is hereby added to the El Dorado County Ordinance Code as follows:

REMOTE CALLER BINGO GAMES

5.21.00 Authorized.

Remote caller bingo may be lawfully played in the County pursuant to the provisions of Sections [326.3](#) and [326.4](#) of the Penal Code, and this article, and not otherwise.

5.21.01 Qualified Organizations.

A qualified organization shall be permitted to obtain a license pursuant to this article if:

- A. The organization has been incorporated or in existence for three years or more; and
- B. The organization possesses a valid license pursuant to Sec. 5.20.030 of this chapter; and
- C. The receipts of remote caller bingo games shall be used only for charitable purposes; and
- D. The operation of bingo is not the primary purpose for which the organization is organized.

5.21.02 License Application and Fee.

An application for a license to conduct remote caller bingo games shall be in a form prescribed by the License Official and shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the County Board of Supervisors from time to time. The filing fee shall be initially set at one hundred forty dollars (\$140). The following documentation shall be attached to the application, as applicable:

- A. 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 Section [23701d](#) of the Revenue and Taxation Code; and
- B. Other evidence as the License Official determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the County.

To the extent possible, the License Official shall integrate the process for obtaining a license under this article with the process for obtaining the license in **Sec. 5.20.030**.

5.21.03 License Application Verification.

The license shall not be issued until the License Official has verified the facts stated in the application and determined that the applicant is qualified.

5.21.04 Annual Licenses.

A license issued pursuant to this article shall be valid until the end of the calendar year, 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 creates no vested right on the part of the licensee to continue to offer bingo for play. The county board of supervisors expressly reserves the right to amend or repeal this article at any time. If this article is repealed, all licenses issues pursuant to this article shall cease to be effective for any purpose on the effective date of the repeal.

5.21.05 License Conditions.

- A. Any license issued pursuant to this article shall be subject to the conditions contained in Sections [326.3](#) and [326.4](#) of the Penal Code, and each licensee shall comply with the requirements of those provisions.

B. Each license issued pursuant to this article shall be subject to the following additional conditions:

1. Bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.
2. The licensed organization is responsible for ensuring that the conditions of this chapter and Sections [326.3](#) and [326.4](#) of the Penal Code are complied with by the organization 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 organization’s license. Revocations and their appeals shall be governed by the same procedures in **Sec. 5.08**.

Section 3. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of _____, 2016, by the following vote of said Board:

ATTEST
JAMES S. MITRISIN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

Ayes:

Noes:
Absent:

Chair, Board of Supervisors

Approved as to form.
MICHAEL J. CICCOTZI
County Counsel

By: David A. Livingston
Sr. Deputy County Counsel

I CERTIFY THAT:
The foregoing instrument is a correct copy
of the original on file in this office

Date _____
ATTEST: JAMES S. MITRISIN,
Clerk of the Board of Supervisors of the
County of El Dorado, State of California.

By _____
Deputy Clerk