

**TOWN OF DAY**

**LOCAL LAW #2016-01  
RELATING TO GAMES OF CHANCE**

**BE IT ENACTED** by the town board of the Town of Day as follows:

**1. Title and Authority.** This Local Law shall be known as the Town of Day Games of Chance Law. It is adopted pursuant to Municipal Home Rule Law §§10, 187, 188 and 188-a

**2. Intent.** The Town Board has found that the raising of funds by games of chance for the promotion of bona-fide charitable, educational, scientific, health, religious and patriotic causes and undertakings is in the public interest and in the interest of town residents.

**3. Definitions.**

**A. Authorized Organization** means 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 as its dominant purposes one or more of the lawful purposes as defined in New York State General Municipal Law Article 9-A, 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 General Municipal Law Article 9-A for a period of three years immediately prior to applying for a license. No organization shall be deemed an authorized organization which is formed primarily for the purpose of conducting games of chance and which does not devote at least 75% of its activities to other than conducting games of chance.

**B. Games Of Chance** means only the games set forth in General Municipal Law Sections 186(3), 186(3-a), 186(3-b), 186(3-c), 186(3-d), and 186(3-e). Such games as above defined shall include, but are not necessarily limited to raffles, bell jars, merchandise wheels, coin boards, seal cards, and merchandise boards.

**C. Town** means the Town of Day.

**D. Other Definitions.** The Definitions contained in New York General Municipal Law Section 186 apply to this local law, unless those are inconsistent with the Definitions contained in this local law, in which case the Definitions contained in this local law shall apply.

**4. Licensed Activities.** Authorized Organizations may, upon obtaining a license from the Town Clerk, conduct Games of Chance within the Town, as provided in Article 9-A of the New York State General Municipal Law and as provided further in this Local Law and other applicable law, including the rules and regulations of the New York State Racing and Wagering Board.

**5. Restrictions.**

**A.** No person, firm, association, corporation or organization, other than a licensee shall conduct such games of chance or lease or otherwise make available for conducting games of chance a hall

or other premises for such consideration whatsoever, direct or indirect, except as provided in New York State General Municipal Law Section 190 and 190-a.

**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 New York State Racing and Wagering 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 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 New York State General Municipal Law Section 195.

**F.** No person shall receive any remuneration for participating in a management or operation of any such game.

**G.** The unauthorized conduct of a game of chance shall constitute a civil violation subject to a fine to be determined by the Town Justice in an amount not less than Twenty-Five Dollars (\$25.00) and not more than Two Hundred Fifty Dollars (\$250.00).

**H.** All mandatory restrictions contained in the New York State General Municipal Law are hereby incorporated by reference.

**I.** No person under the age of 18 shall be permitted to play, operate or assist in any games of chance or raffles.

**6. Granting Of License.** Nothing in this section shall create any obligation by the Town to issue such license, and the Town may, at its discretion, deny such application. An application for a license from the Town may be obtained from the Town Clerk in the form as the Town Board may prescribe.

**7. Responsibility.** The Town shall bear no responsibility or liability to any person, entity, or party for any claim arising out of the issuance of such license or the conduct of any licensed games of chance, and by applying for a license under this local law, the application assumes all liability for its activities hereunder, and agrees to indemnify the Town and hold the Town harmless for all liabilities or alleged liabilities arising from such operations, including court costs and attorneys fees.

**8. Effective Date.** This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise provided by law.