

**TOWN OF LAFAYETTE
LOCAL LAW NO. 3 OF THE YEAR 1992**

**A LOCAL LAW TO AUTHORIZE THE CONDUCT OF BINGO
BY AUTHORIZE DORGANIZATIONS IN THE
TOWN OF LAFAYETTE**

Be it enacted by the Town Board of the Town of LaFayette as follows:

ARTICLE 1. General Provisions

SECTION 1. Legislative Intent.

The Town Board finds that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious, civic and patriotic causes and undertakings, where the beneficiaries are indefinite, 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 (i) commercializing gambling, (ii) participation by criminal and other undesirable elements and (iii) 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 14-H of the General Municipal Law and amendments thereto, the provisions of Executive Law 430 et seq. and the rules and regulations adopted or to be adopted by the New York State Racing and Wagering Board. The provisions of Article 14-H are hereby adopted.

SECTION 3. Definitions.

As used in this Local Law, the term “authorized commercial lessor”, “authorized organization”, “bingo”, “bingo control law”, “game”, “lawful purposes”, “limited period bingo”, “net lese”, “net proceeds”, “prize” and “supercard” shall have the meanings designated I the definitions set forth in Article 14-H of the General Municipal law.

COMMISSION - shall mean the New York State Racing and Wagering Board.

MUNICIPALITY – shall mean the Town o LaFayette.

OCCASION – shall mean a single gathering or session at which a series of successive bingo games, both regular and special, is played, not to exceed 35 in number, except in the conduct of limited period bingo which is not to exceed 60 in number.

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

TOWN CLERK – shall mean the Town Clerk of the Town of LaFayette.

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

ARTICLE II. Registration and Licensing

SECTION 1. License Required.

No person, firm, association, corporation or organization other than an authorized organization licensed under the provisions of this Local Law shall be permitted to conduct the game of bingo or lease or otherwise make available for conducting the game of bingo a hall or other premises within the territorial limits of the Town of LaFayette. The conduct of bingo under a license issued pursuant to this Local Law shall be subject to the terms and conditions of the issued license, the provisions of this Local Law, Article 14-H of the General Municipal Law and Executive Law 430 et seq. and the rules and regulations of the Commission.

SECTION 2. Application for a License.

A. To conduct Bingo.

- (i) Each applicant for a license to conduct the game of bingo, after obtaining an identification number from the Commission, shall file with the Town Clerk a written application for the license in triplicate in the form prescribed by the Commission, 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 Board to determine whether or not it is a bona fide authorized organization;
 2. the names and addresses of its officers; the place(s) where, the date(s) and the time(s) when the applicant intends to conduct bingo under the license applied for;
 3. in case the applicant intends to lease premises for the conduct of bingo from other than an authorized organization, the name and address of the licensed commercial lessor of the premises, and the capacity or potential capacity for public assembly purposes of space in any premises presently owned or occupied by the applicant;
 4. the amount of rent or other consideration to be paid or given directly or indirectly for each occasion for use of the premises of another authorized organization licensed under this Local Law to conduct bingo or for the use of the premises of a licensed commercial lessor;
 5. all other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of games of bingo and the names and addresses of the persons who run them, and the purposes for which, they are to be paid;
 6. the purposes to which the entire net proceeds of the games are to be devoted and in what manner; and that no commission, salary, compensation, reward or recompense

shall be paid to any person for conducting the games or for assisting therein except as otherwise provided in this Local Law;

7. that no member of the applicant has ever been convicted of a crime, or if convicted, has received a pardon or a certificate of good conduct; and
8. any other information as shall be prescribed by the Town Board or the rules and regulations of the Commission.
 - (ii) In each application there shall be designated not less than four active members of the applicant organization under whom the games of bingo will be conducted and appended to the application shall be a statement executed by the designated members that they will be responsible for the conduct of the games of bingo in accordance with the terms of the license, the provisions of this Local law and Article 14-H of the General Municipal Law, and the rules and regulations of the Commission.

B. Commercial Lessor.

- (i) Each applicant for a license to lease premises to a licensed authorized organization for the purposes of conducting bingo in the premises shall file with the Town Clerk and the Commission a written application for the license in the form prescribed by the commission, duly executed and verified, which shall set forth:
 1. the name and address of the applicant;
 2. designation and address of the premises intended to be covered by the license sought;
 3. lawful capacity for public assembly purposes in the premises;
 4. cost of the premises and assessed valuation for real estate tax purposes, or annual net lease rent, whichever is applicable;
 5. gross rentals received and itemized expenses for the immediately preceding calendar or fiscal year, if any;
 6. gross rentals, if any, derived from bingo during the last preceding calendar or fiscal year;
 7. computation by which the proposed bingo rental schedule was determined;
 8. number of occasions on which applicant anticipates receiving rent for bingo during the ensuing year or shorter period if applicable;
 9. proposed rent for each such occasion;
 10. estimated gross rental income from all other sources during the ensuing year;

11. estimated expenses itemized for the ensuing year and amount of each item allocated to bingo rentals.
 12. a statement that the applicant in all respects conforms with the specifications contained in the definition of “authorized commercial lessor” set forth in Section 476 Article 14-H of the General Municipal Law; and
 13. any other information as shall be prescribed by the Town Board or rules and regulations of the commission.
- (ii.) At the end of the license period, a recapitulation, in the manner prescribed in the rules and regulations of the Commission, shall be made as between the licensee and the Town Board in respect of the gross rental actually received during the license period and the license fee previously paid, and any deficiency of fee thereby shown to be due shall be paid by the licensee and any excess of fee thereby shown to have been paid by the licensee shall be credited to the licensee only in the event the licensee applies for a license in a subsequent year.

ARTICLE III. Issuance of Licenses

SECTION 1. Investigation.

The Town Board shall make an investigation of the qualifications of each applicant for a license under this Local Law and the merits of each application, with due expedition after the filing of the application, provided, however, at least seven (7) days shall elapse between the time the original application is filed and the time when the Town Board makes its findings and determination.

SECTION 2. Issuance of License.

A. License to Conduct Bingo.

If the Town Board shall determine that:

- (i) the applicant is duly qualified to be licensed to conduct bingo under this Local Law;
- (ii) the members of the applicant designated in the application to conduct bingo are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime or, if convicted, have received a pardon or a certificate of good conduct;
- (iii) the games are to be conducted in accordance with the provisions of this Local Law, the rules and regulations of the Commission, and Article 14-H of the General Municipal Law;
- (iv) the proceeds of the games are to be disposed of as provided by this Local Law;

- (v) the Town Board is satisfied that no commission, salary, compensation, reward or recompense whatsoever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of the games except as otherwise provided in this Local Law;
- (vi) no prize will be given in excess of the sum or value of two hundred fifty dollars (\$250.00) in any single game and that the aggregate of all prizes given on one occasion under the license shall not exceed the sum or value of one thousand dollars (\$1,000.00); and
- (vii) the applicant is domiciled within the territorial limits of the Town of LaFayette.

The Town Board shall authorize the Town Clerk to issue a license to the applicant for the conduct of bingo upon payment of a license fee of eighteen dollars and seventy-five cents (\$18.75) for each bingo occasion; provided, however that the Town Board shall refuse to issue a license to an applicant seeking to conduct bingo in premises of a licensed commercial lessor where it determines that the premises presently owned or occupied by the applicant are in every respect adequate and suitable for conducting bingo games.

B. License to Commercial Lessor.

If the Town Board shall determine that:

- (i) the applicant seeking to lease a hall or premises for the conduct of bingo to an authorized organization is duly qualified to be licensed under this Local Law and the rules and regulations of the Commission;
- (ii) the applicant satisfies the requirements for an authorized commercial lessor as defined in Section 476 of Article 14-H of the General Municipal Law;
- (iii) at the time of the issuance of an initial license; the Town Board shall find and determine that there is a public need and that a public advantage will be served by the issuance of the license;
- (iv) the applicant has filed its proposed rent for each bingo occasion;
- (v) the Commission has approved as fair and reasonable the schedule of maximum rentals for each occasion of bingo;
- (vi) there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in Article 14-H of the General Municipal Law; and
- (vii) the leasing of a hall or premises for the conduct of bingo is to be in accordance with the provisions of this Local law, Article 14-H of the General Municipal Law and the rules and regulations of the Commission.

The Town Board shall authorize the Town Clerk to issue a license permitting the applicant to lease the premises for the conduct of bingo to the authorized organization(s) specified in the application during the period specified in the application or shorter period as the Town Board shall determine, but not to exceed one (1) year, upon payment of a license

fee of ten dollars (\$10.00) plus an amount based upon the aggregate rent specified in the license and determined in accordance with the following schedule:

aggregate rental of \$ 100 to \$ 499...\$ 5.00;
 aggregate rental of \$ 500 to \$ 999...\$ 25.00;
 aggregate rental of \$ 1,000 to \$ 2,499...\$ 50.00;
 aggregate rental of \$ 2,500 to \$ 4,999...\$ 125.00;
 aggregate rental of \$ 5,000 to \$ 9,999...\$ 250.00;
 aggregate rental of \$10,000 to \$ 49,999....\$ 400.00;
 aggregate rental of \$50,000 to \$100,000...\$2,500.00;
 aggregate rental in excess of \$100,000.....\$5,000.00.

- C. **Transmission of Fees.**
 On or before the thirtieth day of each month, the Treasurer of the Town of LaFayette shall transmit to the New York State Comptroller a sum equal to fifty percent (50%) of all commercial lessor license fees and the sum of eleven dollars and twenty-five cents (\$11.25) per occasion of all license fees for the conduct of bingo collected by the Town of LaFayette pursuant to this Section during the preceding calendar month.
- D. **Effective Period.**
 No license shall be issued under this Local Law which shall be effective for a period of more than (1) one year from the date of original issuance. At least twenty (20) minutes shall elapse between occasions conducted on the same day.
- E. **Filing.**
 Upon investigation and approval of a license application, the Town Board shall record its findings and determination in the form prescribed by the commission and send a copy of its record, together with two (2) copies of the application to the Commission at least seven (7) days prior to the holding of the first game authorized.
- F. **Refund of License Fee.**
- (i) The following shall be the grounds for the payment of a refund on account of a license fee paid pursuant of this Local Law:
 - (a) in the event that an application for a license or an amendment to a license is not granted, the fee paid with the application shall be returned to the applicant; or
 - (b) in the event that a licensee shall voluntarily discontinue the conduct of bingo for which the license was issued or relocate to another municipality, the unused portion in excess of fifty dollars (\$50.00) of paid license fees shall be refunded to the licensee.
 - (ii) An application for a refund shall be made within one (1) year of the denial of the application, voluntary discontinuance of the conduct of bingo or the relocation of the licensee to another municipality. Any refund made pursuant to this Section shall be

paid from license fees collected pursuant to this Local law or from other monies lawfully appropriated for this purpose.

SECTION 3. Hearing.

No application for the issuance of a license under this Local Law shall be denied by the Town Board until after a hearing, held on due notice to the applicant, at which time the applicant shall be entitled to be heard upon its qualifications and the merits of its application.

SECTION 4. Amendment to License.

Any license issued under this Local law may be amended upon application, in triplicate, in the form prescribed by the Commission, to the Town Board, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of the additional license fee, if any, as would have been payable if it had been so included.

SECTION 5. Appeal.

Any applicant for, or holder of, any license issued or to be issued under this Local law aggrieved by any action of the Town Board to which an application has been made or by which the license has been issued, may appeal to the Commission from the determination of the Town Board by filing with the Town Board a written notice of appeal within thirty (30) days after the determination or action appealed from, and upon the hearing of any appeal, the evidence, if any, taken before the Town Board 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 Commission upon the appeal shall be binding upon the Town Board and all parties to the appeal.

SECTION 6. Form and Contents of License; Display of License.

- A. Each license to conduct bingo shall be in the form as prescribed in the rules and regulations of the Commission and shall contain a statement of (i) the name and address of the licensee, (ii) the names and addresses of the member(s) of the licensee under whom the games will be conducted, (iii) the place(s) where and the date(s) and time(s) when the games are to be conducted, (iv) the purposes to which the entire net proceeds of the games are to be devoted, (v) if any prize(s) are to be given in cash, a statement of the amounts of the prizes authorized so to be given, and (vi) any other information which may be conspicuously displayed at the place where the games are to be conducted at all times during the conduct of the games.
- B. Each license to lease premises for conducting bingo shall be in the form prescribed in the rules and regulations of the Commission and shall contain a statement of (1) the name and address of the licensee and the address of the leased premises, (2) the amount of permissible rent and (3) any other information which may be required by the rules and regulations of the Commission. Each license to lease premises for conducting bingo

shall be conspicuously displayed upon the lease premises at all times during the conduct of bingo.

SECTION 7. Control and Supervision.

The Town Board shall have and exercise rigid control and close supervision over all games of bingo conducted under each license issued under this Local Law, to the end that the games are fairly conducted in accordance with the provisions of the license, the provisions of this Local law and Article 14-H of the General Municipal Law, and the rules and regulations of the Commission.

SECTION 8. Suspension of License/Fines.

The Town Board and the Commission shall have the power and the authority to suspend and revoke any license issued by the Town Board, and, in the case of an authorized commercial lessor, to impose a fine in an amount not exceeding one thousand dollars (\$1,000.00), after notice and hearing, for violation of any provisions of the license. In addition, the Town Board and the Commission, after notice and hearing, may impose a fine in an amount not exceeding one thousand dollars (\$1,000.00) on any license issued under this Local law for violation of any provision of the license, this Local Law, Article 14-H of the General Municipal Law or the rules and regulations of the Commission.

SECTION 10. Revocation of License.

Proceedings to revoke a license issued pursuant top this Local Law may be instituted either by the Town Board, the Commission or a complaint of any person, including any public official or agency, and shall be conducted in accordance with the rules and regulations of the Commission.

ARTICLE IV. General Conduct of Bingo

SECTION 1. Restrictions.

- A. No person, firm, association, corporation or organization, other than a licensee under the provisions of this Local Law, or as otherwise provided in this Local Law, shall conduct the game of bingo or lease or otherwise make available for conducting the game of bingo a hall or other premises for any consideration whatsoever, direct or indirect.
- B. No bingo games shall be held, operated or conducted on or within any leased premises if rental under the lease is to be paid, wholly or partly, on the basis of a percentage of or according to the receipts or net profits derived from the operation of the bingo games or the number of persons attending any occasion.
- C. No licensed authorized organization shall purchase or receive any supplies or equipment specifically designed or adopted for use in the conduct of bingo games from other than a supplier licensed under New York Executive Law Section 430 et seq. or from another authorized organization.

- D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the game or lease the premises, as the case may be.
- E. No price shall exceed the sum of value of two hundred fifty dollars (\$250.00) in any single game of bingo.
- F. No series of prizes on any one (1) occasion of bingo shall aggregate more than one thousand dollars (\$1,000.00).
- G. No person except a bona fide member of the authorized organization, or its auxiliary, ancillary or affiliated organization, shall participate in the management or operation of a game of Bingo.
- H. No person shall receive any remuneration for participating in the management, conduct or operation of any game of bingo except as provided in this Local law. One or more signs prohibiting tipping shall be prominently displayed in each playing area.
- I. A designated member under whom the games of bingo will be conducted shall be on the premises continually during each occasion of bingo.
- J. Limited period bingo shall be conducted in accordance with the provisions of this Local Law and Article 14-H of the General Municipal Law and the rules and regulations of the Commission.
- K. The conduct of games of bingo on Sunday is only permitted when it is specifically provided for in the issued license. No games of bingo, however, shall be conducted on Easter Sunday, Christmas Day or New Year's Eve.
- L. Every winner in a game of bingo shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played.

SECTION 2. Prohibitions.

- A. No person under the age of eighteen years shall be permitted to play any game(s) of bingo conducted pursuant to any license issued under this Local Law unless accompanied by an adult. Nor shall any person under the age of eighteen years conduct or assist in the conduct of any game of bingo conducted pursuant to any license issued under this Local Law.
- B. Game(s) of bingo, except limited period bingo, shall (i) not be conducted under any license issued under this Local Law more often than on eighteen days in any three successive months, (ii) be conducted between the hours of nine in the forenoon (noon) and twelve midnight postmeridian, and (iii) not be conducted on more than three (3) occasions on the same premises during the above-stated hours.
- C. Game(s) of limited period bingo shall (i) not be conducted under any license under this Local Law for a period of more than seven of twelve consecutive days in any one (1) year, (ii) be conducted between the hours of noon and twelve midnight postmeridian, and (iii) not be conducted on more than two (2) occasions in any one day. No authorized organization licensed to conduct limited period bingo shall be otherwise eligible to conduct bingo in the same calendar year.

- D. No games(s) or bingo shall be conducted in any room or outdoor area where alcoholic beverages are sold, served or consumed during the progress of the game(s). No alcoholic beverage shall be given as a prize in any game of bingo.
- E. No person shall hold, operate or conduct any game of bingo under any license issued under this Local law except an active member of the licensee. No person shall assist in the holding, operating or conducting of any game of bingo under any license except an active member of (i) the licensee, (ii) an organization which is an auxiliary to the licensee, (iii) an organization of which the licensee is an auxiliary, or (iv) an organization which is affiliated with the licensee by being, with it, auxiliary to another organization, and except bookkeepers or accountants as hereinafter provided. Every licensee shall maintain a current membership list, which shall be available for inspection at all reasonable times. At least two officers, directors, trustees or clergy of the authorized organization shall, upon request, certify under oath that the persons assisting in holding, operating or conducting any game of bingo are bona fide members of the authorized organization, auxiliary or affiliated organization.
- F. No game of bingo shall be conducted with any equipment except as shall be owned absolutely by the licensee authorized organization or used without payment of any compensation for conducting bingo by the licensee.
- G. No items of expense shall be incurred or paid in connection with the conducting of any game of bingo pursuant to any license issued under this Local Law, except those that are reasonable and are necessarily expended for (i) bingo supplies and equipment, (ii) prizes, (iii) stated rental, if any, (iv) bookkeeping or accounting services according to the schedule of compensation prescribed by the Commission, (v) janitorial services and utility supplies, if any, (vi) license fees, and (vii) the cost of bus transportation, if authorized by the Commission.
- H. No supercard game of bingo shall be conducted in the Town of LaFayette.
- I. The sale or offering for sale of any merchandise within one-half hour prior to, during or within one-half hour after the conclusion of any bingo occasion shall be prohibited, except for the sale or offering for sale of bingo supplies by the licensee or the sale of food or refreshments, if authorized by the license.

SECTION 3. Admission Fee.

- A. Except in the conduct of limited period bingo, the admission fee of one dollar (\$1.00) shall be charged by any licensee for admission to any room or place in which any game(s) of bingo are to be conducted under any license issued under this Local Law. The payment of the admission fee shall entitle the person paying the fee to participate without additional charge in all regular games of bingo to be played under the license on such occasion. No charge in excess of one dollar and twenty-five cents (\$1.25)

shall be made for a single opportunity to participate in all special games of bingo to be played under the license on such occasion.

- B. In the conduct of limited period bingo, (a) no admission fee shall be charged, (b) not more than twenty-five cents (\$.25) shall be charged for a single opportunity to participate in any one game, which charge, upon being paid, shall entitle the person paying the charge to one (1) card for participation in one (1) game, and (c) no licensee shall sell more than five (5) opportunities to each player participating in any one game.

SECTION 4. Advertisement.

A licensee may advertise the conduct of any occasion of bingo to the general public by means of newspaper, radio, circular, handbill and poster, and by one (1) sign not exceeding sixty square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an authorized organization is licensed to conduct bingo occasions on the premises of another licensed authorized organization or of a licensed commercial lessor, one (1) additional such sign may be displayed on or adjacent to the premises in which the occasions are to be conducted. Additional signs may be displayed upon any firefighting equipment belonging to any licensed authorized organization which is a volunteer fire company, or upon any equipment of a first aid or rescue squad in and throughout the community served by the volunteer fire company or the first aid or rescue squad, as the case may be. All advertisements shall be limited to (i) the description of the event as "bingo", (ii) the name of the licensed authorized organization conducting the occasion(s), (iii) the license number of the authorized organization as assigned by the Town Clerk and (iv) the date, location and time of the bingo occasion(s).

SECTION 5. Leased Premises.

Every authorized commercial lessor and authorized organization leasing premises for conducting bingo shall comply with all applicable rules and regulations promulgated or hereafter promulgated by the Commission respecting the conduct of bingo in the leased premises.

SECTION 6. Exemption From Prosecution.

No person, firm, association, corporation or organization lawfully conducting, or participating in the conduct of bingo or permitting the conduct upon any premises owned or leased by him or it under any license lawfully issued pursuant to this Local law, shall be liable to prosecution or conviction for violation of any provision of Article 225 of the New York Penal Law (Gambling Offenses) or any other law or ordinance to the extent that the conduct is specifically authorized by this Local law. However, this immunity shall not extend to any person, firm, association, corporation or organization knowingly conducting or participating in the conduct of bingo under any license obtained by any false pretense or by any false statement made in any application for license or otherwise, or permitting the conduct upon any premises owned or leased by him or it of any game of bingo conducted under any license known to him or it to have been obtained by any such false pretense or statement.

ARTICLE V. Financial Statements

SECTION 1. Financial Statement Form.

Within seven (7) days after the conclusion of any occasion of bingo, the authorized organization which conducted the games, and its members who were in charge of the games, and when applicable, the authorized organization which rented its premises for the conduct of the games, shall each furnish to the Town Clerk a financial statement in the form prescribed by the Commission subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing (i) the amount of the gross receipts derived from the games and each item of expense incurred or paid, and each item of expense made or to be made, (ii) the name and address of each person to whom each item of expenditure has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered, (iii) the net proceeds derived from the games or rental, as the case may be, and the use to which the net proceeds have been or are to be applied and (iv) a list of prizes offered and given, with their respective values. It shall be the duty of each licensee to maintain and keep books and records as may be necessary to substantiate the particulars of each financial statement.

SECTION 2. Additional License Fees.

Upon its filing of the financial statement, the authorized organization shall pay to the Town Clerk as and for an additional license fee a sum in the amount of three percent (3%) of the reported net proceeds, if any, or as otherwise determined by the commission, for the occasion covered by the financial statement to defray the cost to the Town of administering the provisions of this Local Law.

SECTION 3. Report of No Games Played/Reschedule.

- A. When no games of bingo are held on any date when a license authorizes the games to be held, the authorized organization shall file with the Town Clerk and the Commission a report to that effect within seven (7) days after the date the games were authorized to be held.
- B. In the event a bingo occasion is canceled by the licensee due to an unforeseen occurrence or extreme weather condition, the Commission or the Town Board, in its discretion, and if notified on the next business day following the scheduled occasion, may permit the licensee to reschedule the canceled occasion within a reasonable time without payment of an additional fee. The licensee must apply for the rescheduled date(s) in accordance with provisions to amend the license under this Local Law and the rules and regulations of the Commission.

SECTION 4. Summary Statement.

Within fifteen (15) days after the end of each calendar quarter during which there has been any occasion of bingo, the licensee shall execute and file a summary statement in the form prescribed by the commission subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the information required in Section 1 above of this Article V, with the Commission and the Town Clerk.

SECTION 5. Delinquency/Suspension.

The Town Board shall not issue a further license to an authorized organization found to be delinquent in filing its financial statement or summary statement of bingo operations. Upon a finding of delinquency or upon notification to the Town Board by the Commission, The town Board shall forthwith suspend any existing license and cancel the unexpired term of the license. A license suspended for delinquency in filing a financial statement or summary statement of bingo operations shall be suspended pending the filing of the required financial statement or summary statement.

SECTION 6. Examination of Books, Records, Managers; Disclosure of Information.

The Town Board and the Commission 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 bingo, so far as they may relate to bingo including the maintenance, control and disposition of net proceeds derived from bingo or from the use of its premises for bingo, and to examine any manager, officer, director, agent, member or employee of the authorized organization under oath in relation to the conduct of any games of bingo under any license, the use of its premises for bingo, or the disposition of net proceeds derived from bingo, as the case may be; and
2. any licensed authorized commercial lessor so far as they may relate to leasing premises for bingo and to examine the commercial lessor or any manager, officer, director, agent or employee of the commercial lessor under oath in relation to the leasing.

Any information so received shall not be disclosed by the Town Board or the Commission except so far as may be necessary for the purpose of carrying out the provisions of this Local Law, Article 14-H of the General Municipal Law or Article 19-B of the Executive Law.

ARTICLE VI. Offenses; Forfeiture of License; Ineligibility to Apply for License.

- Any person, firm, association, corporation or organization who or which shall
- (i) make any false statement in any application for any license authorized to be issued under this Local Law;
 - (ii) pay or receive, for the use of any premises for conducting bingo, a rental in excess of the amount specified as the permissible rent in the license;
 - (iii) fail to maintain or keep available for inspection the books and records as shall fully and truly record all transactions connected with the conducting of bingo or the leasing of premises to be used for the conduct of bingo.
 - (iv) Falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of bingo, to the disposition of the proceeds from the conduct of the games and to

the application of the rents received by any authorized organization;

- (v) Divert or pay any portion of the net proceeds of any game of bingo to any person, firm, association, corporation or organization, except in furtherance of one or more of the lawful purposes set forth in Article 14-H of the General Municipal Law; or
- (vi) Violate any of the provisions of this Local Law or any term of any license issued under 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.

ARTICLE VII. Unlawful Bingo

- A. For purposes of this Article VII, “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, whether or not a person who participates as a player furnishes something of value for the opportunity to participate.
- B. Any person, firm, association, corporation or organization holding, operating or conducting bingo or a game is guilty of a misdemeanor, except when holding, operating or conducting bingo:
 - 1. in accordance with a valid license issued pursuant to this Local Law.
 - 2. within the confines of a home for purposes of amusement or recreation where (i) no player or other person furnishes anything of value for the opportunity to participate, (ii) participation in the games does not exceed fifteen (15) players, and (iii) the prizes awarded or to be awarded are nominal;
 - 3. on behalf of a bona fide organization of persons fifty-five years of age or over, commonly referred to as senior citizens, solely for the purpose of amusement and recreation of its members where (i) the organization has applied for and received an identification number from the Commission, (ii) no player or other person furnishes anything of value for the opportunity to participate, (iii) the prizes awarded or to be awarded are nominal, (iv) no player or other than a bona fide active member of the organization participates in the conduct of the games, and (v) no person is paid for conducting or assisting in the conduct of the game(s); or
 - 4. as a hotel’s social activity solely for the purpose of amusement and recreation of its guests where (i) the hotel has applied for and received an identification number from the Commission, (ii) no player or other person furnishes anything of value for the opportunity to participate, (iii) the value of the prizes to be awarded shall not exceed five dollars (\$5.00) for any one game or a total of one hundred dollars (\$100.00) in any calendar day, (iv)

no person other than a hotel employee or a volunteer conducts or assists in conducting the game(s), and (v) the game or games are not conducted in the same room where alcoholic beverages are sold.

ARTICLE VIII. Miscellaneous Provisions

SECTION 1. Local Law Inoperative Until Approved by Voters.

Except as provided in Article VII, the provisions of this Local Law shall remain inoperative in the Town of LaFayette unless and until a proposition therefore submitted at a general or special election in the Town of LaFayette shall be approved by a vote of the majority of the qualified electors in the Town of LaFayette voting thereon. Upon approval by the electors, this Local law shall be filed by the town Clerk within twenty (20) days in the Office of the Secretary of State of New York and shall be effective immediately upon the filing.

SECTION 2. Amendment to Local Law.

Subsequent to being effective, this Local Law may be amended, from time to time, or repealed by the Town Board and the 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 effecting the amendment or repeal, as the case may be; and the approval of a majority of the electors of the Town of LaFayette shall not be a condition prerequisite to the taking effect of the Local law effecting the amendment or repeal.

SECTION 3. Delegation of Authority.

The Town Board may delegate to an officer(s) of the Town of LaFayette designated by it for that purpose any of the authority granted to the Town Board pursuant to this Local Law 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. In the event of delegation, revocation or modification to the delegation, the Town Board, within three (3) days of the event, shall give notice of the delegation, revocation or modification to the Commission in accordance with the rules and regulations of the Commission.

SECTION 4. Severability.

If any provision of this Local law or its application to any person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this Local law or its application to other persons and circumstances shall not be affected by the provision or the circumstances adjudged unconstitutional, and the Town Board hereby declares that it would have enacted this Local law without the invalid provision or application, as the case may be, had the invalidity been apparent.