

TOWN OF INDIAN LAKE
County of Hamilton
New York

Local Law No. 1 of the year 2018

A LOCAL LAW AUTHORIZING THE
CONDUCT OF GAMES OF CHANCE
IN THE TOWN OF INDIAN LAKE

Be it enacted by the Town Board of the Town of Indian Lake as follows:

Section 1. AUTHORITY and PURPOSE: This local law is enacted pursuant to the provisions of Section 187 of the General Municipal Law of the State of New York to authorize the conduct of games of chance by authorized organizations within the territorial limits of the Town of Indian Lake upon obtaining a license therefore as hereinafter provided.

Section 2. DEFINITIONS: "Games of chance" shall mean those games defined in Section 186 of the General Municipal Law of the State of New York.

"Authorized organization" shall mean and include 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 state legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in subsection 5 of Section 186 of the General Municipal Law of the State of New York.

Section 3. RESTRICTIONS: All games of chance authorized by this local law shall be subject to the restrictions set forth in Section 189 of the General Municipal Law of the State of New York as the same may be amended from time to time.

Section 4. LICENSING:

(a) Each applicant for a license shall, after obtaining an identification number from the New York State gaming commission, file with the town clerk a written application on a form prescribed by the said gaming commission setting forth the information specified and required by Section 1 of Section 190 of the General Municipal Law of the State of New York. An applicant for a license to lease premises to a licensed organization for the purpose of conducting games of chance shall file with the town clerk a written application therefore on a form prescribed by the said gaming commission setting forth the information specified and required by Section 2 of Section 190 of the General Municipal Law of the State of New York.

(b) Upon the filing of an application in accordance with Section 4 (a) the clerk shall investigate to determine (1) that the applicant is duly qualified to be licensed to conduct games of chance under the provisions of Article 9-A of the General Municipal Law and Section 2 of this local law, (2) that the member or members of the applicant designated in the application to manage the game or games are bona fide active members of the applicant and are persons of good moral character and never convicted of a crime, or, if so continued, have received a pardon, a certificate of good conduct or a certificate of relief from disabilities pursuant to Article 23 of the Corrections Law, (3) that such game or games are to be conducted in accordance with the provisions of Article 9-A of the General Municipal Law and in accordance with the rules and regulations of the New York State gaming commission and applicable local laws, (4) that the proceeds of such game or games are to be disposed of as provided by Article 9-A of the General Municipal Law and (5) that no commission, salary, compensation, reward or recompense will be paid or given to any person managing, operating or assisting therein except as may be otherwise provided in Article 9-A of the General Municipal Law. Where the application is for a license to lease premises for the conduct of games of chance the clerk shall investigate to determine that the requirements set forth in subsection 1 (b) of Section 191 of Article 9-A of the General Municipal Law are satisfied.

(c) If the clerk determines that the applicant is qualified to be licensed under this section and that the requirements set forth in this section will be satisfied he or she shall issue a license in accordance with the provisions of Section 193 of the General Municipal Law for the conduct of games of chance upon payment of a license fee of \$25 for each license period or such other amount as may be determined and fixed by resolution of the town board from time to time. No such license shall be effective for a period of more than one year.

(d) If the clerk determines, based upon investigation, that the Applicant may not be lawfully licensed, the clerk shall set forth the reasons for such determination and the Applicant may request a hearing pursuant to Section 192 of General Municipal Law within 30 days of notification of the Town Clerk concerning such findings.

Section 5. RAFFLE EXEMPTION: Notwithstanding the licensing requirements of this local law an authorized organization may conduct a raffle without complying with such licensing requirements provided that such organization shall not derive net proceeds from raffles in an amount equal to or in excess of five thousand dollars during the conduct of one raffle and not equal to or greater than thirty thousand dollars during one calendar year. For the purposes of this

Section: (a) no organization shall be deemed an authorized organization if it was formed primarily for the purpose of conducting games of chance and does not devote at least seventy-five percent of its activities to other than conducting games of chance, (b) no political party shall be deemed an authorized organization, (c) no person under the age of eighteen years shall be permitted to play, operate or assist in any raffle conducted pursuant to this Section, and (d) no organization not domiciled Hamilton County or any County contiguous to Hamilton County may conduct a raffle in the Town of Indian Lake.

Section 6. VIOLATIONS: Any person, association corporation or organization holding, operating or conducting a game or games of chance in the Town of Indian Lake is guilty of a misdemeanor except when in compliance with this local law or with the provisions of Section 195-K of the General Municipal Law.

Section 7. APPROVAL BY ELECTORS: This local law shall become effective upon approval by a majority of qualified electors of the Town voting at a general election to be held on November 6, 2018 and upon filing in the office of the New York State Secretary of State.

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