

GAMES OF CHANCE

Chapter 34A

GAMES OF CHANCE

- § 34A-1. Definitions.
- § 34A-2. Authorization to conduct games.
- § 34A-3. Application for license to conduct games.
- § 34A-4. Application for license to lease premises.
- § 34A-5. Investigation of applicants.
- § 34A-6. Issuance of license to conduct games; fee.
- § 34A-7. Issuance of license to lease premises; fee.
- § 34A-8. Hearing required prior to denial of license.
- § 34A-9. Amendments to license.
- § 34A-10. Form of license to conduct games; display.
- § 34A-11. Form of license to lease premises; display.
- § 34A-12. Supervision of games; suspension or revocation of license; fine; inspections.
- § 34A-13. Alcoholic beverages.
- § 34A-14. Conduct of games on Sundays and holidays restricted.
- § 34A-15. Time and frequency limitations.
- § 34A-16. Age limitations.
- § 34A-17. Restrictions.
- § 34A-18. Admission charge; prizes.
- § 34A-19. Advertising.
- § 34A-20. Statement of receipts; books and records.
- § 34A-21. Additional fee based on net proceeds.

§ 34A-22. Examination of books and records.

§ 34A-23. Appeals.

§ 34A-24. Statement of familiarity with provisions.

§ 34A-25. Severability.

§ 34A-26. Referendum required; when effective.

[HISTORY: Adopted Liberty Village Board 3-6-78 as L.L. No. 5-1978. Amendments noted where applicable.]

GENERAL REFERENCES

Bingo — See Ch. 11.

§ 34A-1. Definitions.

As used herein, the following terms shall have the same definitions as are assigned to them by § 186 of the General Municipal Law of the State of New York as the same may be amended from time to time: "Board," "games of chance," "authorized organization," "lawful purposes," "net proceeds," "net lease," "authorized games-of-chance lessor," "prize," "authorized supplier of games-of-chance equipment," "one (1) occasion" and "license."

§ 34A-2. Authorization to conduct games.

From and after the effective date of this local law as hereafter provided, it shall be lawful for any authorized organization upon obtaining a license therefor as hereinafter provided to conduct games of chance within the territorial limits of the Village of Liberty, subject to the provisions of this local law, Article 9-A of the General Municipal Law of the State of New York and rules and regulations promulgated by the Board, as the same may be amended from time to time.

§ 34A-3. Application for license to conduct games.

Each applicant for a license to conduct games of chance shall, after obtaining an identification number from the Board, file with the Village Clerk a written application therefor, in a form to be prescribed by the Board, duly executed and verified, containing such information as may be required by law and by the rules and regulations of the Board. In each such application there shall be designated not less than four (4) active members of the applicant organization under whom the games or 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 such games in accordance with the terms of the license and the rules and regulations of the Board and of Article 9-A of the General Municipal Law of the State of New York.

§ 34A-4. Application for license to lease premises.

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 Village Clerk a written application therefor, in a form to be prescribed by the Board, duly executed and verified, and which shall contain such information as shall be required by law and by the rules and regulations of the Board.

§ 34A-5. Investigation of applicants.

The Village 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. For purposes of assisting in the conduct of such investigation, the Village Clerk may call upon the resources of the Chief of Police and other duly appointed and acting village officials and other law enforcement agencies.

§ 34A-6. Issuance of license to conduct games; fee.

If the Village Clerk shall determine that the applicant for a license to conduct games of chance is duly qualified therefor and

meets the requirements of § 191, Subdivision 1(a), of the General Municipal Law of the State of New York and the rules and regulations of the Board and of this local law, as the same may be amended from time to time, he 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.) for each license. No such license shall be effective for a period of more than one (1) year.

§ 34A-7. Issuance of license to lease premises; fee.

If the Village 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 the provisions of § 191, Subdivision 1(b), of the General Municipal Law of the State of New York and the rules and regulations of the Board and the provisions of this local law, as the same may be amended from time to time, he shall issue a license permitting the applicant to lease said premises for the conduct of such games to the authorized organization or organizations specified in the application during the period therein specified or such shorter period as such Clerk shall determine, but not to exceed one (1) year, upon payment of a license fee of fifty dollars (\$50.).

§ 34A-8. Hearing required prior to denial of license.

No application for the issuance of a license to an authorized organization shall be denied by the Village Clerk 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.

§ 34A-9. Amendments to license.

Any license issued under this local law may be amended, upon application made to the Village Clerk who issued it, if the subject matter of the proposed amendment could lawfully and properly be included in the original license and upon payment of such

additional fee, if any, as would have been payable if it had been so included.

§ 34A-10. Form of license to conduct games; display.

Each license to conduct games of chance shall be in the form prescribed by the Board and shall contain such information as may be required by law and/or the rules and regulations of the Board, as the same may be amended from time to time. Each such license shall be conspicuously displayed at the place where the games of chance are to be conducted at all times during the conduct thereof.

§ 34A-11. Form of license to lease premises; display.

Each license to lease premises for the conduct of games of chance will be in such form as may be prescribed by the Board and will contain such information as may be required by law and/or the rules and regulations of the Board, and the same may be amended from time to time. Each such license shall be conspicuously displayed upon such premises at all times during the conduct of such games of chance.

§ 34A-12. Supervision of games; suspension or revocation of license; fine; inspections.

The Chief of Police shall have and exercise rigid control and close supervision over all games of chance conducted under such license to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the Board and the provisions of Article 9-A of the General Municipal Law of the State of New York, and the Chief of Police and the Board shall have the power and the authority to temporarily suspend any license issued by the Clerk pending a hearing, and, after notice and hearing, the Board may suspend or revoke the same and additionally impose a fine in the amount not exceeding one thousand dollars (\$1,000.) for violation of any such provisions and shall have the right of

entry by their respective officers and agents at all times into any premises, where any games of chance are being conducted, where it is intended that any such games shall be 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. An agent of the Chief of Police shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this local law.

§ 34A-13. Alcoholic beverages.

Subject to the applicable provisions of 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 beverages is prohibited.

§ 34A-14. Conduct of games on Sundays and holidays restricted.

Except as provided in § 34A-15, no games of chance shall be conducted on Sunday unless specifically so provided in the license. The Village Clerk is hereby authorized to include such provision in any such license, upon a proper showing by the applicant of the need therefor. No games of chance shall be conducted on Easter Sunday, Christmas Day or New Years Eve.

§ 34A-15. Time and frequency limitations.

No game or games of chance shall be conducted under a license issued under this local law more than twelve (12) times in any calendar year. Games shall be conducted only between the hours of 12:00 noon and 12:00 midnight on Monday, Tuesday, Wednesday and Thursday and only between the hours of 12:00 noon on Friday and 2:00 a.m. on Saturday and only between the hours of 12:00 noon on Saturday and 2:00 a.m. Sunday. The closing period of 2:00 a.m. shall also apply to a legal holiday.

§ 34A-16. Age limitations.

No person under the age of eighteen (18) years shall be permitted to play any game or games of chance conducted pursuant to any license issued under this local law. No person under the age of eighteen (18) years shall be permitted to conduct or assist in the conduct of any game of chance conducted pursuant to any license issued under this local law.

§ 34A-17. Restrictions.

No person shall hold, 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 the holding, operating or conducting of any game 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. No game of chance shall be conducted with any equipment except such as shall be owned or leased by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. At least two (2) 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 chance are bona fide members of the authorized organization, auxiliary or affiliated organization. Upon request by the Chief of Police, any such person involved in such games of chance shall certify that he or she has no criminal record. 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 a schedule of compensation prescribed by the Board, janitorial services and utility supplies, if any, and license fees and the cost of bus transportation if authorized by the Chief of Police.

§ 34A-18. Admission charge; prizes.

Not more than two dollars (\$2.) shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be conducted under any license issued under this local law. The Chief of Police may, in his discretion, fix a minimum fee. Every winner shall be determined and every prize shall be awarded and delivered 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 game of chance.

§ 34A-19. Advertising.

No game of chance conducted or to be conducted in the Village of Liberty 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 game 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 owned or 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 (1) additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. 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 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.

§ 34A-20. Statement of receipts; books and records.

Within seven (7) days after the conclusion of any license period, the authorized organization which conducted the same and its members who were in charge thereof and, when applicable, the authorized organization which rented its premises therefor shall each furnish to the Village 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 and each item of expense incurred or paid and each item of expenditure made or to be made other than prizes, the names and address of each person to whom each such item of expense has been paid or is to be paid with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of games of chance during such license period and the use to which such proceeds have been or are to be applied and a list of prizes offered and given with the respective values thereof, and 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 such statement.

§ 34A-21. Additional fee based on net proceeds.

Upon the filing of such statement of receipts, the authorized organization furnishing the same shall pay to the Village Clerk as and for an additional license fee a sum based upon the reported net proceeds, if any, for the license period covered by such statement and determined in accordance with such schedule as shall be established, from time to time, by the Board to defray the actual cost to the village of administering the provisions of this local law.

§ 34A-22. Examination of books and records.

- A. The Village Clerk shall have 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 they may relate to games of chance, including the maintenance, control and disposition of 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 such game under any such license, the use of its

premises for games of chance or the disposition of net proceeds derived from games of chance, as the case may be.

- (2) Any authorized games-of-chance lessor, so far as they 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 such leasing.

B. 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 local law.

§ 34A-23. Appeals.

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

§ 34A-24. Statement of familiarity with provisions.

Any person or persons who shall execute an application on behalf of any authorized organization shall, by the making of such application, warrant that he is familiar with the provisions of state law and the rules and regulations of the Board which may be applicable to such license and agrees to abide thereby.

§ 34A-25. Severability.

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

§ 34A-26. Referendum required; when effective.

This local law is subject to mandatory referendum and shall become effective only if approved by a majority of the electors voting thereon at a special election of the Village of Liberty to be held on May 16, 1978. If so approved, this local law shall become effective immediately upon filing with the Secretary of State of the State of New York in accordance with the requirements of the Municipal Home Rule Law.