

The Board of Supervisors of the County of Mariposa do hereby ordain as follows:

SECTION 1: BINGO AUTHORIZED

Notwithstanding any other provisions of County, State or Federal law, this ordinance is adopted pursuant to Section 19 of Article IV of the California Constitution in order to make the game of bingo lawful under the terms and conditions in the following sections of this ordinance.

SECTION 2: DEFINITIONS

Whenever in this ordinance the following terms are used they shall have the meaning 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.

(b) Nonprofit, charitable organization is an organization exempted from the payment of the bank and corporation tax by section 23701(d) 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) Minor is any person under the age of eighteen (18) years.

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SECTION 3: LICENSE REQUIRED

It shall be unlawful for any person to conduct any bingo games in the County of Mariposa unless such person is a member of a nonprofit, charitable organization acting on behalf of such nonprofit, charitable organization and has been issued a license as provided by this ordinance.

SECTION 4: APPLICATION

Application for license shall be made to the Sheriff on forms prescribed by the Sheriff, and shall be filed not less than ten (10) days prior to the proposed date of the bingo game or games. 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 or games.

(c) Proof that the organization is a nonprofit charitable organization as defined by this chapter.

SECTION 5: TERM OF LICENSE AND FEES

The term of a bingo license is six (6) months and may be renewed for a period of six (6) months any time within one year from its date of issuance, upon application therefore.

The fee for a bingo license shall be \$ 5.00.
The fee for renewal shall be \$ 2.00. The

1 appropriate fee shall accompany the submission of each applica-
2 tion, is nonrefundable and shall be used to defray the cost
3 of the issuance of said license.
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5 SECTION 6: *APPLICATION INVESTIGATION.*

6 Upon receipt of an application for a license the Sheriff
7 may send copies of such application to any office or department
8 which the Sheriff deems essential in order to carry out a
9 proper investigation of the applicant.

10 The Sheriff and every officer and/or department to which
11 an application is referred shall investigate the truth of the
12 matters set forth in the application, the character of the
13 applicant, and may examine the premises to be used for the
14 bingo game.

15 Upon approval of any application for a bingo license the
16 Sheriff shall issue the license.
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18 SECTION 7: *LICENSE NOT TRANSFERABLE*

19 Each license issued hereunder shall be issued to a
20 specific nonprofit, charitable organization to conduct a bingo
21 game at a specific location and shall in no event be transfer-
22 able from one person to another nor from one location to another.
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24 SECTION 8: *LIMITATIONS*

25 A nonprofit, charitable organization shall conduct a bingo
26 game only on property both owned or leased by it, and which
27 property is used by such organization for an office or for the
28 performance of the purposes for which the organization is
organized.

1 (a) No minors shall be allowed to participate in any
2 bingo game.

3 (b) All bingo games shall be open to the public, not
4 just to the members of the nonprofit, charitable organization.

5 (c) A bingo game shall be operated and staffed only by
6 members of the nonprofit, charitable organization which
7 organized it. Such members shall be approved by the Sheriff
8 and shall not receive a profit, wage or salary from any bingo
9 game. Only the organization authorized to conduct a bingo
10 game shall operate such game or participate in the promotion,
11 supervision or any other phase of such game.

12 (d) No individual, corporation, partnership, or other
13 legal entity except the organization authorized to conduct a
14 game shall hold a financial interest in the conduct of such
15 bingo game.

16 (e) All profits derived from a bingo game shall be kept
17 in a special fund or account and shall not be commingled with
18 any other fund or account. Within thirty (30) days after the
19 bingo game is held the applicant will file with the Sheriff a
20 full and complete financial statement of all monies collected,
21 disbursed and the amount remaining for charitable purposes.

22 (f) No person shall be allowed to participate in a
23 bingo game unless the person is physically present at the time
24 and place in which the bingo game is being conducted.

25 (g) The total value of prizes awarded during the conduct
26 of any bingo games shall not exceed two hundred fifty dollars
27 (\$250.00) in cash or kind, or both, for each separate game which
28 is held.

1 (h) No bingo game shall be conducted between the hours
2 of midnight and 8:00 a.m.
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4 SECTION 9: INSPECTION

5 Any peace officer of the County of Mariposa shall have
6 free access to any bingo game licensed under this chapter.
7 The licensee shall have the bingo license and lists of approved
8 staff available for inspection at all times during any bingo
9 game.

10 SECTION 10: APPLICATION DENIAL, LICENSE SUSPENSION
11 AND/OR REVOCATION

12 The Sheriff may deny an application for a bingo license,
13 or suspend or revoke a license if he finds the applicant or
14 licensee or any agent or representative thereof has:

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

18 (b) Violated any of the provisions of this chapter.

19 If after investigation the Sheriff determines that a
20 bingo license should be suspended or revoked or an application
21 for such license denied, he shall prepare a notice of suspension,
22 revocation or denial of application. Such notice shall be
23 sent by certified mail to the applicant's last address provided
24 in the application or be personally delivered. Any person who
25 has had an application for a bingo license denied by the Sheriff
26 may appeal the Sheriff's decision in the manner provided in
27 this ordinance.

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1 SECTION 11: *APPEAL PROCEDURE*

2 Whenever an appeal is provided for in this ordinance,
3 such appeal shall be filed and conducted as prescribed in this
4 section:

5 (a) Within fifteen (15) calendar days after the date of
6 any denial, suspension, revocation or other decision of the
7 Sheriff, an aggrieved party may appeal such action by filing
8 with the Clerk of the Board of Supervisors a written appeal
9 briefly setting forth the reasons why such denial, suspension,
10 revocation or other decision is not proper.

11 (b) Upon receipt of such written appeal, the Clerk of
12 the Board of Supervisors shall assign the appeal to a hearing
13 officer selected by the Clerk on a rotating basis from a list
14 of qualified hearing officers approved by the Board of
15 Supervisors. The hearing officer so assigned shall schedule
16 a hearing before him within ten (10) days after the date of
17 assignment of the appeal by the Clerk. At least one week prior
18 to the date of the hearing on the appeal the Clerk shall notify
19 the appellant and Sheriff of the date and place of the hearing.
20 The hearing officer is authorized to issue subpoenas, to
21 administer oaths and to conduct the hearing on the appeal. At
22 such hearing the Sheriff and the appellant may present evidence
23 relevant to the denial, suspension, revocation or other
24 decision of the Sheriff. The hearing officer shall receive
25 evidence and shall rule on the admissibility of evidence and
26 on questions of law. The formal rules of evidence applicable
27 in a court of law shall not apply to such hearing.

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1 (c) At the conclusion of the hearing, the hearing
2 officer may uphold the denial, suspension, revocation or other
3 decision of the Sheriff, or the hearing officer may allow that
4 which has been denied, reinstate that which has been suspended
5 or revoked, or modify or reverse any other Sheriff's decision
6 which is the subject of the appeal. The hearing officer shall
7 within five (5) days file with the Clerk of the Board of
8 Supervisors written findings of fact and conclusions of law
9 and his decision. The decision of the hearing officer is final.
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11 SECTION 12: VIOLATIONS AND PENALTIES

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

14 (b) Any person violating any of the provisions or
15 failing to comply with any of the requirements of this ordin-
16 ance shall be guilty of a misdemeanor and upon conviction
17 thereof, shall be punishable by a fine not to exceed five
18 hundred dollars (\$500) or by imprisonment in the County Jail
19 for a period of not more than six (6) months or by both such
20 fine and imprisonment.

21 All sanctions provided herein shall be cumulative and
22 not exclusive.

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24 SECTION 13: SEVERABILITY

25 If any provision, clause, sentence, or paragraph of this
26 ordinance or the application thereof to any person or circum-
27 stances shall be held invalid, such invalidity shall not affect
28 the other provisions or applications of the provisions of this

1 ordinance which can be given effect without the invalid pro-
2 vision or application, and to this end the provisions of this
3 ordinance are hereby declared to be severable.

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5 SECTION 14: This ordinance shall take effect and be in
6 force thirty (30) days after the date of its passage, and
7 before the expiration of fifteen (15) days after its passage
8 it shall be published once, with the names of the members
9 voting for and against the same in the Mariposa Gazette, a
10 newspaper of general circulation published in the County of
11 Mariposa.

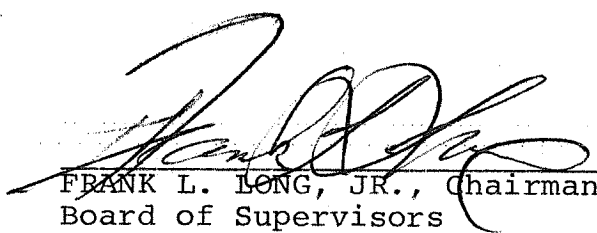
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13 PASSED AND ADOPTED, this 31st day of May,
14 1977, by the Board of Supervisors of the County of Mariposa by
15 the following vote:

16 AYES: Clark, Dalton, Long, Walton, Owings


17 NOES: None

18 ABSENT: None

19 NOT VOTING: None

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21 
FRANK L. LONG, JR., Chairman
Board of Supervisors

22
23 ATTEST:

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25 
26 ELLEN BRONSON, County Clerk
and Ex-Officio Clerk of the
27 Board
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