

LOCAL LAW NO. 1 OF 1976
OF THE TOWN OF CANDOR,
TIOGA COUNTY, NEW YORK

A LOCAL LAW AUTHORIZING THE CONDUCT OF
BINGO GAMES IN THE TOWN OF CANDOR BY CERTAIN
NON-PROFIT ORGANIZATIONS

BE IT ENACTED by the Town Board of the Town of Candor,
Tioga County, New York, as follows:

Section 1: DEFINITIONS. As used in this local law, unless
the context requires otherwise, the following terms shall have
the following meanings:

1. Control Commission shall mean the State Bingo Control
Commission.
2. 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.
3. Authorized Organization shall mean and include any
bona fide religious or charitable organization or bona fide
educational, fraternal, civic or service organization or bona
fide organization of veterans or volunteer firemen.

4. Board shall mean the Town Board of the Town of Candor.

5. License shall mean a license issued pursuant to the provisions of this local law.

Section 2: AUTHORIZATION. It shall be lawful for any authorized organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the Town of Candor subject to the provisions of this local law, of the Bingo Licensing Law (Article 14-H of the General Municipal Law), and of the Bingo Control Law (Article 19-B of the Executive Law).

Section 3: GENERAL RESTRICTIONS. Any bingo game or games licensed hereunder shall be conducted subject to the following restrictions, in addition to such other restrictions as may be provided elsewhere in this local law or contained in the rules and regulations of the Control Commission:

1. 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 such game.

2. No such game 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 such game.

3. The entire net proceeds of any game or games shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

4. No person except a bona fide member of such organization shall participate in the management or operation of such game.

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

6. No games shall be held, operated, or conducted oftener than on six days in any one calendar month, excluding Sundays.

7. No games shall be held, operated or conducted in any room or outdoor area where alcoholic beverages are sold, served or consumed during the progress of the game or games.

8. No person under the age of eighteen years shall be permitted to play any game or games of bingo conducted pursuant to any license issued under this local law unless accompanied by an adult. No person under the age of eighteen years shall be permitted to conduct or assist in the conduct of any game of bingo conducted pursuant to any license issued under this local law.

Section 4: PERSONS OPERATING AND CONDUCTING GAMES:

EQUIPMENT: EXPENSES: COMPENSATION. 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 authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game of bingo 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 member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided. No game of bingo shall be conducted with any equipment except such as shall be owned absolutely by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. 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 bingo supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the commission, janitorial services and utility supplies if any and license fees, and the cost of bus transportation, if authorized by the control commission.

Section 5: APPLICATION FOR LICENSE.

(a) Each applicant for a license shall after obtaining an identification number from the control commission, file with the Town Clerk a written application therefor in the form prescribed in the rules and regulations of the control 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 governing body of the municipality to determine whether or not it is a bona fide authorized organization;

(2) the names and addresses of its officers; the place or places where, the date or dates and the time or times when the applicant intends to conduct bingo under the license applied for;

(3) the capacity or potential capacity for public assembly purposes of space in any premises presently owned or occupied by the applicant; and intended to be used for the conduct of bingo games;

(4) 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 local law to conduct bingo;

(5) all other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of bingo and the names and addresses of the persons to whom, and the purposes for which, they are to be paid;

(6) the specific purposes to which the entire net proceeds of such games are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such bingo game or games or for assisting therein except as in this local law otherwise provided; and such other information as shall be prescribed by such rules and regulations.

(b) In each application there shall be designated an active member or members of the applicant organization under whom the game or games of bingo will be conducted and to the application shall be appended a statement executed by the member or members so designated, that he or they will be responsible for the conduct of such bingo games in accordance with the terms of the license, and the rules and regulations of the commission and of this local law.

Section 6: ISSUANCE AND DURATION OF LICENSE.

1. The Board shall cause to be investigated the qualifications of each applicant and the merits of each application with due expedition after the filing of the application. The Board shall determine, among other things, the qualifications of the applicant to be licensed, whether the members under whom such games are to be conducted are bona fide members of the applicant, whether such persons are of good moral character or have ever been convicted of a crime, whether the conduct of such games will comply with all the provisions of law and rules and regulations applicable thereto, whether the proceeds thereof will be disposed of as provided by the Bingo Licensing Law, whether a commission, salary, compensation, reward or recompense of any nature will be paid to any person conducting or assisting in conducting such games and such other questions or inquiries as the Board may direct.

2. If the Board shall determine that the requisite conditions have been met by the applicant, it shall issue a license to the applicant for the holding, operation and conduct

of the game or games of bingo applied for, upon payment of a license fee of \$12.50 for each bingo occasion upon which any such game is to be conducted under such license, which fees are to be paid to the Town Clerk. Such fees are to be paid monthly, in advance, for those games to be held during that calendar month.

3. On or before the 30th day of each month, the Supervisor shall transmit to the State Comptroller the sum of \$7.50 per occasion of all license fees for the conduct of bingo collected by the Town during the preceding calendar month.

4. No license shall be issued under this local law which shall be effective for a period of more than one year.

Section 7: HEARING:AMENDMENT OF LICENSE.

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

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

Section 8: FORM, CONTENTS AND DISPLAY OF LICENSE.

1. Each license to conduct bingo shall be in such form

as shall be prescribed in the rules and regulations promulgated by the control commission, and shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom the games will be conducted, of the place or places where and the date or dates and time or times when such games are to be conducted and of the specific purposes to which the entire net proceeds of such games are to be devoted; if any prize or prizes are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein and each license issued for the conduct of any game shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

Section 9: CONTROL AND SUPERVISION.

The Board shall have and exercise control and supervision over all games held, operated or conducted under such license and shall have the

power and authority to suspend any such license and, after notice and hearing, to revoke the same for violation of any provision of such license, of this local law, of the Bingo Licensing Law, or of the rules and regulations of the Control Commission. The Board or any officer designated by it shall have the right of entry at all times into any premises where any such game is being held, operated or conducted, or where it is intended that any such game shall be held, operated or conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

Section 10: CHARGE FOR ADMISSION AND PARTICIPATION;

AMOUNT OF PRIZES. Not more than one dollar shall be charged by any licensee for admission to any room or place in which any bingo game or games are to be held, operated and conducted under any license issued under this local law, which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate without additional charge in all regular games to be played under such license on such occasion, and no charge in excess of one dollar shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. No prize greater in amount or value than two hundred fifty dollars shall be offered or given in any single game conducted under any such license and the aggregate amount or value of all prizes offered or given in all games played on a single occasion shall not exceed one thousand dollars and all winners shall be determined and all

prizes shall be awarded within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any such game.

Section 11: ADVERTISING GAMES. No game of bingo conducted or to be conducted under this local law 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 sign not exceeding sixty 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 bingo on premises of another licensed authorized organization, one 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 equipment belonging to any licensee, which is a first-aid or rescue squad, in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad, as the case may be.

Section 12: STATEMENT OF RECEIPTS, EXPENSES, ETC.

1. Within seven days after the conclusion of any occasion of bingo, 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 commission and a copy 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 and each item of expense incurred, or paid, and each item of expenditure made or to be made, the name and address of each person to whom each such item has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, 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.

2. Upon the filing of such statement of receipts, the authorized organization furnishing the same shall pay to the Town Clerk as and for an additional license fee a sum based upon the reported net proceeds, if any, for the occasion covered by such statement and determined in accordance with such schedule as shall be established from time to time by the commission to defray the cost to municipalities of administering the provisions of this local law and of article nineteen-B of the executive law.

Section 13: EXAMINATION OF PERSONS AND RECORDS.

The Board and the control commission shall have power to examine or cause to be examined the books

and records of 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 thereof under oath in relation to the conduct of any such game under any such license, the use of its premises for bingo, or the disposition of net proceeds derived from bingo, as the case may be.

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, and article nineteen-B of the executive law.

Section 14: DELEGATION OF AUTHORITY. The Board may delegate to an officer or officers designated by it for that purpose any of the authority granted to it hereby in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees.

Section 15: APPEALS. Any applicant for, or holder of, any license under this local law aggrieved by any action of the Board, its officers, or agents, with respect to his or its application or license, may appeal to the Control Commission in the manner prescribed by the Bingo Licensing Law.

Section 16: OFFENSES; FORFEITURE OF LICENSE; INELIGIBILITY TO APPLY FOR LICENSE. Any person, association or corporation who or which shall:

1. make any false statement in any application for any license authorized to be issued under this local law;

2. fail to keep such 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;

3. 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 thereof and to the application of the rents received by any authorized organization;

4. divert or pay any portion of the net proceeds of any game of bingo to any person, association or corporation, except in furtherance of one or more of the lawful purposes defined in this local law; or

5. violate any of the provisions of 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 one year thereafter.

Section 17: LIMITED PERIOD BINGO. An authorized organization may obtain a license to conduct limited period bingo for a period of not more than seven of twelve consecutive days in any one year at a festival, bazaar, carnival or similar function conducted by such organization upon compliance with the relevant provisions of the Bingo Licensing Law, of this local law and of the regulations of the Control Commission. An organization licensed to conduct limited period bingo may not be licensed to conduct bingo at any other time in the same year.

Section 18: COMMERCIAL LESSOR. A person, firm, or corporation other than a licensee to conduct bingo under the provisions of this local law may secure a license as an "authorized commercial lessor" to lease premises to an authorized organization for the conduct of bingo upon compliance with the relevant provisions of the Bingo Licensing Law and of this local law and the regulations of the Control Commission.

Section 19. AMENDMENT AND REPEAL. This local law may be amended from time to time, or repealed by the Board, and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty days following the date of enactment of the local law effecting such amendment or repeal, as the case may be; and the approval of a majority of the electors shall not be a condition prerequisite to the taking effect of such local law.

Section 20. SEVERABILITY. If any provision or application of this local law shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this local law shall not be affected thereby, and the Board hereby declares that it would have enacted this local law without the invalid provisions or application, as the case may be, and had such invalidity been apparent.

Section 21. EFFECTIVE DATE. The provisions of this local law shall remain inoperative unless and until a proposition therefor is submitted at the General Election to be held on the 2nd day of November, 1976 and shall be approved by a vote of the majority of the qualified electors in the Town of Candor voting thereon. In the event that such proposition is approved, this local law shall take effect immediately.