

TOWN OF LAFAYETTE

Local Law No. 1 For The Year 1978

A LOCAL LAW TO AUTHORIZE THE CONDUCT OF
GAMES OF CHANCE BY AUTHORIZED ORGANIZATIONS
IN THE TOWN OF LAFAYETTE

BE IT ENACTED by the Town Board of the Town of
LaFayette as follows

Section 1. Legislative Intent

The Town Board finds the raising of funds for the promotion of bona fide charitable, educational, scientific, health, *religious*, patriotic and other worthy causes where the beneficiaries are undetermined, to be in the public interest, and that the mandate of Section Nine of Article One of the Constitution of the State of New York, as amended, should be carried out by rigid regulations to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes herein authorized.

Section 2. Origin and Source of Authority

This local law is subject and subordinate to all the conditions and provisions contained in Article 9 f, of the General Municipal Law and amendments thereto I an ,any and all rules and regulations and opinions adopted 0 to be adopted by the New York State racing and wagering board. The provisions of Article 9-A are hereby adopted.

Section 3. Definitions.

As used in this local law, the terms "authorized games of chance lessor", "authorized organization", "authorized supplier of games of chance equipment", "games chance", "lawful purposes", "net lease", "net proceeds", "one occasion", and "prize shall have the meanings designated in the definitions set forth in Article 9-A of the General Municipal Law.

LICENSED PERIOD -,shall mean a period of time not to exceed fourteen consecutive hours.

OFFICER -shall mean the Town of Lafayette Constable.

TOWN BOARD -shall mean the Town Board of the Town of LaFayette.

STATE BOARD -shall mean the New York state racing and wagner board.

Words singular in form may include the plural and words plural in form may include the singular; and words in the masculine gender shall include the feminine and, neuter genders.

Section 4. License Required.

No person, firm, association, corporation or organization other than an authorized organization license under the provisions of this local law shall be permitted conduct games of chance within the territorial limits of the Town of LaFayette.

Section 5. Application For A License To Conduct Games Of Chance.

A. Each applicant for a license, after obtaining an identification number from the State Board, shall file with the Town Clerk a written application therefore in a form to be prescribed by the State Board or the Town Clerk duly executed and verified, in which shall be stated.

1. the name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the Town Clerk to determine whether or not it is a bona fide authorized organization;
2. the names and addresses of its officers, and the place where and the date and time when the applicant intends to conduct games of chance under the license applied for;
3. the amount of rent to be paid or other consideration to be given directly or indirectly for each occasion for use of the premises of another authorized organization licensed under this chapter to conduct games of chance or for the use of the premises of an authorized games of chance lessor;
4. all other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of games of chance; and

the names and addresses of, the persons to whom and the purposes for which they are to be paid;

4. the purposes to which the entire net proceeds of the games of chance are to be devoted and *in* what manner and that no commission, salary, compensation, reward or recompense will be paid to any person for conducting games of chance or for assisting, therein, except as otherwise provided in Article 9-A of the General Municipal Law;
6. that no member of the applicant has ever been convicted of a crime; or if convicted, that he has received a pardon or a certificate of good conduct; and
7. any other information as shall be till prescribed by the rules and regulations promulgated by the State Board.

B. In each application there shall be designated not less than four active members of the applicant organization under whom the games of chance will be conducted, and to the application shall be appended a statement executed by the members so designated that they will be responsible for the conduct of the games of chance *in* accordance with the terms of the license I Article 9-A of the General Municipal Law, the provisions of this local law¹ and the rule, and regulations of the State Board.

C. Each applicant for a license to lease premises to a licensed organization for the purposes of conducting games of chance therein shall file with the Town Clerk a written application therefore in a form to be prescribed by the State Board or the Town Clerk, duly executed and verified, which shall set forth the name and address of the applicant; designation and address of the premises intended to be covered by the license sought; a statement that the applicant in all respects conforms with the specifications contained in the definition of II authorized organization I set forth in Article 9-A of the General Municipal Law; and any other information as shall be prescribed by the State Board and the provisions of this local law. I

Section 6. Restrictions Upon Conduct Of
Games Of Chance.

A. No person, firm, association, corporation or organization other than a licensee under the provisions of this local law shall conduct a game of chance or shall lease or otherwise make available for conducting games of chance a shall or other premises for any consideration whatsoever, directly or indirectly, except as provided in section 5 of this local law.

B. No game of chance shall be held, operated or conducted on or within any leased 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 a game of chance.

C. No authorized organization licensed under the provisions of this local law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than authorized supplier of games of chance equipment licensed by the State Board or from another authorized organization.

D. The entire net proceeds of any game of chance and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

E. No prize shall exceed the sum or value of one hundred dollars (\$100.00) in any operation or conducting of a single game of chance. No single wager shall exceed ten dollars (\$10.00).

F. No series of prizes on any one occasion of games of chance shall aggregate more than one thousand dollars (\$1, 000.00).

G. No person except a bona fide member of any authorized organization, its auxiliary or affiliate organization, shall participate in the management or operation of a game of chance as set forth in Section Twelve of this local law.

H. No person shall receive any remuneration for participating in the management or operation of any game of chance.

I. The conduct of games of chance on Sunday is only permitted when it is specifically provided for in the license issued. No games of chance, however, shall be conducted on Easter Sunday, Christmas Day or New Year's Eve.

Section 7. Investigation; Matters! To Be Determined; Issuance Of Licenses; Fees, Duration Of License

A. The Town Clerk shall make an investigation of the qualifications of each applicant and the merits of each application with due expedition, after the filing of the application.

B. If the Town Clerk shall determine that the applicant *is* duly qualified to be licensed to conduct games of chance under this local law; that the member of applicant designated *in* the application to conduct games of chance is a bona fide active member of the applicant and is a person of good moral character and has never been convicted of a crime, or if convicted, has received a pardon or a certificate of good conduct; that such games of chance are to be conducted in accordance with the provisions of *this* local law, the rules and regulations of the state Board, and Article 9-A of the General Municipal law, and that the proceeds thereof are to be disposed of as provided by this local law; and if the Town Clerk is satisfied that no commission, salary, compensation, reward or recompense whatsoever shall be paid or given to any person holding, operating, conducting or assisting in holding, operating, or conducting any games of chance, except as otherwise provided in this local law; and that no prize will be given in excess of the sum or value of one hundred dollars (\$100.00) in any single game of chance and that the aggregate of all prizes given on one occasion under said license shall not exceed the sum or value of one thousand dollars (\$1,000.00), the Town Clerk shall issue a license to the applicant for the conduct of games of chance, upon payment of a license fee of twenty-five dollars (\$25.00) for each license period.

C. If the Town Clerk shall determine that the applicant seeking to lease a hall or premises for the conduct

of games of chance to an authorized organization is duly qualified to be licensed under this local law; that the applicant satisfies the requirements for an authorized games of chance lessor as defined in Article 9-A of the General Municipal Law; that the Town Clerk shall find and determine that there is a public need and that a public advantage will be served by the issuance of the license; that the applicant has filed its proposed rent for each game of chance occasion; that there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in Article 9-A of the General Municipal Law; and that the leasing of a hall or premises, for the conduct of games of chance is to be in accordance with the provisions of Article 9-A, this local law and in accordance with the rules and regulations of the state Board, he shall issue a license permitting the applicant to lease said premises for the conduct of games of chance to the authorized organizations set forth in the application during the Period therein specified or such shorter period as the Town Clerk shall determine, but not to exceed one year, upon payment of a license fee of fifty dollars (\$50.00).

D. Under this local law, no license shall be issued which shall be effective for a period of more than one year.

E. On or before the thirtieth day of each month, the Treasurer of the Town of LaFayette shall transmit to the State Comptroller a sum equal to fifty percent (50%) of all authorized games of chance lessor license fees and the sum of fifteen dollars (\$15.00) per license period for the conduct of games of chance collected by the Town Clerk pursuant to this section during the preceding calendar month.

Section 8. Hearings; Appeals, Amendment Of Licenses.

A. No application for the issuance of a license to an authorized organization shall be denied by the Town Clerk until after a hearing is held, upon due notice to the applicant, at which time the applicant shall be entitled to be heard upon its qualifications and the merits of the application.

B. Any applicant for or holder of any license hereunder aggrieved by any action of the Town Clerk or officer to which an application has been made or by which a license has been issued may appeal to the State Board from the determination of the Town Clerk or officer by filing with Town Clerk or officer written notice of appeal within thirty days after the determination or action appealed from and upon the hearing of such appeal, the evidence, if any, taken before the Town Clerk or officer and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue. The action of the State Board upon said appeal shall be binding upon the Town Clerk or officer and all parties to said appeal.

C. Any license issued hereunder may be emended upon application to the Town Clerk, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of any additional license fee if any as would have been payable if it had been so included.

Section 9. Form And Content Of Licenses;
Display Of Licenses.

A. Each license to conduct games of chance shall be in a form as shall be prescribed in the rules and regulations promulgated by the state Board or the Town Clerk and shall contain a statement of the name and address of licensee, the name and address of each member of the licensee under whom the games of chance shall be conducted, the place where and the date and time when the games of chance are to be conducted and of the purposes to which the entire net proceeds of the games of chance are to be devoted. If any prizes are to be given in cash, a statement of amounts of the prizes authorized so to be given and any other information which may be required by said rules and regulations shall be contained therein. Each license issued for the conduct of any games of chance shall be conspicuously played at the place where same is to be conducted at all times during the conduct thereof.

B. Each license to lease premises for conducting games of chance will be in a form as shall be prescribed in the rules and regulations of the state Board or the Town Clerk and shall contain a statement of the name and address of the licensee and the address of the leased premises, the amount

of permissible rent and any other information which may be required by said rules and regulations. Each license shall be conspicuously displayed upon the premises at all times during the conduct of the games of chance.

Section 10. Control And Supervision;
Suspension Of Licenses;
Inspection Of Premises.

A. The officer shall have and exercise rigid control and close supervision over all games of chance conducted under each license, to the end that the same are fairly conducted in accordance with the provisions of said license, the provisions of Article 9-A of the General Municipal Law, the provisions of this local law, and the provisions of the rules and regulations promulgated by the State Board. The officer and the state Board shall have the power and authority to temporarily suspend any license issued by the Town Clerk pending a hearing. After notice and hearing the state Board may revoke or suspend any license and impose a fine in an amount up to one hundred dollars (\$100.00) for violation of any of the above mentioned provisions. The officer and State Board shall have the right of entry by their respective officers and agents, at all times, into any premises where any game of chance is being conducted or intended to be conducted or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting same. An agent of the officer shall make an onsite inspection during the conduct of all games of chance licensed pursuant to this local law.

B. Subject to the applicable provisions the Alcoholic Beverage Control Law, beer may be offered for sale during the conduct of games of chance, but the offering of all other alcoholic beverage is prohibited.

Section 11. Mandatory Post-games of chance
Procedure.

A. Within seven days after the conclusion of any licensed period, the authorized organization which conducted the games of chance, and its members who were in charge thereof and when applicable, the authorized organization which rented its premises therefore, shall each furnish to the Town Clerk

a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury showing the amount of the gross receipts derived therefrom, each item of expense incurred or paid, each item of expenditure made or to be made other than prizes, the name and address of each person to whom each item of expense has been paid or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefore, the net proceeds derived from the conduct of the games of chance during the licensed period and the use to which such proceeds have been or are to be applied, and a list of the prizes and the values thereof offered and given. It shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each statement of receipts.

B. Upon filing the statement of receipts the authorized organization furnishing same shall pay to the Town Clerk as and for an additional license fee a sum equal to no more than five percent of the net proceeds if any or the licensed period covered by the statement and determined *in* accordance with the schedule as shall be established from time to time by the state Board or the Town Clerk to defray the actual cost to the Town of LaFayette of administering the provisions of this local law.

C. The Town Clerk and the State Board shall have the power to examine or cause to be examined (the books and records of:

1. any authorized organization which is or has been licensed to conduct games of chance, so far as the (may relate. to games of chance, including the maintenance, control and disposition of the net proceeds derived from games of chance or from the use of its premises for games of chance, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any games of chance under any license, the use of its premises for games of chance, or the disposition of the net proceeds derived from games of chance, as the case may be.

2. any authorized games of chance lessor so far as the same may relate to leasing premises for games of chance and to examine said lessor or any manager, officer, director, agent or employee thereof under oath *in* relation to said leasing.

Any information so received shall not disclose except for the purpose of carrying out the provisions of this local law.

Section 12. Prohibition; Penalties

A. No person under the age of eighteen years shall be permitted to play any game of chance conducted pursuant to any license issued under this local law. Nor shall any person under the age of eighteen years conduct or assist in the conduct of any game of chance conducted pursuant to this local law.

B. No games of chance shall be conducted under any license issued under this local law more often than twelve times in any calendar year. Games of chance shall be conducted only between the hours of noon and midnight on Sunday, Monday, Tuesday, Wednesday, Thursday; only between the hours of noon Friday and two o'clock a.m. Saturday; and only between the hours of noon Saturday and two o'clock a.m. Sunday. The two o'clock a.m. closing period shall also apply to a legal holiday.

c. No person shall operate or conduct any games of chance under any license issued under this local law except an active member of the authorized organization to which the license *is* issued and no person shall assist *in* holding, operating or conducting any games of chance under any license, except an active member or a member of 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 member of an organization or association which *is* affiliated with the licensee by being ,with it, auxiliary to another organization or association At least two officers, directors, trustees or clergy of e authorized organization shall, upon request, certify under oath that the persons assisting *in* holding, operation or conducting any game of chance are bona *fide* members of such authorized organization, auxiliary or affiliated organization.

D. No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this local law, except those that are reasonable and are necessarily expended for games of chance supplies and equipment; prizes; stated rental, if any; bookkeeping or accounting services according to schedule of compensation prescribed by the state board janitorial services and utility supplies, if any; license fees; and the cost of bus transportation, if authorized by the officer.

E. Not more than two dollars (\$2.00 shall be charged by any licensee for admission to any room or place in which any games of chance are to be conducted under any license issued under this local law. Every winners shall be determined and every prize shall be awarded and delivered on the same calendar day as the game was played.

F. No games of chance conducted or to be conducted in the Town of LaFayette 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, or transportation facilities to be provided to such games, by means of newspaper, 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 sign not exceeding sixty square feet area may be displayed on or adjacent to the premises owner occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such *sign* may be displayed on or adjacent to the premises which the games of chance are to be conducted. Additional signs may be displayed upon any fire fighting equipment be going to any licensee which is a volunteer fire company, or upon any 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.

G. No person, association, corporation, I organization lawfully conducting or participating in the conduct of games of chance or permitting the conduct upon premises owned or leased by him or it under any license issue thereunder shall be liable to prosecution or conviction for violation of any provision of article two hundred twenty-five the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this

local law. However, this immunity shall not extend to person corporation knowingly conducting or, participating *in the* conduct of games of chance under any license obtained by any false pretense or by any false statement made in any application for a license or otherwise, or permitting the conduct upon any premises owned or leased by him or 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.

H. Any person, association, corporation organization who or which shall make any material false statement in any application for any license issued pursuant to this local law, shall pay or receive a rental in excess of the amount specified as the permissible rent in the license provided for in section 6 of this local law for the use of any premises for conducting games of chance shall fail to keep such books and records as shall fully and truly record *all* transactions connected with the conducting of games chance or the leasing of premises to be used for the conduct of games of chance; shall falsify or make any false entry *in any* books or records so far as they relate in any manner to the conduct of games of chance, to the disposition of the: proceeds thereof and to the application of the rents received by any authorized organization; or shall divert or pay any portion of e net proceeds of any game of chance to any person, association or corporation, except *in* furtherance of one or more of the lawful purposes defined *in* this local law, shall be guilty of a misdemeanor and shall forfeit any license issued under this local law and be ineligible to apply for a license under this local law for at least one year thereafter.

I. Any person, association, corporation} organization holding, operating or conducting games, of chance shall be guilty of a misdemeanor, except when operating, holding or conducting:

1. in accordance with a valid license issued pursuant to this local law; or
2. on behalf of a bona fide organization of persons sixty years of age or over, commonly referred to as senior citizens, solely for the purpose of amusement and recreation of its members where (a) the organization has applied for and received an identification number from the State

Board, (b) no player or other person furnishes anything of value for the opportunity to participate; (c) the prizes awarded or to be awarded are nominal; (d) no person other than a bona fide active member of the organization participates in the conduct of the games of chance; and (e) no person is paid for conducting or assisting in the conduct of the games of chance.

J. No alcoholic beverage, with the exception of beer, shall be sold at any games of chance.

K: No alcoholic beverage shall be offered or given as a prize in any games of chance.

L. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

Section 13. The provisions of this local shall remain inoperative in the Town of LaFayette unless and until a proposition therefore submitted at a general or special election held in the Town of LaFayette shall be approved by a vote of the majority of the qualified electors in such municipality voting thereon. Upon approval by said election, this local law shall be effective immediately upon filing with the Secretary of State.