



Legislation Details (With Text)

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Int. No. 1097

By Council Member Ampry-Samuel

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of bingo and games of chance, and to repeal certain sections of the administrative code of the city of New York related to bingo and games of chance

Be it enacted by the Council as follows:

Section 1. Section 20-339 of the administrative code of the city of New York is amended to read as follows:

§ 20-339 Definitions. As used in this subchapter, the following terms shall have the following meanings:

[a. “Control commission” or “commission” or “board” shall mean the state racing and wagering board.

b. “Bingo” or “game” shall mean and include a specific game of chance, commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

c.] Authorized organization. The term “[Authorized] authorized organization” [shall mean and include a charitable or educational non-profit organization or a non-profit organization of veterans or any bona fide religious or charitable organization or bona fide educational, fraternal, civil or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in article fourteen-H 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 fourteen-H of the general municipal law for a period of one year immediately prior to applying for a license under this subchapter, and provided, such organization, if unincorporated, has a membership of not less than twenty-five persons] has the same meaning ascribed to such term in section 476 of the general municipal law.

Bingo or game. The terms “bingo” or “game” have the same meanings ascribed to such terms in section 476 of the general municipal law.

[d. “License” shall mean a license issued pursuant to the provisions of this subchapter and article fourteen-H of the general municipal law.

e. “Regular bingo game” shall mean a game that is played on a card or cards issued to a player upon payment of the admission fee provided in this subchapter.

f. “Special bingo game” shall mean any game which is not a “regular bingo game.”

g. “Opportunity” shall mean a one-faced chance to participate in a game or games of bingo.]

§ 2. Section 20-340 of the administrative code of the city of New York is amended to read as follows:

§ 20-340 Authority of commissioner. The administrative powers granted to the governing body of the city under the provisions of article [fourteen-H] 14-H of the general municipal law, in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees, are hereby conferred upon the commissioner

pursuant to the provisions of section [four hundred ninety-eight] 498 of the general municipal law.

§ 3. Section 20-341 of the administrative code of the city of New York is amended to read as follows:

§ 20-341. Conduct of game of bingo by authorized organizations. It shall be lawful for any authorized organization, upon obtaining a license [therefor as hereinafter provided] pursuant to article 14-H of the general municipal law, to conduct the game of bingo within the territorial limits of the city, subject to [the provisions of this subchapter,] the provisions of article [fourteen-H] 14-H of the general municipal law [and the provisions of the bingo licensing law].

§ 4. Sections 20-342, 20-343, 20-344, 20-345, 20-346, 20-347, 20-348, 20-349, 20-350, 20-351, 20-352, 20-353, 20-354, 20-355, 20-356, 20-357, 20-358 and 20-434 of the administrative code of the city of New York are REPEALED.

§ 5. Section 20-435 of the administrative code of the city of New York is amended to read as follows:

[1. “Board” shall mean New York state racing and wagering board.

2. “Games of chance” shall mean and include 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 under article fourteen-H of the general municipal law and also not including “slot machines”, “bookmaking”, and “policy or numbers games” 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.

3.] Authorized organization. The term “[Authorized] authorized organization” [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 firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this subchapter, 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 this subchapter for a

period of three years immediately prior to applying for a license under this subchapter.

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 this subdivision. No political party shall be deemed an authorized organization] has the same meaning ascribed to such term in section 186 of the general municipal law.

Games of chance. The term “games of chance” has the same meaning ascribed to such term in section 186 of the general municipal law.

[4. “Lawful purposes” shall mean one 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, 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 a 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 borne by government or which are voluntarily undertaken by an authorized organization to augment or supplement services which government would normally render to the people.

5. “Net proceeds” shall mean (a) in relation to the gross receipts from one 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 board, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the board and (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.

6. "Net lease" shall mean a written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any premises from any non-commercial or non-profit organization for which the lessee pays rent to the lessor and likewise undertakes to pay substantially all of the regularly recurring expenses to the operation and maintenance of such leased premises.

7. "Authorized games of chance lessor" shall mean an authorized organization which has been granted a lessor's license pursuant to the provisions of this subchapter.

8. "Prize" shall mean a sum of money or item or merchandise awarded by the authorized organization to a participant in any one 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 game of chance. No prize for any one participant in any one operation or conducting of such single game of chance shall exceed the sum of one hundred dollars. 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 subdivision, the value of a prize which consists of merchandise shall be the actual cost of the item of such merchandise.

9. "Authorized supplier of games of chance equipment" shall mean any person, firm, partnership or organization licensed by the board to sell or lease games of chance equipment or paraphernalia which meets the specifications and regulations established by the 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 board.

10. “One occasion” shall mean the conducting of any one type of game of chance during any one license period. No series of prizes on any one occasion shall aggregate more than one thousand dollars.

11. “Licensed period” shall mean a period of time not to exceed fourteen consecutive hours.]

§ 6. Sections 20-436, 20-437, 20-438, 20-439, 20-440, 20-441, 20-442, 20-443, 20-444, 20-445, 20-446, 20-447, 20-448, 20-449, 20-450 and 20-451 of the administrative code of the city of New York are REPEALED and a new section 20-436 is added to read as follows:

§ 20-436 Conduct of games of chance by authorized organizations. It shall be lawful for any authorized organization, upon obtaining a license pursuant to article 9-A of the general municipal law, to conduct games of chance within the territorial limits of the city, subject to the provisions of article 9-A of the general municipal law.

§ 7. This local law takes effect immediately.

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