



# TRACY POLICE DEPARTMENT

## APPLICATION FOR A LICENSE TO CONDUCT A BINGO GAME

Name of Applicant Organization: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Tax ID #: \_\_\_\_\_

1. List name of members who will start and operate Bingo games below.

FIRST AND LAST NAME	ADDRESS

2. Address where bingo games will be conducted: \_\_\_\_\_

3. Days of the week bingo games will be conducted: \_\_\_\_\_

4. Hours of the day bingo games will be conducted: \_\_\_\_\_

Statement of Compliance:

\_\_\_\_\_ (Name of applicant organization) agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of California Penal Code and with applicable ordinances of the City of Tracy. Applicant further agrees that the license to conduct bingo games may be revoked by the Chief of Police upon violation of any such provisions.

I/We declare, under penalty of perjury, that all information furnished to complete this application is true and correct. **ONLY ORIGINAL APPLICATIONS WILL BE ACCEPTED. NO PHOTOCOPIES.**

\_\_\_\_\_  
Presiding Officer of Organization (signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Vice President of Organization (signature)

\_\_\_\_\_  
Date

***The sum of sixty-seven dollars (\$67.00) must accompany this application at the time of the submittal. Checks should be made payable to the City of Tracy. Renewals are \$13.00.***

**SERVICE ♦ INTEGRITY ♦ EXCELLENCE**

1000 Civic Center Drive ♦ Tracy, Ca. 95376 ♦ Voice: 209.831.6550 ♦ Fax: 209.831.4017

## **Chapter 4.24 LICENSING AND REGULATION OF NONPROFIT ORGANIZATIONS FOR THE OPERATION OF BINGO GAMES**

**Sections:**

### **4.24.010 Bingo authorized.**

Notwithstanding any other provision of this chapter, this chapter is adopted pursuant to section 19 of article IV of the Constitution of the State in order to make the game of bingo lawful under the terms and conditions of this chapter.

(Prior code § 4-6.01)

### **4.24.020 Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, certain words used in this chapter are defined as follows:

- (a) *"Bingo"* shall mean 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.
- (b) *"Nonprofit charitable organization"* shall mean an organization exempted from the payment of the bank and corporation tax by subsection (d) of section 23701 of the Revenue and Taxation Code of the State and a contribution or gift to which would be a charitable contribution under subsection (2) of subsection (c) of section 170 of the Internal Revenue Code of 1954.
- (c) *"Minor"* shall mean any person under the age of eighteen (18) years.

(Prior code § 4-6.02)

### **4.24.030 Licenses required.**

It shall be unlawful for any person to conduct any bingo game in the incorporated area of the City unless such person is a member of a nonprofit charitable organization as set forth in section 4.24.040 of this chapter and has been issued a license as provided by this chapter.

(Prior code § 4-6.03)

### **4.24.040 Organizations eligible for licenses to conduct bingo games.**

Corporations, community chests, or trusts organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes or for the prevention of cruelty to children or animals, exempted from the payment of the bank and corporation tax by subsections (a), (b), (c), (d), (f), (g), and (1) of Section 23701 of the Revenue and Taxation Code of the State and a contribution or gift to which would be a charitable contribution under subsection (2) of subsection (c) of Section 170 of the Internal Revenue Code of 1954, and mobile home park associations and senior citizens organizations shall be eligible to apply to the City for a

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license to conduct bingo games in the City under the provisions of Section 326.5 of the Penal Code of the State and the provisions of this chapter.

(Prior code § 4-6.04)

#### **4.24.050 Licenses—Applications.**

Applications for licenses shall be made to the Chief of Police on forms prescribed by the Police Department and shall be filed not less than thirty (30) days prior to the proposed date of the bingo game or games. Such application form shall require from the applicant the following:

- (a) The name of the applicant organization and written proof that the applicant is an eligible organization under section 4.24.040 of this chapter;
- (b) A list of the names and residence addresses of members of the applicant organization who will, from time to time, operate and staff bingo games;
- (c) The particular property within the City, including the street number, owned or leased by the applicant and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted, together with the occupancy capacity of such place;
- (d) The proposed days of the week and hours of the day for the conduct of bingo games;
- (e) The annual license fee, as set forth in section 4.24.060 of this chapter shall accompany the application;
- (f) A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code of the State and this chapter, as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the Chief of Police upon the violation of any of such provisions; and
- (g) Such application shall be signed for the applicant by the presiding officer and one other officer of the applicant under penalty of perjury.

(Prior code § 4-6.05)

#### **4.24.060 Licenses—Terms—Fees.**

The term of a bingo license shall be six (6) months, and the license may be renewed every six (6) months upon an application therefor.

The fee for a bingo license shall be in an amount established by resolution of the City Council, of which one-half (½) shall be refunded if the application is denied. The fee for each renewal thereafter shall be in the amount established by resolution of the City Council. The appropriate fee shall accompany the submission of each application, shall be nonrefundable, and shall be used to defray the costs of the issuance of the license.

(Prior code § 4-6.06)

(Ord. No. 1159, § 11, 6-7-2011)

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#### **4.24.070 Licenses—Applications—Investigations.**

Upon the receipt of an application for a license, the Chief of Police may send copies of such application to any office or department which the Chief of Police deems essential in order to carry out a proper investigation of the applicant.

The Chief of Police and every officer and/or department to which an application is referred shall investigate the truth of the matters set forth in the application and the character of the applicant and may examine the premises to be used for the bingo game.

Upon the approval of any application for a bingo license, the Chief of Police shall issue the license.

(Prior code § 4-6.07)

#### **4.24.080 Licenses—Nontransferable.**

Each license issued pursuant to the provisions of this chapter shall be issued to a specific person on behalf of a specific nonprofit charitable 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.

(Prior code § 4-6.08)

#### **4.24.090 Limitations.**

A nonprofit charitable 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 the performance of the purposes for which the organization is organized.

- (a) No minor shall be allowed to participate in any bingo game.
- (b) All bingo games shall be open to the public, not just to the members of the nonprofit charitable organization.
- (c) A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized the bingo game. 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 game, shall hold a financial interest in the conduct of such bingo game.
- (e) 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. With each license renewal application, the applicant shall file with the Police Department a full and complete financial statement of all moneys collected and disbursed and the amount remaining for charitable purposes.
  - (1) Such proceeds may be used for prizes.
  - (2) A portion of such proceeds, not to exceed ten (10%) percent of the proceeds after the deduction for prizes, or Five Hundred and no/100ths (\$500.00) Dollars per month, whichever is less, may be used for the rental of property, overhead, and administrative expenses.
- (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.

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- (g) The total value of prizes awarded during the conduct of any bingo games shall not exceed Two Hundred Fifty and no/100ths (\$250.00) Dollars 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.
  - (i) In the event the applicant is unable to conduct such bingo games on the proposed days and hours because of circumstances beyond his control, the applicant may apply to the Chief of Police for a new day of the week and hours of the day without additional charge to the applicant.

(Prior code § 4-6.09)

#### **4.24.100 Inspections.**

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 the bingo game.

(Prior code § 4-6.10)

#### **4.24.110 Licenses—Denial of applications—Suspension and/or revocation.**

The Chief of Police may deny an application for a bingo license and the Chief of Police may suspend or revoke a license if a finding is shown that the applicant or licensee, or any agent or representative thereof, has:

- (a) Knowingly made any false, misleading, or fraudulent statement of a 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, the Chief of Police determines that a bingo license should be suspended or revoked or an application for such license denied, he shall prepare a notice of suspension, revocation, or denial of application setting forth the reasons for such suspension, revocation, or denial of application. 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 a bingo license suspended or revoked by the Chief of Police may appeal the decision of the Chief of Police in the manner provided in this chapter.

(Prior code § 4-6.11)

#### **4.24.120 Appeals—Procedure.**

An aggrieved person may appeal the decision of the Chief of Police under section 1.12.010.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 4-6.12)

#### **4.24.130 Violations—Penalties.**

- (a) It shall be unlawful for any person to receive a profit, wage, or salary from any bingo game authorized by this chapter.
- (b) A violation of subsection (a) of this section shall be punishable by a fine not to exceed Ten Thousand and no/100ths (\$10,000.00) Dollars, which fine shall be deposited in the general fund of the City.

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(Supp. No. 65)

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(c) Any person violating any provision of this chapter, other than subsection (a) of this section, or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor.

(Prior code § 4-6.13)

#### **4.24.140 Validity.**

If any provision, clause, sentence, or paragraph of this chapter, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.

(Prior code § 4-6.14)