

BINGO AND GAMES OF CHANCE

Chapter 3

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ARTICLE II : Games of Chance

(Local Law No. 5 1977)

A local law entitled games of chance licensing law constituting Article II of Chapter 3 of the laws of the Village of Hilton.

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(HISTORY: Adopted, Hilton Village Board: Article I, 5-5-58, amended 5-22-63; Article II, 6-27-77 as Local Law No. 5, 1977. Subsequent amendments noted where applicable.)

ARTICLE I: BINGO (Adopted 5-5-58)**3-1 Purpose**

The purpose of this ordinance is to amend an ordinance adopted by the Village Board of the Village of Hilton, Monroe County, New York, dated May 5, 1958, authorizing the conduct of bingo in such village, to change the reference in such ordinance from Chapter 854 of the Laws of 1957 of the State of New York to Article 14-H of the General Municipal Law, as so renumbered by Chapter 438 of the Laws of 1962, and to set forth therein the following additional amended and renumbered restrictions concerning the conduct of the game of bingo by an authorized organization in such village as required by #479 of the General Municipal Law of the State of New York as amended by Chapter 438 of the Laws of 1962.

3-2 License required

No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-H of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting bingo, a hall or other premises for any consideration whatsoever, direct or indirect.

3-3 Sunday games prohibited

In addition to the several restrictions imposed by the Laws of the State of New York, the following further restriction is hereby imposed on the conduct of such games in the Village of Hilton.

- A. No games of chance shall be conducted under any license issued under this ordinance on the first day of the week commonly known and designated as Sunday.

3-3.1 Percentage of profits used for rent prohibited

No bingo games 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.

3-4 Licensed supplier required

No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law or from another authorized organization.

3-5 Proceeds

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 same.

3-6 Single prize limitation

No prize shall exceed the sum or value of two hundred fifty dollars (\$250.00) in any single game of bingo.

3-7 Series prize limitation

No series of prizes on any one (1) bingo occasion shall aggregate more than one thousand dollars (\$1000.00).

3-8 Management restricted

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

3-9 Remuneration prohibited

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

3-10 Penalties for offenses

The unauthorized conduct of a bingo game and any willful violation of any provision of this local ordinance shall constitute and be punishable as a misdemeanor.

3-11 When effective

This ordinance shall take effect thirty (30) days after enactment hereof as provided by 497 of the General Municipal Law after due publication and posting as provided by 95 of the Village Law.

ARTICLE II: Games of Chance (Adopted 6-27-77 as L.L. No. 5, 1977)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

3-12 Title

This local law shall be known as the "Village of Hilton Games of Chance Licensing Law."

3-13 Statutory authority

This local law is subject and subordinate to all the conditions and provisions contained in Article 9-A of the General Municipal Law and amendments thereto and any and all rules and regulations and opinions adopted or to be adopted by the New York State Racing and Wagering Board.

3-14 Legislative intent

The Village Board finds the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious, patriotic and other worthy causes, and where the beneficiaries are undetermined, to be in the public interest, and that the mandate of 9 of Article 1 of the State Constitution, as amended, should be carried out by rigid regulations to prevent commercialized gambling, to prevent participation by criminal and other undesirable elements and to prevent the diversion of funds from the purposes herein authorized.

3-15 Definitions

As used in this local law, the following terms shall have the meanings indicated:

AUTHORIZED GAMES OF CHANCE LESSOR- An authorized organization which has been granted a lessor's license pursuant to the provisions of Article 9-A of the General Municipal Law or pursuant to the provisions of this local law.

AUTHORIZED ORGANIZATION- Includes any bona fide religious or charitable organization, bona fide educational or service organization or bona fide organization of veterans or volunteer firemen which, by its charter, certificate of incorporation, constitution or act of the Legislature, shall have among its dominant purposes those as defined in this local law, provided that each such organization shall operate without profit to its individual members and provided that each such organization has engaged in serving one (1) or more of the lawful purposes as defined in this local law for a period of three (3) years immediately preceding the filing of an application for a license under this local law. No organization shall be deemed an "authorized organization" which is or has been formed primarily for the purpose of conducting games of chance and the distribution of the proceeds thereof to itself or any other organization or which does not devote at least seventy-five percent (75%) of its activities and funds to other lawful purposes set forth in this local law. No political party, club or committee shall be deemed an "authorized organization."

AUTHORIZED SUPPLIER OF GAMES OF CHANCE EQUIPMENT- Any person, firm, corporation, partnership or organization licensed by the New York State Racing and Wagering Board to sell or lease games of chance equipment or paraphernalia which meets the specifications and regulations established by the New York State Racing and Wagering Board. Nothing herein shall prevent an authorized organization from purchasing common articles, such as cards and dice, from normal sources of supply of such articles or from constructing equipment and paraphernalia for games of chance for its own use. However, no such equipment or paraphernalia constructed by an authorized organization shall be sold or leased to any other authorized organization without written permission from the New York State Racing and Wagering Board.

GAMES OF CHANCE- Includes specific games of chance in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance but not including games commonly known as "bingo" or "lotto," which are controlled by Article 14-H of the General Municipal Law and Article 1 of Chapter 3 of the Code of the Village of Hilton, and also not including slot machines, bookmaking and policy or number games, as defined in Article 225 of the Penal Law. No "game of chance" shall involve wagering of money by one player against another player.

LAWFUL PURPOSES - One (1) or more of the following causes, deeds or activities:

- A. Those which shall benefit needy or deserving persons, indefinite in number, by enhancing their opportunity for religious or educational advancement; by relieving them from disease, suffering or distress; by contributing to their physical well-being; by assisting them in establishing themselves in life as worthy and useful citizens; or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments.
- B. Those which shall initiate, perform or foster worthy public works or shall enable or further

the erection or maintenance of public structures.

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3-15 Definitions (continued)

LAWFUL PURPOSES - One (1) or more of the following causes, deeds or activities:

- C. Those which shall otherwise lessen the burdens borne by government or which are voluntarily undertaken by an authorized organization to augment or supplement services which the government would normally render to the people.

LICENSED PERIOD- A period of time not to exceed fourteen (14) consecutive hours.

NET PROCEEDS

- A. In relation to the gross receipts from one (1) or more occasions of games of chance, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for supplies and equipment; prizes; stated rental, if any; bookkeeping or accounting services, according to a schedule of compensation prescribed by the New York State Racing and Wagering Board; janitorial services and utility supplies, if any; license fees; and the cost of bus transportation if authorized by the Division.
- B. In relation to the gross rent received by an organization licensed to conduct such games for the use of its premises by another licensee, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto, if any.

ONE (1) OCCASION- The conducting of any type of game of chance during any one (1) license period. No series of prizes on any one (1) occasion shall aggregate more than one thousand dollars (\$1000.00).

PRIZE- A sum of money or item of merchandise awarded by the authorized organization to a participant in any one (1) operation or conducting of a game of chance in which participants utilize currency for participation and in which those who are not winners surrender their participating currency at the conclusion of the single operation of such games of chance. No prize for any one (1) participant in any one (1) operation or conducting of such single game of chance shall exceed the sum of one hundred dollars (\$100.00). If a prize is awarded based on odds, only that portion in excess of the winning participant's bet shall be considered as a prize. For the purposes of this local law, the value of a prize which consists of merchandise shall be the actual cost of the item of such merchandise.

VILLAGE BOARD- The Village Board of the Village of Hilton.

VILLAGE CLERK- The Village Clerk of the Village of Hilton.

3-16 Enforcement

The Village Clerk is hereby delegated the authority granted to the Village Board by the New York State Games of Chance Licensing Law, Article 9-A of the General Municipal Law, in relation to the

issuance, amendment and cancellation of licenses, the conduct of investigations and hearings and the collection and transmission of fees.

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3-17 Restrictions upon conduct of games

- A.** No person, firm, association, corporation or organization, other than a licensee under the provisions of this local law, shall conduct such games or shall lease or otherwise make available for conducting games of chance a hall or other premises for any consideration whatsoever, direct or indirect, except as provided in #3-18 of this Games of Chance Licensing 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 percentage of the receipts or net profits derived from the operation of such game.
- 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 an authorized supplier of games equipment licensed by the New York State Racing and Wagering Board.
- 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 series of prizes on any one (1) occasion of games of chance shall aggregate more than one thousand dollars (1,000.00).
- F.** 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).
- G.** No person except a bona fide member of any such organization, its auxiliary or affiliated organization shall participate in the management or operation of such game as set forth in #3-23 of this local law.
- H.** No person shall receive any remuneration for participating in the management or operation of any such game.
- I.** The conduct of games of chance on Sundays is only permitted when it is specifically provided for in the license issued. No games, however, shall be conducted on Easter Sunday, Christmas Day, or New Year's Eve.
- J.** No game of chance shall involve wagering of money by one participant against another participant. Participants in all games must wager against the authorized organization conducting the games. Side or wrong-way bets, wherein one (1) participant wagers on the inability of another participant to win at any particular operation of a game of chance are prohibited.

3-18 License requirements

A. To conduct games of chance:

- (1) Each applicant for a license shall, after obtaining an identification number from the New York State Racing and Wagering Board, file with the Village Clerk a written application therefore, in a form to be prescribed by the New York State Racing and Wagering Board and/or the Village Clerk, duly executed and verified, in which shall be stated:

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3-18 License requirements (continued)

A. To conduct games of chance:

- (1)
 - (a) The name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the Village Clerk to determine whether or not it is a bona fide authorized organization.
 - (b) The names and home addresses of its officers; and the place or places where, the date or dates when and the time or times when the applicant intends to conduct games under the license applied for.
 - (c) The amount of rent to be paid or other consideration to be given, directly or indirectly, for such occasion for use of the premises of another authorized organization licensed under this local law to conduct such games or for the use of the premises of an authorized games of chance lessor.
 - (d) All other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of chance and the names and addresses of the persons to whom and the purpose for which they are to be paid.
 - (e) The 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 game or games or for assisting therein except as otherwise provided in Article 9-A of the General Municipal Law; and such other information as shall be prescribed by such rules and regulations of the New York State Racing and Wagering Board.
- (2) In each application there shall be designated not less than four (4) active members of the applicant organization under whom the game 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 New York State Racing and Wagering Board, Article 9-A of the General Municipal Law and the provisions of this local law.

B. Authorized games of chance lessor. 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 therefore in a form to be prescribed by the New York State Racing and Wagering Board and/or the Village Clerk, duly executed and verified, which shall set forth the name 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 "authorized organization," set forth in 3-15 of this local law, and such other information as shall be prescribed by the New York State

Racing and Wagering Board and the provisions of this local law.

3-19 Issuance of licenses; fees; term of license

- A.** 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.

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3-19 Issuance of licenses; fees; term of license

- A.** (1) Issuance of licenses to conduct games of chance. If the Village Clerk shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this local law; that the member or members of the applicant designated in the application to conduct games of chance 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; that such games are to be conducted in accordance with the provisions of this local law and in accordance with the rules and regulations of the New York State Racing and Wagering Board and that the proceeds thereof to be disposed of as provided by this local law; and if the Village Clerk is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games, 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; and that the aggregate of all prizes given on one (1) occasion under said license shall not exceed the sum or value of one thousand dollars (\$1,000.00), the Village 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.
- (2) Issuance of licenses to authorize games of chance lessors. 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 this local law; that the applicant satisfies the requirements for an authorized games of chance lessor as defined in #3-15 of this local law; that there is a public need and that public advantage will be served by the issuance of such licenses; 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 this local law; and that such leasing of a hall or premises for the conduct of such games is to be in accordance with the provisions of this local law and in accordance with the rules and regulations of the New York State Racing and Wagering Board, the Village Clerk 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 upon payment of a license fee of fifty dollars(\$50.00) for each license period that a duly licensed authorized organization leases the premises or hall. The license issued pursuant to this subsection shall be valid for one (1) license period only.
- B.** On or before the 30th day of each month, the Treasurer of the Village of Hilton, on behalf of the Village Clerk, 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 such Village Clerk pursuant to this section during the preceding calendar month.

- C. No license shall be issued under this local law which shall be effective for a period of more than one (1) year.

3-20 Hearing upon denial of license; amendments to license

- A. No application for the issuance of a license to an authorized organization shall be denied by the Village Clerk until after a hearing held by the Village Clerk 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.

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3-20 Hearing upon denial of license; amendments to license (continued)

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

3-21 Form, content and display of license

- A. Each license to conduct games of chance shall be in such form as shall be prescribed in the rules and regulations of the New York State Racing and Wagering Board 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 purposes to which the entire net proceeds of such games are to be devoted; if any prize or prizes are to be given in cash, a statement of the amounts of prizes authorized so to be given; and any other information which may be required by said rules and regulations to be contained therein. Each license issued for the conduct of any games shall be conspicuously displayed 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 such form as shall be prescribed in the rules and regulations of the New York State Racing and Wagering Board 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 information which may be required by said rules and regulations to be contained therein. Each such license shall be conspicuously displayed upon such premises at all times during the conduct of games of chance.

3-22 Control and supervision of games; alcoholic beverages

- A. The chief law enforcement officer of the County of Monroe 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 New York State Racing and Wagering Board and the provisions of this local law. Such chief law enforcement officer and the New York State Racing and Wagering Board shall have the power and the authority to temporarily suspend any license issued by the Village Clerk, pending a hearing held by the Village Clerk, and after notice and hearing, the New York State Racing and Wagering Board may suspend or revoke the same and shall have the right of entry by its respective officers and agents at all times into any premises where any game of chance is being conducted or where it is intended that any such game 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 appropriate chief law enforcement officer shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this local law.

- B. The service of alcoholic beverages is 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.

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3-23 Operation and conduct of games

- A. Participation by persons under eighteen (18). No person under the age of eighteen (18) years shall be permitted to play any games of chance conducted pursuant to any license issued under the 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.

- B. Frequency of games. No game or games of chance shall be conducted under any license issued under this local law more often 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 Sunday, Monday, Tuesday, Wednesday and Thursday and only between the hours of 12:00 noon on Friday and 2:00 a.m. Saturday and only between the hours of 12:00 noon on Saturday and 2:00 a.m. Sunday. The 2:00 a.m. closing periods shall also apply to a legal holiday.

- C. Persons operating and conducting games; equipment; expenses; compensation.

(1) No person shall hold, operate or conduct any game 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 member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association.

(2) 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 therefore by the licensee.

(3) 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 games of chance are bona fide members of such authorized organization, auxiliary or affiliated organization. Upon request by the chief law enforcement officer of Monroe County, any such person involved in such game of chance shall certify that he or she has no criminal record.

- (4) 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 New York State Racing and Wagering Board; janitorial services and utility supplies, if any; license fees; and the cost of bus transportation if authorized by said Board.

- D. Charge for admission and participation; amount of prizes; award of prizes. Not more than two dollars (\$2.00) 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. 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.

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3-23 Operation and conduct of games (continued)

- E. Advertising games. No game of chance conducted or to be conducted in the Village of Hilton shall be advertised as to its location, the time when it is to be or has been played, prizes awarded or to be awarded or transportation facilities to be provided to such game by means of newspapers, radio, television or sound trucks, by means of billboards, posters or handbills or by any other means addressed to the general public, except that one (1) sign not exceeding twenty-four (24) 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 game 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 first aid and rescue squad in and throughout the communities served by such volunteer fire company or such first aid or first aid and rescue squad, as the case may be.

- F. Statement of receipts, expenses; additional license fees.

(1) Within seven (7) days after the conclusion of any license period, the authorized organization which conducted the same, its members who were in charge thereof and, when applicable, the authorized organization which rented its premises therefore 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 there from and each item of expense incurred or paid and each item of expenditure made or to be made other than prizes; the name 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 therefore; 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. 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 Treasurer of the County of Monroe, as and for additional license fee, a sum not to exceed five percent (5%) of the reported net proceeds, if any, for the license period covered by such statement to defray the actual cost to the County of Monroe of controlling and supervising the games of chance authorized by

this local law. (Amended 1-9-78 by L.L. No. 1, 1978)

- G. Examination of books and records; examination of officers and employees; disclosure of information.
 - (1) The Village Clerk, the chief law enforcement officer of Monroe County and the New York State Racing and Wagering Board shall have power to examine or cause to be examined the books and records of:

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3-23 Operation and conduct of games (continued)

- (a) 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 such license, the use of its premises for games of chance or disposition of net proceeds derived from games of chance, as the case may be.
 - (b) Any authorized games of chance lessor, so far as it 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.
 - (2) 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.
- H. Appeals from the decision of the Village Clerk to the New York State Racing and Wagering Board. Any applicant for or holder of any license issued or to be issued under this local law aggrieved by any action of the Village Clerk to whom such application has been made or by whom such license has been issued may appeal to the New York State Racing and Wagering Board from the determination of said Village Clerk by filing with such Village Clerk written notice of appeal within thirty (30) days after the determination or action appealed from; and upon the hearing of such appeal, the evidence, if any, taken before such 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 New York State Racing and Wagering Board upon said appeal shall be binding upon the Village Clerk and all parties to said appeal.
 - I. Exemption from prosecution. No person, association, corporation or organization lawfully conducting or participating in the conduct of games of chance 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 Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this local law, but this immunity shall not extend to any person or 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 license, or otherwise, or permitting the conduct upon any premises owned

or leased by him or it 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.

3-24 Penalties for offenses

In application for a license and conduct of games, any person, association, corporation or organization who or which shall:

- A.** Make any material false statement in any application for any license authorized to be issued under this local law;
- B.** Pay or receive for the use of any premises for conducting games of chance a rental in excess of the amount specified as the permissible rent in the license provided for in #3-18 of this local law;

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3-24 Penalties for offenses (continued)

- C.** Fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of games of chance or the leasing of premises to be used for the conduct of games of chance;
- D.** 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;
- E.** Divert or pay any portion of the net proceeds of any game of chance to any person, association or corporation, except in furtherance of one (1) or more of the lawful purposes defined in this local law;
- F.** Operate or conduct a game or games of chance:
 - (1) Unless in accordance with a valid license issued pursuant to this local law; or
 - (2) Unless on behalf of a bona fide organization of persons sixty (60) 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 New York State Racing and Wagering Board;
 - (b) No player or 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; and
 - (e) No person is paid for conducting or assisting in the conduct of the game or games; shall forfeit any license heretofore issued under this local law, where applicable, and shall be ineligible to apply for a license under this local law for at least one (1) year thereafter and, in addition, shall be guilty of a misdemeanor and subject to a fine of up to one thousand dollars (\$1,000.00) or imprisonment for up to six (6) months, or both.

3-25 When effective

The provisions of this local law shall remain inoperative in the Village of Hilton unless and until a proposition therefore submitted to a special election in the Village of Hilton shall be approved by a vote of the majority of the qualified electors in such municipality voting thereon. Upon approval by said electors, this local law shall be effective on the filing of the same with the Secretary of State.

3-26 Amendments

This local law may be amended from time to time or repealed by the Village Board of the Village of Hilton by a two-thirds vote of such Village Board. Such 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 such amendment or repeal, as the case may be, and the approval of a majority of the electors of the Village of Hilton shall not be a condition prerequisite to the taking effect of such local law.

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3-27 License fee modifications (Amended 1-9-78 by L.L. No.1, 1978)

License fees herein established may be increased or decreased from time to time by the New York State Racing and Wagering Board.

3-28 Severability

If any provision of this local law or the application thereof to the Village of Hilton or to any person or any such particular circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this local law or the application thereof to the Village of Hilton or such other persons and circumstances shall not be affected thereby.