

LOCAL LAW NUMBER 3 OF 2012

LOCAL LAW TO AUTHORIZE BINGO AND GAMES OF CHANCE WITHIN THE TOWN OF LANSING

The Town Board of The Town of Lansing hereby adopts the following local law subject to mandatory referendum: accordingly, be it enacted by the Town Board of the Town of Lansing as follows:

SECTION 1: TITLE & DEFINITIONS - This Local Law shall be known as "Local Law Number 3 of 2012" (herein, the "Local Law"). When used herein, the following terms have the following meanings unless the context thereof otherwise requires or so admits:

General Municipal Law, Executive Law, Municipal Home Rule Law, Penal Law, and the like - shall refer to New York State statutes (each as now exists or as hereafter amended or re-codified), and their applicable regulations, rules, enforcement and interpretive orders and guidelines, and any applicable orders or executive orders implementing or interpreting such statutes, rules, or regulations.

Law - whenever such term is used it shall refer to all applicable local, State, and federal laws, regulations, rules, enforcement and interpretive orders and guidelines, and any applicable orders or executive orders implementing or interpreting such statutes, rules, or regulations, and the common law sounding in law and equity, relative to the subject matter of such referenced matter, law or Law.

Local Enforcement Officer - shall mean the Town Clerk, the Town Supervisor, the Town's Code Enforcement Officer, and any other person or officer appointed for such purpose by future resolution of the Town Board.

Local Law - shall mean this Local Law Number xx of 2012, a "Local Law to Authorize Bingo and Games of Chance within the Town of Lansing."

Town - shall mean the Town of Lansing.

Town Board - shall mean the Town Board of the Town of Lansing.

Town Clerk - shall mean the Town Clerk of the Town of Lansing.

SECTION 2: AUTHORITY & PURPOSE - This Local Law is adopted pursuant to, *inter alia*, the authority granted by § 477 of Article 14-H of the General Municipal Law, § 188 of Article 9-A of the General Municipal Law, and § 10 of the Municipal Home Rule Law.

The purpose of this Local Law is to declare bingo and legal games of chance as lawful activities within the Town when conducted in accordance with this Local Law and applicable state and federal Laws pertaining to such games. Any prior local law or ordinance of the Town concerning this same subject matter (bingo and games of chance) are hereby repealed, superseded, and replaced by this Local Law, including, but not limited to, Town of Lansing Ordinances #1 ("Bingo Ordinance No. 1", of 1958) and #1 A, of 1963 (an Ordinance amending "Bingo Ordinance No. 1", of 1958).

SECTION 3: THE GAME OF BINGO IS AUTHORIZED -

A. The words and terms used in this Section of this Local Law shall have the same meanings as such words and terms are used in Article 14-H of the General Municipal Law, unless the context thereof otherwise requires or so admits. Without limiting the foregoing, the definitions of "authorized organization," "lawful purposes," "bingo," and "game," as set forth in § 476 of the General Municipal Law.

B. Pursuant to, and in accordance with, the provisions of § 478(1) of the General Municipal Law, and other applicable provisions of Law, it shall be lawful for any authorized organization, upon obtaining a license therefor as provided in Article 14-H of the General Municipal Law, and/or pursuant to any other Law, to conduct the game of bingo within the territorial limits of the Town, subject to the provisions of this Local Law, the provisions of Article 14-H of the General Municipal Law, the provisions of the Bingo Control Law (Article 19-B of the Executive Law), and the rules and regulations set forth by any applicable New York State or local agency relating thereto. The conduct of bingo games shall be subject to the restrictions imposed by § 479 of the General Municipal Law.

C. Pursuant to § 485 of the General Municipal Law the conduct of bingo games on Sunday is hereby authorized.

D. The powers and duties set forth in Subdivision 1 of § 484 of the General Municipal Law shall be exercised on behalf of the Town of Lansing by the Local Enforcement Officer(s).

E. In accordance with the provisions of § 478(2) of the General Municipal Law and § 23(1) of the Municipal Home Rule Law, this Local Law shall not become operative or effective unless and until it shall have been approved at the next general election held within the Town by the affirmative vote of a majority of the qualified electors of the Town voting upon the proposition.

SECTION 4: OTHER LAWFUL GAMES OF CHANCE AUTHORIZED -

A. The words and terms used in this Section of this Local Law shall have the same meanings as such words and terms are used in Article 9-A of the General Municipal

Law, unless the context thereof otherwise requires or so admits. Without limiting the foregoing, the definitions of “authorized organization,” “lawful purposes,” and “games of chance” as set forth in § 186 of the General Municipal Law shall have those same definitions for the purposes of this Local Law.

B. Pursuant to, and in accordance with, the provisions of § 188(1) of the General Municipal Law, and other applicable provisions of Law, it shall be lawful for any authorized organization, upon obtaining a license therefor as provided in Article 9-A of the General Municipal Law, and/or pursuant to any other Law, to conduct allowed and permitted games of chance within the territorial limits of the Town, subject to the provisions of this Local Law, the provisions of Article 9-A of the General Municipal Law, and the rules and regulations set forth by any applicable New York State or local agency relating thereto. The conduct of games of chance shall be subject to the restrictions imposed by § 189 of the General Municipal Law.

C. Pursuant to § 195 of the General Municipal Law, the conduct of games of chance on Sunday at lawful times is hereby authorized. Notwithstanding this provision, no authority is granted to conduct games of chance on any day or holiday as prohibited by § 195 of the General Municipal Law.

D. The powers and duties set forth in § 194(1) of the General Municipal Law shall be exercised on behalf of the Town of Lansing by the Local Enforcement Officer. By resolution of the Town Board, the Town may, in the future and in accord with General Municipal Law § 194(2), “opt out” of enforcement by designating the chief law enforcement officer of Tompkins County as the local enforcement agency, and if so elected, the Town Board shall so authorize all payments referenced in general Municipal Law § 195-f to be then made so payable and deliverable to such chief law enforcement officer of Tompkins County.

E. Pursuant to § 190 of the General Municipal Law, applicants for a license who have obtained an identification number from the New York State Racing and Wagering Board, and who otherwise qualify pursuant to said § 190, may apply for a license on a summary application as authorized in § 190(3), rather than a full application required by § 190(1) of the General Municipal Law.

F. In accordance with the provisions of § 188(2) of the General Municipal Law and § 23(1) of the Municipal Home Rule Law, this Section of this Local Law shall not become operative or effective unless and until it shall have been approved at the next general election held within the Town by the affirmative vote of a majority of the qualified electors of the Town voting upon the proposition.

G. This Local Law shall apply to the territory of the Town within the Village of Lansing only if, after adoption of this Local Law, the Board of Trustees of such Village adopts a local law or resolution in accordance with § 187 of the General

Municipal Law authorizing the Town to issue licenses for games of chance within such Village.

SECTION 5: UNAUTHORIZED AND ILLEGAL GAMES PROHIBITED - No person or entity within the territorial limits of the Town shall own, operate, conduct, or permit any games of chance unless the same are permitted and not prohibited by the New York State Racing and Wagering Board or otherwise by Law. No games of chance, except those permitted by New York State, shall be permitted or allowed within the Town, and all games of chance prohibited by the Penal Law, the General Municipal Law, the Executive Law, or otherwise by Law, are expressly prohibited within the Town. All methods of operating games of chance as prohibited by the said Penal Law are also expressly prohibited in the Town.

SECTION 6: APPLICATION AND LICENSE FEES -

A. The fees applicable to any license issues for any game of bingo or games of chance shall be in the amounts as prescribed by Law or by the New York State Racing and Wagering Board.

B. For renewal permits, and upon the filing of the statement of receipts pursuant to this Local Law, the authorized person or organization furnishing the same shall pay to the Town Clerk a renewal fee as prescribed by Law or by the New York State Racing and Wagering Board.

C. Where no such fee schedule is established by state law or the prescribed by Law or by the New York State Racing and Wagering Board, the application and/or permit fee shall be \$50.00 for the initial application and permit, and for any renewal(s) thereof.

D. The denial of any application for a license shall be subject to administrative review as required by the General Municipal Law and the New York State Racing and Wagering Board. No standing to challenge such denial, and no standing under Article 78 of the Civil Practice Laws and Rules, shall exist until such administrative appeal is exhausted and a final determination so issued.

SECTION 7: REPORTING REQUIREMENT BY LICENSEE -

A. Within seven days after the conclusion of any license period, other than a license period for a raffle or as otherwise prescribed by the New York State Racing and Wagering Board, the authorized person or organization which conducted the same, and its members who were in charge thereof, shall furnish to the Town Clerk a statement subscribed by the member in charge and affirmed 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 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 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. Each licensee shall maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement. If applicable, the lessor or renter of the premises where such games were held or conducted shall also file such a statement. Such additional information shall be provided whenever required by Law or this Local Law.

B. Within thirty days after the conclusion of any occasion during which a raffle was conducted, the authorized person or organization conducting such raffle and the members in charge of such raffle, and, when applicable, the authorized games of chance lessor or landlord that rented its premises therefor, shall each furnish to the Town Clerk a statement on a form as prescribed by the prescribed by Law or by the New York State Racing and Wagering Board, duly subscribed by the member in charge and affirmed as true under the penalties of perjury, showing the number of tickets printed, the number of tickets sold, the price, and the number of tickets returned to or retained by the authorized organization as unsold, a description and statement of the fair market value for each prize actually awarded, the amount of the gross receipts derived therefrom, 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, a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the raffle at such occasion, the use to which the proceeds have been or are to be applied. 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. Such additional information shall be provided whenever required by Law or this Local Law.

C. Where the cumulative net proceeds or net profits derived from the conduct of a raffle or raffles are less than \$30,000.00 during any one occasion the reporting requirement shall be satisfied by the filing with the Town Clerk within thirty days of the conclusion of such occasion a verified statement in a form as prescribed by Law or by the New York State Racing and Wagering Board attesting to the amount of such net proceeds or net profits, and the distribution thereof for lawful purposes. When required by Law, such form shall also be filed with the New York State Racing and Wagering Board.

SECTION 8: VIOLATION AND ENFORCEMENT – The violation of any requirements or provisions of this Local Law shall be enforced as follows:

A. Pursuant to the fines, sanctions, penalties and requirements of the Penal Law, the Executive Law, and the General Municipal Law, including periods of jail or incarceration where allowed or required; and/or

B. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Local Law, and each such violation shall be deemed an unclassified misdemeanor punishable by a fine not to exceed \$1,000.00 per day for each day such violation exists.

C. No remedy or penalty specified in this Local Law shall be the exclusive remedy of the Town or any other local or state office, board, or enforcement authority, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or in limitation of, the other remedies or penalties specified in this Local Law or permitted by any applicable Law. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law.

SECTION 9: LIMITATION OF LIABILITY AND INDEMNITY - The Town and its officers and agents shall not be liable or responsible for any injuries, losses, claims, or damages to arising from or alleged as caused in whole or in part by the Town's actions, or failures to act, under or pursuant to this Local Law or the Law, unless it is proven to a reasonable degree of certainty that such injury, loss, claim, or damage was solely caused by a willful or intentional act of the Town or its officers and agents. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at Law, or in law or equity.

SECTION 10: SEVERANCE - If any part or provision of this Local Law, or the application thereof to any person or circumstance, be adjudged invalid by any court or tribunal of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. If such provision is deemed invalid or unenforceable generally, and thus is or needs to be severed from this Local Law, the remainder of this Local Law shall remain in full force and effect and the Town Board declares that it would have adopted this Local Law even if a portion hereof may be stricken, absent, or unenforceable.

SECTION 11: EFFECTIVE DATE - This Local Law shall take effect upon November 6, 2012, if then approved by the electors.