

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of STARKEY
~~Town~~
~~Village~~

Local Law No. 1 of the year 19 89.....

A local law regulating Games of Chance.....
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Starkey as follows:
~~Town~~
~~Village~~

Section 1. Title

This local law shall be known and may be cited as "Local Law No. 1 of the Year 1989", regulating Games of Chance in the Town of Starkey, Yates County, New York.

Section 2. Legislative Intent

It is the purpose of this local law to permit and to regulate the conducting of Games of Chance within the boundaries of the Town of Starkey, Yates County, New York, by authorized organizations, in a manner consistent with this local law and Article 9-A of the General Municipal Law of the State of New York.

Section 3. Definitions

A. Specific Terms

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

1. "Games of chance" shall mean and include only the games known as "Merchandise wheels" and "bell jars" 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" which are controlled under Article Fourteen-H of the General Municipal Law and also not including "slot machines", "bookmaking", "policy or numbers games" and "lottery" as defined in section 225.00 of the penal law. No game of chance shall involve wagering of money by one player against another player.

(If additional space is needed, please attach sheets of the same size as this and number each)

2. "Bell jars" shall mean and include those games in which a participant shall draw a card from a jar or other suitable container which contains numbers, colors or symbols that are covered and which, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol or combination of numbers, colors or symbols.

3. "Authorized organizations" shall mean and include any bona fide religious or charitable organization or bona fide educational or service organization or bona fide organization of veterans or volunteer firemen, which by its charter, certificate or incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in Article 9-A of the General Municipal Law, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in Article 9-A of the General Municipal Law for a period of three years immediately prior to applying for a license to the Town Clerk of the Town of Starkey.

No organization shall be deemed an authorized organization which is formed primarily for the purpose of conducting games of chance and the distribution of the proceeds thereof to itself or any other organization and which does not devote at least seventy-five percent of its activities to other purposes set forth in Section 186 of the General Municipal law. No political party shall be deemed an authorized organization.

4. "Board" shall mean New York State Racing and Wagering Board.

5. "Town" shall mean the Town of Starkey in the County of Yates and State of New York.

B. Other Terms

All other terms used in this local law shall have, for the purposes of this local law, the meanings respectively ascribed to them by Section 186 of the General Municipal Law.

Section 4. Games of Chance Authorized

Authorized organizations may, upon the attainment of a license from the town clerk, conduct games of chance within the Town of Starkey as provided in Article 9-A of the General Municipal Law and as provided in this local law. Such games of chance shall be conducted in accordance with state law and with the rules and regulations of the Board and the provisions of this local law.

Section 5. Restrictions Upon Conduct of Games of Chance

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

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 Section 190 of the General Municipal 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 a 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 a supplier licensed by the board or from another authorized organization.

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 single prize shall exceed the sum or value of one hundred (\$100.00) dollars except that for merchandise wheels and bell jars, no single prize shall exceed the sum or value of two hundred fifty (\$250.00) dollars. No single wager shall exceed two (\$2.00) dollars.

F. No authorized organization shall award a series of prizes consisting of cash or of merchandise with an aggregate value in excess of one thousand dollars during the successive operations of any one merchandise wheel or bell jar.

G. Except for merchandise wheels, no series of prizes on any one occasion shall aggregate more than two hundred dollars when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels and bell jars, no series of prizes on any one occasion shall aggregate more than two hundred fifty dollars when the licensed authorized organization conducts less than five single types of games of chance, exclusive of merchandise wheels and bell jars, during any one license period.

H. 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 Section 195-c of the General Municipal Law.

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

J. No authorized organization shall extend credit to a person to participate in playing a game of chance.

K. No game of chance shall be conducted on other than the premises of an authorized organization or an authorized games of chance lessor.

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

M. No game of chance shall be conducted under any license issued pursuant to the provisions of this local law more often than twelve (12) times in any calendar year. Games shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday and Thursday and only between the hours of noon on Friday and 2.00 A.M. Sunday. Standard time shall govern the hours as provided in this subdivision, except that Daylight Savings time shall apply during the portion of the year that such time is generally applicable in the State of New York. The above restrictions shall not apply when only the game of chance known as the bell jar is conducted.

N. No games of chance shall be conducted on Christmas Day, New Year's Eve Day, or New Year's Day. Games of chance may be conducted on Sunday's, except Easter Sunday.

Section 6. Incorporation of Article 9-A of the General Municipal Law

This local law shall be deemed to include all of the provisions of Article 9-A of the General Municipal Law, except as otherwise provided in this local law, and any amendment to the provisions in such Article to the extent such provisions and amending acts are otherwise applicable to Games of Chance authorized under this local law.

Section 7. Enforcement

The Law Enforcement Agencies policing the Town of Starkey shall exercise control over and supervision of all Games of Chance conducted under an appropriately issued license. Such agencies shall have all those powers and duties set forth in Article 9-A of the General Municipal Law.

Section 8. Penalties

Any person, firm, partnership, corporation, or organization violating or permitting the violation of any provision of this local law shall be guilty of a "Violation" as it is defined under the Penal Law in the State of New York and shall be subject to a fine of not more than Two Hundred Fifty (\$250.00) Dollars or by a sentence of imprisonment not exceeding fifteen (15) days or by both such fine and imprisonment. Each day that such violation continues shall constitute a separate offense.

Section 9. Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section or part of this local law.

Section 10. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State's office, following its approval at referendum by a majority of the qualified voters of the Town of Starkey voting thereon at a Special Election to be held on March 8, 1989, pursuant to the provisions of Section 23 of the Municipal Home Rule Law and Section 188 of the General Municipal Law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

~~1. (Final adoption by local legislative body only.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City
of the Town of was duly passed by the (Name of Legislative Body)
Village
on 19 in accordance with the applicable provisions of law.~~

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the (Name of Legislative Body)
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
and was deemed duly adopted on 19, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ¹ of 19 ⁸⁹
~~County~~
City
of the ~~Town~~ of Starkey was duly passed by the Town Board (Name of Legislative Body)
~~Village~~
on February 9, 19 89 ~~not disapproved~~
and was approved ~~repassed after disapproval~~ ~~by the Elective Chief Executive Officer*~~

~~or~~ Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting ~~permissive~~ ^{general} thereon at the special election held on March 8, 19 89, in accordance with the applicable ~~annual~~ provisions of law.

~~4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City
of the Town of was duly passed by the (Name of Legislative Body)
Village
on 19 not disapproved
and was approved by the Elective Chief Executive Officer*
repassed after disapproval
on 19 Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted
on 19, in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. of 19 of the City of having been submitted to referendum pursuant to the provisions of ~~§36~~^{§37} of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~special~~^{general} election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative. (If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was ~~finally adopted in the manner indicated in paragraph above.~~

Robert S. Murphy

Clerk of the ~~County of Yates~~ ~~City of Starkey~~ ~~Town of Starkey~~ ~~Village of Starkey~~

Robert S. Murphy

Date: March 13, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF YATES

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Robert C. Foster

Robert C. Foster
Attorney

Title

Date: March 13, 1989

~~County~~
~~City~~ of Starkey
~~Town~~
~~Village~~