

BINGO

Chapter 10

BINGO

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[**HISTORY: Adopted Walton Village Board 7-21-58.
Approved by electors 8-5-58.**]

§ 10-1. **Definitions.**

As used in this ordinance, unless the context requires otherwise, the following terms shall have the following meanings:

CONTROL COMMISSION — Shall mean the State Lottery Control Commission.

BINGO or GAME — Shall mean and include a specific game of chance, commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

AUTHORIZED ORGANIZATION — Shall mean and include only bona fide religious, charitable or nonprofit organizations of veterans, volunteer firemen and similar nonprofit organizations.

LICENSE — Shall mean a license issued pursuant to the provisions of this ordinance.

§ 10-2. **Authorization.**

It shall be lawful for any organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the Village of Walton

subject to the provisions of this ordinance, the provisions of Article 14-G (Sections 475-499) of the General Municipal Law and the provisions of the State Lottery Control Law.

§ 10-3. Application for license.

- A. Each applicant shall file with the Village Clerk of the Village of Walton a written application in the form prescribed in the rules and regulations of the Control Commission, duly executed and verified.
- B. In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance described in the application are to be held, operated and conducted, and there shall be appended to the application a statement executed and verified by the applicant and by the member or members so designated that he, she or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of this ordinance, Chapter 854 of the Laws of 1957, and the rules and regulations of the Control Commission, if such license is granted.
- C. In the event that any premises upon which any such game of chance is to be held, operated or conducted, or which is to be used for any other purpose in connection with the holding, operation or conduct thereof, is to be leased or rented from any person, persons or corporations, the application shall be accompanied by a written statement signed and verified under oath by such person or persons or on behalf of such corporation, stating his or its address, the amount of rent to be paid for such premises and stating that such lessor, lessors, or if a corporation, all of its officers and each of its stockholders who hold more

than ten percent (10%) or more of its stock issued and outstanding, are of good moral character and have not been convicted of a crime.

§ 10-4. General restrictions.

Any game or games licensed hereunder shall be subjected to the following restrictions in addition to such other restrictions as may be provided herein or contained in the rules and regulations of the Control Commission.

- A. No person, firm, association, corporation or organizations, other than an authorized organization licensed under the provision of this ordinance, shall be permitted to conduct such games.
- B. The entire net proceeds of any game or games shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.
- C. No single prize shall exceed the sum or value of two hundred fifty dollars (\$250.).
- D. No series of prizes on any one (1) occasion shall aggregate more than one thousand dollars (\$1,000.).
- E. No person except a bona fide member of such organization shall participate in the management or operation of any such game.
- G. The unauthorized conduct of a bingo game and any willful violation of any provisions of this ordinance shall constitute and be punishable as a misdemeanor.

§ 10-5. Issuance and duration of license.

- A. The Board of Trustees of the Village of Walton shall cause to be investigated the qualifications of each applicant and the merits of each application, with due

expedition, after the filing of the application. The Board shall determine, among other things, the due qualifications of the applicant to be licensed, the relationship of the members under whom such games are to be conducted with the applicant, whether such persons are of good moral character or have ever been convicted of a crime, whether the conduct of such games will comply with all the provisions of law and rules and regulations applicable thereto, whether the proceeds thereof will be disposed of as provided by Chapter 854, whether a commission, salary, compensation, reward or recompense of any nature will be paid to any person conducting or assisting in conducting such games of chance, whether a prize will be offered or given in excess of the sum or value of two hundred fifty dollars (\$250.) in any single game, or an aggregate of all prizes given in a series of games on a given occasion will exceed the sum or value of one thousand dollars (\$1,000.), and such other questions or inquiries as the Board may direct.

- B. If the Board shall determine that the requisite conditions have been met by the applicant, they shall issue a license to the applicant for the holding, operation and conduct of the specific kinds of games of chance applied for, upon payment of a license fee or fees of ten dollars (\$10.) for each occasion upon which any games of chance are to be conducted under such license, which fees are to be paid to the Village Clerk. Fee is to pay monthly, in advance, for those games to be held during that calendar month.
- C. On or before the 30th day of each month, the Treasurer of the Village of Walton shall transmit to the State Comptroller a sum equal to fifty percent (50%) of all license fees collected by the village pursuant to this section during the preceding calendar month.

D. No license shall be issued under this ordinance which shall be effective for a period of more than one (1) year.

§ 10-6. Hearing; amendment of license.

A. No application for a license hereunder shall be denied by the Board until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

B. Any license issued under this ordinance may be amended upon application to the Board, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon the payment of such additional license fee, if any, as would have been payable if it had been so included.

§ 10-7. Form of license.

Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the Control Commission.

§ 10-8. Powers of Board.

The Board shall have and exercise control and supervision over all games of chance held, operated or conducted under such license and shall have the power and authority to suspend any such license and, after notice and hearing, to revoke the same for violation of any provision of such license, this ordinance, Sections 475 to 499 of the General Municipal Law or the rules and regulations of the Control Commission. The Board or any officer designated by them shall have the right of entry

at all times into any premises where any such game of chance is being held, operated or conducted, or where it is intended that any such game of chance shall be held, operated or conducted or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

§ 10-9. Sunday restriction.

No game of chance shall be conducted under any license issued under this ordinance, on the first day of the week, commonly known as Sunday.

§ 10-10. Participation by minors.

No person under the age of eighteen (18) years shall be permitted to participate in any game or games of chance held, operated or conducted pursuant to any license issued under this ordinance, unless accompanied by a parent or guardian.

§ 10-11. Restrictions: frequency of games; beverages.

No game or games of chance shall be held, operated or conducted under any license issued under this ordinance more often than on six (6) days in any one (1) calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

§ 10-12. Persons operating games; equipment; expenses, compensation.

No person shall hold, operate or conduct any game or games of chance under any license issued under this ordinance except

an active member of the authorized organization to which the license is issued; and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary, or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association, and except bookkeepers or accountants as hereinafter provided; and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance held, operated or conducted pursuant to any license issued under this ordinance, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof under any circumstances whatever; no rental shall be paid for the use of any premises for holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in § 10-3 of this ordinance, or which is in excess of the sum stated as the rental to be charged therefor in such statement; and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting or assisting in the holding, operating or conducting of any game of chance so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered, according to a schedule of compensation prescribed by the rules of the Control Commission.

§ 10-13. Charge for admission and participation; prizes.

Not more than one dollar (\$1.) shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be held, operated and conducted under any license issued under this ordinance; which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate without additional charge in all regular games of chance to be played under such license on such occasion, and no charge in excess of one dollar (\$1.) shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. No prize greater in amount or value than two hundred fifty dollars (\$250.) shall be offered or given in any single game conducted under any such license, and the aggregate amount or value of all prizes offered or given in all games played on a single occasion shall not exceed one thousand dollars (\$1,000.), and all winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any such game.

§ 10-14. Advertising games.

No game of chance to be conducted under any license issued under this ordinance shall be advertised as to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one (1) sign not exceeding sixty (60) square feet in area may be displayed on or adjacent to the premises where the game will be played and an additional sign may be displayed on or adjacent to the premises where the prize or prizes are displayed,

and additional signs may be displayed upon any fire-fighting equipment belonging to any licensee which is a volunteer fire company or upon any first-aid or rescue squad equipment belonging to any licensee which is a first-aid or rescue squad, in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad, as the case may be.

§ 10-15. Statement of receipts, expenses, etc.

Within fifteen (15) days after the conclusion of the holding, operating and conducting of any such game of chance, the authorized organization which held, operated or conducted the same, and its members who were in charge thereof, shall furnish to the Village Clerk a duly verified statement showing the amount of the gross receipts derived from each game of chance, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game or the right to participate therein, each item of expense incurred or paid and each item or expenditure made or to be made, the name and address of each person to whom each such item has been paid or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the use to which such net profit has been or is to be applied and a list of prizes offered and given, with the respective values thereof, and it shall be the duty of such licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

§ 10-16. Examination of books and records; disclosure of information.

The Board and the Control Commission shall have power to examine or cause to be examined the books and records of any

authorized organization to which any such license is issued, so far as they may relate to any transactions connected with the holding, operating and conducting of any game of chance thereunder, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance under any such license, but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this ordinance.

§ 10-17. Appeals to Control Commission.

Any applicant for or holder of any license issued or to be issued under this ordinance, aggrieved by any action of the village, its officers or agents, concerning an application which has been made or a license which has been issued, may appeal to the Control Commission from the determination of the village, its officers or agents, by filing with the Board a written notice of appeal within thirty (30) days after the determination or action appealed from, and upon the hearing of such appeal, the evidence, if any, taken before the Board, and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the Control Commission upon said appeal shall be binding upon the village and all parties to said appeal.

§ 10-18. Immunity from prosecution; exemption.

No person or corporation lawfully conducting or participating in the conduct of, possessing, selling or in any manner disposing of, any shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it, of any game of chance conducted or to be conducted under any license lawfully issued pursuant to this ordinance,

shall be liable to prosecution or conviction for violation of any provision of Article 130 of the Penal Code or any other law or ordinance, to the extent that such conduct is specifically authorized by this Article, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or right to participate in, or permitting the conduct upon any premises owned by him or it, of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

§ 10-19. Offenses; forfeiture of license; ineligibility to apply for license.

Any person, association or corporation who or which shall make any false statement in any application for any such license or in any statement annexed thereto, or shall pay any rental for the use of any premises for holding, operating or conducting any game of chance under this ordinance or for any other purpose in connection with the holding, operating or conducting thereof, unless the amount of such rental is stated in a statement annexed to the application for the license as provided in § 10-3 of this ordinance, or shall pay or receive any sum for such rental in excess of the sum stated as the rental to be charged therefor in such statement executed by him or on its behalf, or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating and conducting of games of chance under any such license, or shall falsify or make any false entry in any book or record so far as they relate to any transaction connected with the holding, operating or conducting of any game of chance under any such license or shall violate any of the

provisions of this ordinance or of any term of such license, shall be guilty of a misdemeanor and shall forfeit any license issued to it under this ordinance and be ineligible to apply for a license under this ordinance for one (1) year thereafter.

§ 10-20. Amendment and repeal.

This ordinance may be amended, from time to time, or repealed by the Village Board, and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty (30) days following the date of enactment of the local law or ordinance effecting such amendment or repeal, as the case may be; and the approval of a majority of the electors shall not be a condition prerequisite to the taking effect of such local law or ordinance.

§ 10-21. Severability.

If any provision or application of this ordinance or a provision or application of Chapter 854 of the Laws of 1957 to any municipality, person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this ordinance or the application of Chapter 854 of the Laws of 1957 to other municipalities, persons and circumstances shall not be affected thereby, and the Board hereby declares that it would have enacted this ordinance without the invalid provisions or application, as the case may be, had such invalidity been apparent.

§ 10-22. Delegation of authority.

The Village Board may delegate to an officer or officers thereof designated by it for that purpose any of the authority granted to it hereby in relation to the issuance, amendment and

cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees.

§ 10-23. When effective.

The provisions of this ordinance shall remain inoperative unless and until a proposition therefor is submitted at a special election to be held on the fifth day of August 1958, from 12:00 noon to 8:00 p.m., at the courtroom of Walton Hall, in the Village of Walton, New York, and shall be approved by a vote of the majority of the qualified electors of the Village of Walton voting thereon. In the event such proposition is approved, this ordinance shall take effect immediately.