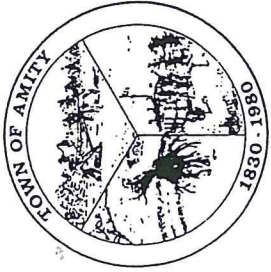


LL 2001-001

CONDUCT GAMES OF CHANCE IN TOWN
OF AMITY



TOWN OF AMITY

ALLEGANY COUNTY

Belmont, New York 14813

Office of Town Attorney
Annette M. Harding, Esq.

05 September 2000

Principal Clerk
Bureau of State Records
NYS Department of State
162 Washington Avenue
Albany, New York 12231

RE: Town of Amity Local Law 2000-1 of the year 2000

Dear Sir;

Enclosed please find an original and two copies of Local Law 2000-1 of the year 2000 for the Town of Amity, Belmont, NY 14813.

Please file such law as required by appropriate statutory regulations and send a receipt to me as Town Attorney.

Very truly yours,

Annette M. Harding, Esq. / msh

Annette M. Harding, Esq.
Town of Amity Legal Counsel

cc: Michael F. Presutti, Town Supervisor

Town of Amity

Local Law No. 2-000-1 of the year 2000

A local law providing for the Conduct of Games of Chance in the Town of Amity

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN AMITY as follows:

01. LONG TITLE: Conduct of Games of Chance in the Town of Amity

SHORT TITLE: Games of Chance

02. LEGISLATIVE INTENT: The Town Board of the Town of Amity accepts and recognizes that authorized organizations have valid reasons for fund raising. The Town of Amity hereby proposes that these authorized organizations may, upon obtaining a license from the Town Clerk, conduct such Games of Chance in the Town of Amity, outside of the Village of Belmont, as provided by any and all applicable laws of the State of New York, the New York State Racing and Wagering Board, and pursuant to this Local Law as adopted or hereafter amended.

03. AUTHORITY: This Local Law is enacted pursuant to privileges granted to the municipalities in subdivision 2 section 9 of article 1 of the Constitution of the State of New York and article 9-A section 185 et seq. of the General Municipal Law.

04. DEFINITIONS:

a. Authorized Organization: An authorized organization shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal, or service organization or bona fide organization of veterans or firemen, which by its charter, certificate of incorporation, constitution, or act of legislature, shall have among its dominate purposes as defined in this article, provided that each shall operate without profit to the members, provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of three years immediately prior to applying for a license under this article.

No organization shall be deemed an authorized organization which is formed primarily for the purpose of conducting Games of Chance and which does not devote at least seventy-five percent of its activities to other than conducting Games of Chance. No political party shall be deemed an authorized organization.

b. Games of Chance: Games of Chance shall mean and include only the games known as "merchandise wheels", "coin boards", "merchandise boards", "seal cards", "raffles", and "bell jars" and such other specific games as may be authorized by the board, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo or lotto" which are controlled under article 14H of this chapter and also not including "slot machines", "bookmaking", "policy or numbers games", and "lottery" as defined in section 225.00 of the penal law. No game of chance shall involve wagering of money by one player against another player.

The definitions of the individual games of chance shall be those found in section 186 subsections 3a to 3d of General Municipal Law.

c. Other definitions used in relation to games of chance shall conform exactly to the definitions found in section 186 of General Municipal Law.

05. **GAMES OF CHANCE AUTHORIZED:** An authorized organization may, upon obtaining a license from the Town Clerk, conduct such Games of Chance in the Town of Amity, outside of the Village of Belmont, as provided by the above cited authority and by any and all applicable laws of the State of New York, the New York State Racing and Wagering Board, and pursuant to this Local Law as adopted or hereinafter amended.
06. **RESTRICTIONS:** As required by NYS General Municipal Law Article 9-A Section 189 the following restrictions on the conduct of games of chance are imposed:
- a. No person, firm, partnership, corporation, or organization other than a licensee under provisions of section 191 of this article, shall conduct such game of chance or shall lease or otherwise make available for conducting games of chance premises for any consideration whatsoever.
 - b. No game of chance shall be held, operated or conducted on or within leases premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.
 - c. No authorized organization licensed under the provisions of this article shall purchase, lease, or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the board. The provisions of this article shall not be construed to authorize or permit an authorized organization to engage in the business of leasing games of chance, supplies, or equipment. Furthermore, no organization shall purchase bell jar tickets, or deals of bell jar tickets from any other person or organization other than those specifically authorized under Sections 195-n and 195-o of this article.
 - d. The entire net proceeds of any game of chance shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same and the net proceeds of any rental derived therefrom shall be exclusively devoted to the lawful purposes of the authorized games of chance lessor.
 - e. No single prize awarded by games of chance other than raffle shall exceed the sum or value of three hundred dollars, except that for merchandise wheels, no single prize shall exceed the sum or value of two hundred fifty dollars. No single prize awarded by raffle shall exceed the sum or value of fifty thousand dollars, except that an authorized organization may award by raffle a single prize having a value or up to and including one hundred thousand dollars if its application for license filed pursuant to section 190 of this article includes a statement of its intent to award a prize having such a value. No single wager shall exceed six dollars and for bell jars, coin boards, or merchandise boards, no single prize shall exceed five hundred dollars provided, however, that such limitation shall not apply to the amount of money or value paid by the participant in a raffle in return for a ticket or other receipt. For coin boards and merchandise boards, the value of a prize shall be determined by its cost to the authorized organization or, if donated, its fair market value.
 - f. No authorized organization shall award a series of prizes consisting of merchandise with an aggregate value in excess of ten thousand dollars during the successive operations of any one merchandise wheel, and three thousand dollars during the successive operations of any bell jar, coin board, or merchandise board. No series of prizes awarded by raffle shall have an aggregate value in excess of one hundred thousand dollars. For coin boards and merchandise boards, the value of a prize shall be determined by its cost to the authorized organization or, if donated, its fair market value.
 - g. In addition to merchandise wheels, raffles, and bell jars, no more than five other single types of games of chance shall be conducted during any one-license period.
 - h. Except for merchandise wheels and raffles, no series of prizes on any one occasion shall aggregate more than four hundred dollars when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, raffles, and bell jars no series of prizes on any one occasion shall aggregate more than five hundred dollars when the licensed authorized organization conducts less than five single types of games of chance, exclusive of merchandise wheels, raffles, and bell jars, during any one license period. No authorized organization shall award by raffle prizes with an aggregate value in excess of one hundred thousand dollars during any one-license period.
 - i. Except for the limitations on the sum or value for single prizes and series of prizes, no limit shall be imposed on the sum or value of prizes awarded to any one participant during any occasion or any license period.

- j. No person except a bona fide member of the licensed authorized organization shall participate in the management of such games; no person except a bona fide member of the licensed authorized organization, its auxiliary or affiliated organization, shall participate in the operation of such game, as set forth in section 195-c of this article.
- k. No person shall receive any remuneration for participating in the management or operation of any such game.
- l. No authorized organization shall extend credit to a person to participate in a game of chance.
- m. No game of chance shall be conducted on other than the premises of an authorized organization or an authorized games of chance lessor. Nothing herein shall prohibit the sale of raffle tickets to the public outside the premises of an authorized organization or an authorized games of chance lessor; or in municipalities which have passed a local law, ordinance or resolution in accordance with sections 187 and 188 of this article approving the conduct of games of chance that are located in the county in which the municipality issuing the license is located and in the counties which are contiguous to the county in which the municipality issuing the raffle license is located, provided those municipalities have authorized the licensee, in writing, to sell such raffle tickets therein and provided, however that no sale of raffle tickets shall be made more than one hundred eighty days prior to the date scheduled for the occasion at which the raffle will be conducted. The winner of any single prize in a raffle shall not be required to be present at the time such raffle is conducted.
- n. No person licensed to manufacture, distribute, or sell games of chance supplies or equipment, or their agents, shall conduct, participate in, or assist in the conduct of games of chance. Nothing herein shall prohibit a licensed distributor from selling, offering for sale, or explaining a product to an authorized organization or installing or servicing games of chance equipment upon the premises of games of chance licensees.
- o. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.
- p. No coins or merchandise from a coin board or merchandise board shall be redeemable or convertible into cash directly or indirectly by the authorized organization.
- q. No games of chance shall be conducted on Easter Sunday, Christmas Day, or New Year's Eve pursuant to section 195 of this article. Games, otherwise, may be conducted on Sunday's except as noted above. Frequency of games of chance shall be governed by section 195-b of the General Municipal Law.
- r. The licensed authorized organization shall periodically, at least quarterly, provide the issuing municipality with the current membership roster of the authorized organization.
- s. Supplies, equipment, and etc. shall be obtained from authorized suppliers as directed by section 189-a of General Municipal Law and regulations of the Wagering and Racing Board.
- t. No person under the age of eighteen shall be permitted to play any game of chance, as outlined in section 195-a of General Municipal Law.

- 07. APPLICATION FOR LICENSE: Applicants shall apply to the Town Clerk for a license to conduct Games of Chance after obtaining an identification number from the Wagering and Racing Board as outlined in section 190 of General Municipal Law.
- 08. FORMS AND CONTENTS OF LICENSE: As outlined in section 193 of General Municipal Law.
- 09. CONTROL AND SUPERVISION: Enforcement of these rules and regulations governing licenses to conduct Games of Chance issued pursuant to this local law shall be exercised by the chief law enforcement officer of Allegany County, as provided for in section 194 subsection 2 of General Municipal Law.
- 10. ADMISSION AND PARTICIPATION CHARGES: As outlined in section 195-d of General Municipal Law.
- 11. ADVERTISING: As outlined in section 195-e of General Municipal Law.
- 12. STATEMENTS OF RECEIPTS AND EXPENSES: As outlined in section 195-f of General Municipal Law.

13. EXAMINATION OF BOOKS AND RECORDS ETC.: As outlined in section 195-g of General Municipal Law.
14. APPEALS FROM DECISION OF TOWN CLERK OR OFFICERS: As outlined in section 195-h of General Municipal Law.
15. EXEMPTION FROM PROSECUTION: As outlined in section 195-i of General Municipal Law.
16. OFFENSES, INELIGIBILITY TO APPLY FOR LICENSE: As outlined in section 195-j of General Municipal Law.
17. UNLAWFUL GAMES OF CHANCE: As outlined in section 195-k of General Municipal Law.
18. AMENDMENT AND REPEAL OF THIS LOCAL LAW: This local law shall be amended from time to time as may be deemed necessary by the Town Board or may be repealed by a 2/3 (two thirds) majority of the full board, as outlined in section 195-m of General Municipal Law. No referendum is required.
19. NO TRANSFER OF BELL JAR TICKETS: As outlined in section 195-p of General Municipal Law.
20. SEVERABILITY: As outlined in section 195-r of General Municipal Law.

21. This Local Law # of 2000 shall become effective on filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

Presented to the Town Board of the Town of Amity: 3-20-2000

Public hearing conducted on: ~~3-20-2000~~ 4-17-2000

Adopted by the Town Board of the Town of Amity: 4-17-2000

Submitted to voters of Township of Amity by mandatory referendum: 8-21-2000

Filed with Secretary of State: _____

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2000-1 of 1000 of the (County)(City)(Town)(Village) of Amity was duly passed by the Town Board on April 17 2000, in accordance with the applicable provisions of law. (Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 2000-1 of the (County)(City)(Town)(Village) of Amity was duly passed by the Town Board on 4-17 2000, and was (approved)(not approved)(repassed after disapproval) by the S.U.C.V.I.D.C. on 4-17 2000. Such local law was submitted (Elective Chief Executive Officer*) to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 8-21 2000 in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the (Name of Legislative Body) on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law. (Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ section (36)(37) of the Municipal Home Rule Law, and having been submitted to referendum pursuant to the provisions of qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ at the General Election of November _____ State of New York, having been submitted to the electors Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 3, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: Sept 5, 2000

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Allegany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Annette M. Harding
Signature

Town Attorney
Title

County _____
City of Amity
Town _____
Village _____

Date: Sept. 5, 2000