

**ORDINANCE NO. 558  
(AS AMENDED THROUGH 558.13)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
AMENDING ORDINANCE NO. 558 TO AUTHORIZE  
TRADITIONAL AND REMOTE CALLER BINGO GAMES**

The Board of Supervisors of the County of Riverside ordain as follows:

Section 1.   PURPOSE. This ordinance is intended to authorize, license and regulate traditional and remote caller bingo games in the unincorporated area of the County of Riverside.

Section 2.   AUTHORITY. This ordinance is adopted pursuant to Article IV, section 19(c) of the California Constitution and Penal Code sections 326.5 (traditional bingo), 326.3 and 326.4 (remote caller bingo). All references to Penal Code sections set forth in this ordinance include those sections as may be amended from time to time.

Section 3.   TRADITIONAL AND REMOTE CALLER BINGO AUTHORIZED.

    a.   Traditional bingo games, as defined in Penal Code section 326.5 (o), may lawfully be played within the unincorporated areas of the County of Riverside pursuant to provisions of Penal Code section 326.5 and this ordinance, and not otherwise.

    b.   Remote caller bingo, as defined in Penal Code section 326.3(u)(1), may be lawfully played in the unincorporated areas of Riverside County pursuant to the provisions of sections 326.3 and 326.4 of the Penal Code, and this ordinance, and not otherwise.

Section 4.   LICENSE REQUIRED.

- a.   (1)   A traditional bingo license must first be obtained from the County of Riverside before conducting a traditional bingo game.
- (2)   Before conducting a remote caller bingo game, a traditional bingo license and a remote caller bingo license must first be obtained from the County of Riverside.
- b.   It shall be unlawful for:
- (1)   Any organization to conduct traditional or remote caller bingo game in the unincorporated area of the County of Riverside unless such organization is a qualified organization as set forth in section 5 and has first obtained a license as required by section 4.a. of this ordinance;
- (2)   Any person to conduct traditional or remote caller bingo in the unincorporated area of the County of Riverside unless such person is a member of a qualified organization as set forth

in section 5 of this ordinance and is acting on behalf of such qualified organization that has been issued a license as provided by section 4.a of this ordinance; or,

- (3) Any person leasing, owning or in possession of real property to permit or allow their property to be used to conduct traditional or remote caller bingo games in the unincorporated area of the County of Riverside unless the bingo games are being conducted by a qualified organization pursuant to a license in accordance with this ordinance.
- c. For the purpose of this ordinance, the term 'person' means any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

Section 5. QUALIFIED ORGANIZATIONS:

- a. The following are 'qualified organizations' which may apply to the Sheriff of Riverside County for a license to conduct traditional bingo games:
  - (1) An organization exempt from the payment of the bank and corporation tax by Revenue and Tax Code sections 23701, 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), 23701(k), 23701(l) or 23701(w);
  - (2) A mobile home park association;
  - (3) A senior citizens organization; and,
  - (4) Charitable organizations affiliated with a school district.
- b. Any organization qualified to receive a traditional bingo license issued pursuant to section 4.a of this ordinance may also apply for a license to conduct remote caller bingo games if:
  - (1) The organization possesses a valid traditional bingo license; and,
  - (2) The organization has been incorporated or in existence for three years or more.

Section 6. APPLICATIONS.

- a. Applications for a traditional bingo license and for a remote caller bingo license or a renewal thereof shall be filed with the office of the Sheriff of Riverside County on forms prescribed by the Sheriff and shall be signed under penalty of perjury.
- b. A separate application must be completed for a traditional bingo license and for a remote caller bingo license. A traditional bingo license is required for a

- remote caller bingo license, and can be applied for at the same time.
- c. A separate application must be completed for each property location where bingo will be conducted. For remote caller bingo, a separate application is required for both the location where the bingo game is called or broadcasted, and each location receiving the broadcast.
  - d. The qualified organization shall designate a person as having fiduciary responsibility for the game.
  - e. An application shall not be filed unless the applicant is a qualified organization which has owned or leased property, or has property whose use is donated to it, within the unincorporated area of Riverside County that:
    - (1) was used by the applicant for the performance of the purposes for which it is organized, for at least twelve (12) months immediately preceding the filing of such application; and
    - (2) the property upon which the bingo game is to be conducted is property so owned or leased by, or whose use is donated to, the applicant.
  - f. An application shall be filed:
    - (1) not less than thirty (30) days prior to the proposed date of the bingo game; and,
    - (2) not later than thirty (30) days after obtaining written verification from the Riverside County Planning Department confirming that:
      - (A) there is improved vehicular access to the premises where the bingo game is to be conducted; and,
      - (B) Such premises contain off-street vehicle parking facilities at a minimum ratio of not less than one parking space for each two seats (one seat is defined as an area of seven and one-half square feet); and,
    - (3) not later than thirty (30) days after obtaining written verification from the Riverside County Building and Safety Department that the bingo operation complies with Riverside County Ordinance Nos. 457 and 546.
  - g. The application shall be accompanied by any information reasonably necessary to permit the Sheriff or their designee to determine that the bingo operations and games will be conducted in compliance with this ordinance and all applicable state laws, county ordinances and regulations,

including the following as applicable:

- (1) a certificate issued by the California Franchise Tax Board certifying that the applicant is exempted from the payment of the bank and corporation tax as set forth in section 5(a)(1) of this chapter; and,
  - (2) any additional evidence as the Sheriff or designee determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the unincorporated area of the County.
- h. The Sheriff may investigate the truth of the matters set forth in the application and submittals and the character of the applicant and may inspect the premises to be used for the bingo operations and games. The Sheriff may make inquiries to any office or department of the County of Riverside and to any state or federal agencies in the Sheriff's discretion in order to carry out a proper investigation of applicant and the organization.
- i. A license shall not be granted until the Sheriff or designee has verified the facts stated in the application and determined that the applicant is qualified.

**Section 7. APPLICATION FEE.**

A separate application and fee is required for each property location where a traditional or remote caller bingo game will be conducted. For remote caller bingo, a separate application and fee is required for the location where the bingo will be called or broadcasted and each location receiving the broadcast.

- a. Traditional Bingo License.
  - (1) The application fee for a traditional bingo license shall be fifty dollars (\$50) and shall accompany the filing of each application.
  - (2) If the application for a license is denied, one-half (1/2) of the application fee shall be refunded to the applicant.
  - (3) An additional fee for law enforcement and public safety costs incurred by the county that are directly related to bingo activities may be imposed by resolution of the Board of Supervisors of Riverside County and shall be collected monthly by the county. The fee shall not exceed the actual costs incurred in providing the service.
- b. Remote Caller Bingo License.
  - (1) Each application for a remote caller bingo

license shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the Board of Supervisors of Riverside County, from time to time.

- (2) The application fee for a remote caller bingo license shall be in addition to the application fee for a traditional bingo license set forth in section 6(a) of this ordinance.

Section 8. TERM OF LICENSE.

- a. A traditional bingo license shall expire twelve (12) months after the date of issuance. A remote caller bingo license shall expire at the end of the calendar year after the date of issuance or upon expiration of the traditional bingo license, whichever is earlier.
- b. A new license or renewal shall only be granted on the filing of a new application and the deposit of the required application fees.

Section 9. LICENSE CREATES NO VESTED RIGHTS. The issuance of a license 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 ordinance, or any provision thereof at any time. If this ordinance or any provision thereof is repealed, all licenses issued pursuant to this ordinance or provision thereof shall cease to be effective for any purpose on the effective date of the repealing legislation.

Section 10. LICENSE NOT TRANSFERABLE. Each license issued hereunder shall be issued to a specified qualified organization to conduct a bingo game at a specified location and shall in no event be transferable from one organization to another or from one location to another.

Section 11. LIMITATIONS AND CONDITIONS OF APPROVAL

- a. Any approval granted pursuant to this ordinance shall be subject to the conditions contained in Penal Code sections 326.3 and 326.4 (remote caller bingo) and section 326.5 (traditional bingo) and each licensee shall comply with all applicable state and local laws and regulations.
- b. The licensed qualified organization is responsible for ensuring that the conditions of this ordinance and Penal Code sections 326.3 and 326.4 (remote caller bingo) and section 326.5 (traditional bingo) 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 license to conduct traditional or

- remote caller bingo games.
- c. A qualified organization shall conduct bingo games only on property owned or leased by it, or on property whose use is donated to such organization, and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized. Nothing in this subsection 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, such organization.
  - d. All bingo games shall be open to the public, not just to the members of the qualified organization.
  - e. No person shall be allowed to participate in bingo games unless the person is physically present at the time and place where the bingo game is being conducted. A person shall be deemed to be 'physically present' at the place where the remote caller bingo game is being conducted if he or she is present at any of the licensed locations participating in the remote caller bingo game in accordance with this ordinance and Penal Code section 326.3(n).
  - f. No minors shall be allowed to participate in any bingo game.
  - g. Bingo games shall be operated and staffed only by members of the licensed qualified organization. Only the licensed qualified organization shall operate the bingo game or participate in the promotion, supervision or any other phase of such game. Such organization shall have written policies incorporated in its constitution, articles, by-laws or other regulations setting forth the manner in which a person may become a member of the organization, and absent any such written policies, it shall be presumed that the organization has no members who may operate and staff a bingo game. This subdivision does not preclude the employment of security personnel, who are not members of the qualified organization, at a bingo game by the organization conducting the game.
  - h. The receipts from the bingo games shall only be used for charitable purposes as set forth in Penal Code section 326.5 (traditional bingo) and section 326.3 (remote caller bingo) and this ordinance.
  - i. No person shall receive or pay a profit, wage, salary or percentage from any bingo game authorized by this ordinance.
  - j. No individual, corporation, partnership or other legal

entity, except the licensed qualified organization, shall hold a financial interest in the conduct of bingo games.

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

l. 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 profits shall be used only for charitable purposes; that is, for the purposes for which such organizations are organized pursuant to their articles of incorporation or for purposes clearly incidental thereto. With respect to other organizations authorized to conduct bingo games pursuant to the provisions of this ordinance, all proceeds derived from a bingo game shall be kept in a special fund and account and shall not be commingled with any other fund or account. Such proceeds shall be distributed to organizations that are tax exempt under section 23701(d) of the Revenue and Taxation Code to be used for charitable purposes as above defined, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or \$2,000.00 per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel.

The licensee shall keep full and complete accounting records supported by properly executed contracts, leases, receipts, and other related documents which pertain to all monies, or other forms of income, collected in connection with the conduct of any of its bingo games, disbursed for expenditures in connection therewith and remaining or distributed for charitable purposes. Such records shall be clearly identified and readily accessible. Officials of the County of Riverside shall have the right to examine and audit such records at any reasonable time, and the

licensee shall fully cooperate with such officials by making such records available. At the end of any month during which any bingo game is conducted, the licensee shall file with the Sheriff a full and complete financial statement of all monies collected and disbursed and the amount remaining or distributed for charitable purposes.

- m. Remote Caller Bingo Games. The following additional provisions and limitations apply to remote caller bingo games:
- (1) Remote caller bingo games shall not be conducted by any licensee on more than two (2) days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.
  - (2) Remote caller bingo shall not include any site not located within this state.
  - (3) No more than 750 players may participate in a remote caller bingo game in a single location unless the Governor of California has declared a state of emergency and the conditions of Penal Code section 326.3 (j)(3) have been and will be satisfied.
  - (4) The remote caller bingo licensee shall also maintain a valid traditional bingo license issued pursuant to this ordinance.
  - (5) Notwithstanding section 11.g. above, and subject to the provisions of section 11.m., subdivisions (6) and (7), administrative, managerial, technical, financial, or security personnel who are not members of the licensed qualified organization may be employed by the licensed qualified organization conducting the remote caller bingo game.
  - (6) Notwithstanding any other provisions of law, exclusive or other agreements between the licensed qualified organization and other entities or persons to provide services in the administration, management or conduct of the remote caller bingo game shall not be considered a violation of the prohibition against holding a legally cognizable financial interest in the conduct of the remote caller bingo game by persons or entities other than the licensed qualified organization, provided that those persons or entities obtain the gambling



licenses, the key employee licenses, or the work permits required by, and otherwise comply with, Chapter 5 (commencing with section 19800) of Division 8 of the California Business and Professions Code.

- (A) Fees to be paid under any such agreements shall be reasonable and shall not be determined as a percentage of the receipts or other revenues from, or be dependent on the outcome of, the game.
- (7) A qualified organization authorized to conduct a remote caller bingo game pursuant to this ordinance shall not have overhead costs exceeding twenty percent (20%) of the gross sales, except that the limitations of this section shall not apply to one-time, nonrecurring capital acquisitions. For purposes of this subsection, 'overhead costs' includes, but is not limited to, amounts paid for rent and equipment leasing and the reasonable fees authorized to be paid to administrative, managerial, technical, financial, and security personnel employed by the organization pursuant to section 11.m., subdivisions (6) and (7) of this ordinance.
- (8) For the purpose of keeping its overhead costs below twenty percent (20%) of the gross sales, an authorized organization may elect to deduct all or a portion of the fees paid to financial institutions for the use and processing of credit card sales from the amount of gross revenues awarded for prizes. In that case, the redirected fees for the use and processing of credit card sales shall not be included in 'overhead costs' as defined in the California Remote Caller Bingo Act (Penal Code section 326.3 et seq). Additionally, fees paid to financial institutions for the use and processing of credit card sales shall not be deducted from the proceeds retained by the charitable organization.
- (9) The value of the prizes awarded during the conduct of any remote caller bingo game shall not exceed thirty-seven percent (37%) of the gross receipts for that game. When an authorized organization elects to deduct fees paid for the use and processing of credit card sales from the amount of the gross revenues

for that game awarded for prizes, the maximum amount of gross revenues that may be awarded for prizes shall not exceed thirty-seven percent (37%) of the gross receipts for that game, less the amount of redirected fees paid for the use and processing of credit card sales.

- (10) Every remote caller bingo game shall be played until a winner is declared.
- (11) Progressive prizes are prohibited.
- (12) The declared winner of a remote caller bingo game shall provide his or her identifying information and a mailing address to the onsite manager of the remote caller bingo game.
- (13) Prizes shall be paid only by check; no cash prizes shall be paid. The organization conducting the remote caller bingo game may issue a check to the winner at the time of the game, or may send a check to the declared winner by United States Postal Service certified mail, return receipt requested.
- (14) All prize money exceeding state and federal exemption limits on prize money shall be subject to income tax reporting and withholding requirements under applicable state and federal laws and regulations, and any reports and withholding shall be forwarded within ten (10) business days to the appropriate state or federal agency on behalf of the winner. A report shall accompany the amount withheld identifying the person on whose behalf the money is being sent.
- (15) Any game interrupted by a transmission failure, electrical outage, or act of God shall be considered void in the location that was affected. A refund for a cancelled game or games shall be provided to the purchasers.

Section 12. INSPECTION. Any peace officer of the County of Riverside shall have free access to any bingo game licensed under this ordinance. The licensee shall have the bingo license, lists of approved staff and accounting documents relating to all monies collected, disbursed and distributed available to such peace officer for inspection at all times during any bingo game or during licensee's normal business hours.

Section 13. DENIAL OF APPLICATION, LICENSE SUSPENSION OR REVOCATION.

- a. The Sheriff or designee may deny an application for a bingo license upon a finding that:

- (1) The applicant does not fulfill the specific requirements for such license as set forth in this ordinance; or,
  - (2) The applicant, or any agent or representative thereof, has knowingly made any false, misleading or fraudulent statement of a material fact in the application or any document in connection therewith; or,
  - (3) The applicant, or any of its members, is not of good moral character. If the applicant has, or any of its members have, been convicted of any felony under the laws of this state or has been previously convicted of an offense under the laws of any other state of the United States which offense if committed in this state would have been punishable as a felony, it shall be presumed that the applicant is not of good moral character; or,
  - (4) The applicant is unfit to conduct bingo games.
- b. The Sheriff or designee may suspend or revoke a license upon a finding that:
- (1) The licensee has, or any of its members have, violated any of the provisions of this ordinance; or,
  - (2) The bingo game does or will not comport with the public welfare for any reason or that the bingo game has been conducted in an illegal, improper or disorderly manner, or in a manner substantially different from that described in the application, or for any reason for which the license application could have been denied.
  - (3) If, after an investigation, the Sheriff or designee determines that a bingo license should be suspended or revoked or that an application for such license be denied, he shall prepare a notice of suspension or revocation or denial of application setting forth the reasons for such suspension, revocation or denial. Such notice shall be served personally on the licensee or applicant, or sent by registered or certified mail, postage prepaid, return receipt requested to the licensee's or applicant's last address as provided in the application.
- c. Any organization whose bingo license has been denied or revoked may not apply for a license to conduct any bingo games for a period of one year from the date notice of such denial or revocation was mailed to it, or if affirmed on appeal by the Board of

Supervisors as provided in Section 14 of this ordinance, from the date of such affirmation; provided, however, if the reason for revocation is cancellation of the exemption granted under sections 23701(a), 23701(b), 23701(e), 23701(f), 23701(g) and 23701(l) of the Revenue and Taxation Code, such organization may again apply for a bingo license upon proof of reinstatement of such exemption.

Section 14. APPEAL. Any person who has had an application for a bingo license denied by the Sheriff, or who has had a bingo license suspended or revoked by the Sheriff, may appeal the decision by filing with the Clerk of the Board of Supervisors, within fifteen (15) days after the date of such decision, a written notice of appeal briefly setting forth the reasons why such denial, suspension or revocation is not proper. Failure to timely file a written notice of appeal shall be deemed a waiver of the right to appeal the decision of the Sheriff. The Clerk shall give written notice of the time and place of the hearing to the appellant.

Such appeal shall be heard by the Board of Supervisors which may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, the Board of Supervisors shall not be limited by the technical rules of evidence.

Section 15. PENALTIES.

- a. It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any remote caller bingo game. A violation of this subdivision shall be punishable by a fine not to exceed ten thousand dollars, which fine is deposited in the general fund of the county pursuant to sections 326.3(d) and 326.5(c) of the Penal Code.
  - (1) Notwithstanding subdivision a. above, administrative, managerial, technical, financial and security personnel employed by the licensed qualified organization conducting the bingo game may be paid reasonable fees for services rendered from the revenues of remote caller bingo games, as provided for in section 11.m.(6) and (7) of this ordinance, except that fees paid under those agreements shall not be determined as a percentage of receipts or other revenues from, or be dependant on the outcome of, the game.
- b. A violation of any provision of this ordinance is a misdemeanor. However, any misdemeanor violation of this ordinance may also be prosecuted as an infraction. Except as provided in subdivision a. of this section, any person convicted of a misdemeanor for violation of this ordinance is punishable by a fine of

not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months, or both fine and imprisonment. Any person convicted of an infraction for violation of this ordinance is punishable by a fine of not more than two hundred and fifty dollars (\$250).

- c. Any infraction violation of this ordinance may be enforced by the administrative citation procedure set forth in section 7 of Riverside County Ordinance No. 725.
- d. The County may also bring an action to enjoin or abate any violation of any provision of this ordinance. Violations of this ordinance are hereby declared to be a public nuisance. The prevailing party in such an action shall be authorized to recover their attorney fees and costs in accordance with Government Code section 25845. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding.
- e. All penalties and remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting or abating the violation, nor prevent the enforced correction or abatement thereof. Each and every day during any portion of which any violation of any provision of this ordinance or the license, authorization or conditions of approval is committed, continued, or permitted by such person, shall be deemed a separate and distinct offense.

Section 16. OTHER REMEDIES. The provisions of section 13 of this ordinance are to be construed as added remedies and not in conflict or derogation of any other actions or proceedings or remedies otherwise provided by law.

Section 17. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance 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 or this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

**EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after its adoption.

**Adopted:** 558 12/14/1976 (Eff: 01/13/1976)  
**Amended:** 558.1 08/30/1977 (Eff: 09/29/1977)  
558.2 04/25/1978 (Eff: 05/25/1978)

558.3 Item 6.1 of 04/15/80 (Eff: 05/15/1980)  
558.4 Item 6.1 of 03/02/1982 (Eff: 04/02/1982)  
558.5 Item 3.3 of 09/06/1983 (Eff: 10/06/1983)  
558.6 Item 10.4 of 01/17/1989 (Eff: 02/16/1989)  
558.7 Item 3.4 of 12/11/1990 (Eff: 01/10/1991)  
558.8 Item 3.8 of 10/18/1994 (Eff: 11/16/1994)  
558.9 Item 12.1 of 01/31/1995 (Eff: 03/01/1995)  
558.10 Item 3.10 03/14/2000 (Eff: 04/13/2000)  
802 Item 3.10k of 03/14/2000 (Eff: 04/13/2000)  
558.11 Item 3.11 of 05/23/2000 (Eff: 06/22/2000)  
558.12 Item 3.1 of 01/15/2002 (Eff: 02/14/2002)  
558.13 Item 3.2 of 06/22/2010 (Eff: 07/22/2010)