

Chapter 104

GAMES OF CHANCE

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[HISTORY: Adopted by the Board of Trustees of the Village of Windsor 3-29-79 as L.L. No. 1-1979. Amendments noted where applicable.]

§ 104-1. Title

This chapter shall be known and may be cited as the “Local Law Authorizing the Conducting of Games of Chance.”

§ 104-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

AUTHORIZED ORGANIZATION - Includes any bona fide religious or charitable organization or bona fide educational, fraternal 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 one (1) or more of the lawful purposes defined below, provided that each shall operate without profit to its members and provided further that each such organization has engaged in serving one (1) or more of the lawful purposes defined herein for a period of at least three (3) years prior to applying for a license. No political party shall be deemed an authorized organization.

BOARD - The New York State Racing and Wagering Board.

CLERK - The Village Clerk of the Village of Windsor.

GAMES OF CHANCE - Includes only the games known as “merchandise wheels” and such other specific games as may be authorized by the Board, 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” and not including “slot machines,” “bookmaking,” “policy or numbers games” and “lottery.”

GAMES OF CHANCE CURRENCY - Legal tender or a form of scrip or chip authorized by the Board, any of which may be used at the discretion of the games of chance licensee.

LAWFUL PURPOSES - One (1) or more of the following cause or activities:

A. Those which shall benefit needy or deserving persons by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress or 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.

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

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

MUNICIPALITY - The Village of Windsor

NET PROCEEDS - In relation to the gross receipts from one (1) or more license periods of games of chance, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for supplies and equipment; prizes; security personnel; 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; license fees; and the cost of bus transportation, if authorized.

OFFICER - The chief law enforcement officer of the Village of Windsor.

OPERATION - The play of a single type of game of chance necessary to determine the outcome or winners each time wagers are made.

PREMISES - A designated area within a building hall, tent or grounds reasonably identified for the conduct of games of chance. The area shall not be required to be enclosed.

SERIES OF PRIZES - The total amount of single prizes minus the total amount of wagers lost during the successive operations of a single type of game of chance, except that for merchandise wheels, "series of prizes" shall mean the sum of the actual value of merchandise awarded as single prizes during the successive operations of any single merchandise wheel.

SINGLE PRIZE - The sum of money awarded to a participant by a games of chance licensee in any one (1) operation of a single type of game of chance in excess of his water.

SINGLE TYPE OF GAME - The games of chance known as "merchandise wheels" and each other specific game of chance authorized by the Board.

§ 104-3. Application for license.

To conduct games of chance:

A. Each applicant for a license shall, after obtaining an identification number from the Board, file with the Clerk a written application for a license in a form to be prescribed by the Board, duly executed and verified, in which the following shall be stated:

- (1) The name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the Clerk to determine whether or not it is a bona fide authorized organization.
- (2) The names and addresses of its officers, the place, date or dates and time or times when the applicant intends to conduct games under the license applied for.
- (3) The amount of rent to be paid or other consideration to be given, directly or indirectly, for each licensed period for use of the premises.

(4) 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 purposes for which they are to be paid.

(5) 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 provided in this chapter.

(6) The name of each single type of game of chance to be conducted under the license applied for and the number of merchandise wheels, if any, to be operated.

B. In each application, there shall be designated not fewer than four (4) bona fide members of the organization under whom the game or games of chance will be managed, and to the application shall be attached a statement, executed by the members so designated, that they will be responsible for the management of such games in accordance with the terms of the license, the rules and regulations of the Board and this chapter.

§ 104-4. Restrictions upon operations.

The conduct of games of chance authorized by this chapter shall be subject to the following restrictions:

A. No person, firm, partnership, corporation or organization other than the licensee shall conduct such games.

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 a percentage of the receipts or net profits derived from the operation of such game.

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

D. No single prize shall exceed the sum or value of one hundred dollars (\$100.) except that for merchandise wheels, no single prize shall exceed the sum or value of two hundred fifty dollars (\$250.). No single wager shall exceed two dollars (\$2.).

E. No authorized organization shall award a series of prizes consisting of merchandise with an aggregate value in excess of one thousand dollars (\$1,000.) during the successive operations of any one (1) merchandise wheel.

F. In addition to merchandise wheels, no more than five (5) other single types of games of chance shall be conducted during any one (1) licensed period.

- G. Except for merchandise wheels, no series of prizes on any one (1) occasion shall aggregate more than two hundred dollars (\$200.) when the licensed authorized organization conducts five (5) single types of games of chance during any one (1) licensed period. Except for merchandise wheels, no series of prizes on any one (1) occasion shall aggregate more than two hundred fifty dollars (\$250.) when the licensed authorized organization conducts less than five (5) single types of games of chance, exclusive of merchandise wheels, during any one (1) licensed period.
- H. Except for the limitations on the sum or value for single prizes and a series of prizes, no limit shall be impose on the sum or value of prizes awarded to any one (1) participant during any occasion or any licensed period.
- I. No person except a bona fide member of the licensed authorized organization shall participate in the management or operation of such games.
- J. No person shall receive any remuneration for participating in the management or operation of any such game.
- K. No authorized organization shall extend credit to a person to participate in playing a game of chance.
- I. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

§ 104-5. Investigation; issuance of license; transmittal of fees; duration.

- A. The 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.
- B. Issuance of licenses to conduct games of chance. If such Clerk shall determine that the applicant is duly qualified to be licensed to conduct games of chance; that the member or members of the applicant designated in the application to manage 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, a certificate of good conduct or a certificate of relief from disabilities; that such games are to be conducted in accordance with the rules and regulations of the Board and this chapter; and if such Clerk is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person managing, operating or assisting therein, it shall issue a license set forth in Appendix B of the Code of the Village of Windsor containing the list of Fees and Permits for the Village.*
- C. On or before the 13th day of each month, the Treasurer of the village in which the licensed property is located shall transmit to the State Comptroller a sum set forth in Appendix B of the Code of the Village of Windsor containing the list of Fees and Permits for the Village per license period for the conduct of games of chance collected by such Clerk pursuant to this section during the preceding calendar month.*

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D. No license shall be issued under this section which shall be effective for a period of more than one (1) year.

§ 104-6 Hearing; amendment of license.

A. No application for the issuance of a license to conduct games of chance to an authorized organization shall be denied by the 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.

B. Any license issued under this chapter may be amended, upon application made to such Clerk who issued it, 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.

§ 104-7. Form, content and display of license.

Each license to conduct games of chance shall be in such form as shall be prescribed in the rules and regulations promulgated by the Board and shall contain a statement of the name and address of the licensee, of the names and addresses of the members of the licensee under whom the games will be managed, 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; the name of each single type of game to be conducted under the license and the number of merchandise wheels, if any, to be operated; 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 games shall be conspicuously displayed, at the place where the same is to be conducted, at all times during the conduct thereof.

§ 104-8. Supervision.

The officer 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 provisions of such license, the provisions of the rules and regulations promulgated by the Board and the provisions of this chapter, and such officer and the Board shall have the power and the authority to temporarily suspend any license issued by the Clerk or Board may suspend or revoke the same and additionally impose a fine in an amount not exceeding an amount set forth in Appendix C of the Code of the Village of Windsor containing the list of Fines and Penalties for the Village for any 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 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 officer shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this chapter.*

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§ 104-9. Conduct on Sundays.

No games of chance shall be conducted, under any license issued under this chapter, on Sunday unless it shall be otherwise provided in the license issued for the conducting thereof, pursuant to the provisions of this chapter, authorizing the conduct of games of chance on that day and then only between the hours of noon and midnight. No games of chance shall be conducted on Easter Sunday, Christmas Day or New Year's Eve.

§ 104-10. Participation by persons under eighteen.

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 chapter. Persons under the age of eighteen (18) years may be permitted to attend games of chance at the discretion of the games of chance licensee. No person under the age of eighteen (18) years shall be permitted to operate any game of chance conducted by the licensee.

§ 104-11. Frequency of games.

No game or games of chance shall be conducted under any license issued under this chapter more often than twelve (12) times in any calendar year. No particular premises shall be used for the conduct of games of chance on more than twenty-four (24) licensed periods during any one (1) calendar year.

§ 104-12. Hours of conduct.

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. Saturday, and only between the hours of 12:00 noon on Saturday and 2:00 a.m. Sunday. The 2:00 a.m. closing period shall also apply to a legal holiday.

§ 104-13. Persons operating games.

No persons shall operate any games of chance under any license issued under this chapter except a bona fide member of the authorized organization to which the license is issued or a bona fide member of an organization or association which is an auxiliary to the licensee or which is affiliated with the licensee by being, with it, auxiliary to another organization or association. The head of the authorized organization shall, upon request, certify, under oath, that the persons operating any game

of chance are bona fide members of such authorized organization, auxiliary of affiliated organization.

§ 104-14. Admission fees; award of prizes.

A. A fee may be charged by any licensee for admission to any game or games of chance conducted under any license issued under this chapter. The Clerk may fix a minimum fee.

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B. 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.

C. No alcoholic beverage shall be offered or given as a prize in any game of chance.

§ 104-15. Advertising of games.

A licensee may advertise the conduct of games of chance to the general public by means of handbills and posters and by one (1) sign, not exceeding sixty (60) square feet in area, which may be displayed on or adjacent to the premises owned or occupied by the licensed authorized organization. Additional signs may be displayed upon any fire-fighting equipment belonging to any licensed authorized organization which is a volunteer fire company, or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "Games of chance" or "Las Vegas night," the name of the organization conducting the games, its license number as assigned by the Clerk and the date, location and time of the event.

§ 104-16. Statement of receipts and expenses.

Within seven (7) days after the conclusion of any licensed period, the authorized organization which conducted the same shall furnish to the Clerk a statement signed 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 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, and the net proceeds derived from the conduct of games of chance during the licensed period and the use to which proceeds have been or are to be applied, and it shall be the duty of each licensee to maintain and keep such books or records as may be necessary to substantiate the particulars of each such statement.

§ 104-17. Penalties for offenses.

Any person, firm, partnership, corporation or organization which shall make any material false statement in any application for any license authorized to be issued under this chapter; 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; falsify or make any false entry in the books or records so far as they relate in any manner to the conduct of games of chance or to the disposition of the proceeds thereof; divert or pay any portion of the net proceeds of any game of chance to any person, firm, partnership or corporation, except in furtherance of one (1) or more of the lawful purposes defined in this chapter, shall be guilty of misdemeanor and shall forfeit any license issued under this chapter and be ineligible to apply for a license for at least one (1) year thereafter.

