

At a regular meeting of the Town Board of the Town of Allegany, Cattaraugus County, New York, held at the Town Hall in Allegany, New York, in said Town, on the 11th day of September, 1980, at 7:30 o'clock P.M. Eastern Standard Time.

The meeting was called to order by James Andre, Supervisor and upon roll being called, there were:

PRESENT: James Andre, Supervisor
Kenneth King, Councilman
Charles Fortuna, Councilman
Raymond Jonak, Councilman
Daniel Eaton, Councilman

ABSENT:

The following resolution was offered by Councilman King who moved its adoption, seconded by Councilman Fortuna, to wit:

A RESOLUTION DATED September 11th, 1980.

A RESOLUTION THAT A PROPOSED ORDINANCE ENTITLED "GAMES OF CHANCE" BE ADOPTED SUBJECT TO A PUBLIC HEARING AND A MANDATORY REFERENDUM PURSUANT TO THE TOWN LAW AND GENERAL MUNICIPAL LAW § 138 (2).

BE IT RESOLVED, that the following proposition be adopted by the Town Board of the Town of Allegany, and

BE IT FURTHER RESOLVED that the following proposition is adopted subject to a Public Hearing and a mandatory referendum, and that the said proposition be presented to the Electors of the Town of Allegany, pursuant to the provisions of the Town Law at the General Election to be held on November 4, 1980.

BE IT ENACTED by the Town Board of the Town of Allegany, New York, as follows:

SECTION 1: The ordinance of the Town of Allegany is hereby enlarged to include a new ordinance to be known as Ordinance No. 1-80 of 1980, entitled "GAMES OF CHANCE" to read as follows:

§ 1-A Title

§ 1-B Definitions

§ 1-C *Authorization to conduct games.*

§ 1-D Restrictions.

§ 1-E Conduct of games on Sundays.

§ 1-F Enforcement.

§ 1-G When Effective.

§ 1-A. Title

This ordinance shall be known as the "Games of Chance" ordinance of the Town of Allegany.

§ 1-B. Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

AUTHORIZED ORGANIZATION- An "authorized organization" as defined in § 186 of the General Municipal Law.

TOWN - Town of Allegany.

GAMES OF CHANCE - a "game of chance" as defined in Paragraph 3 of § 186 of the General Municipal Law.

§ 1-C. Authorization to conduct games - Authorized organizations may upon the obtainment of a license from the Clerk of the Town of Allegany conduct games of chance within the Town of Allegany as provided in Article 9-A of the General Municipal Law and as provided further in this ordinance. Such games of chance shall be conducted in accordance with the general state law and with the rules and regulations of the New York State Racing and Wagering Board and this ordinance.

§ 1-D. Restrictions

- A. No person, firm, partnership, corporation or organization, other than a licensee under the provisions of Section one hundred ninety-one of Article 9-A of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting games of chance premises for any consideration whatsoever, direct or indirect.
- 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 profit: derived from the operation of such game.
- C. No authorized organization licensed under the provisions of Article 9-A of the General Municipal 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 shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same and the net proceeds of any rental derived therefrom shall be exclusively devoted to the lawful purposes of the authorized games of chance lessor.
- E. No single prize shall exceed the sum or value of one hundred dollars except that for merchandise wheels, no single prize shall exceed the sum or value of two hundred fifty dollars. No single wager shall exceed two dollars.
- F. No authorized organization shall award a series of prizes consisting of merchandise with an aggregate value in excess of one thousand dollars during the successive operations of any one merchandise wheel.
- G. In addition to merchandise wheels no more than five other single types of games of chance shall be conducted during any one license period.
- H. Except for merchandise wheels, no series prizes on any occasion shall aggregate more than two hundred dollars when the licensed organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, no series of prizes on any 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, during any one license period.
- I. Except for limitations on the sum or value for single prizes and series of prizes, no limit shall be imposed on the sum or value of prizes awarded to any one participant during any occasion or any license period.
- J. No person except a bona fide member of the licensed authorized organization shall participate in management of such games; no person except a bona fide member of the licensed authorized organization, its auxiliary or affiliated organization, shall participate in the operation of such game, as set forth in section one hundred ninety-five-c of Article 9-A of the General Municipal Law.
- K. No person shall receive any remuneration for participating in the management or operation of any such game.
- L. No authorized organization shall extend credit to a person to participate in playing a game of chance.
- M. No game of chance shall be conducted on other than the premises of an authorized organization or an authorized games of chance lessor.
- N. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

§ 1-E . Conduct of Games on Sunday - Games of chance on the first day of the week, commonly known as Sunday, may be conducted pursuant to this ordinance and appropriate statute and regulation.

§ 1-F. Enforcement - The Chief Law Enforcement Officer, Chief of Police, shall exercise control over the supervision of all games of chance conducted under an appropriately issued license. Such officer shall have all those powers and duties set forth in Article 9-A of the General Municipal Law.

§ 1-G. When Effective - This ordinance shall take effect immediately following its approval at referendum by a majority of qualified voters voting *thereon* at the General Election to be held on November 4, 1980.

BE IT FURTHER RESOLVED That pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the above proposed Town Ordinance to be known as the "Games of Chance" Ordinance, which is subject to a mandatory referendum, be held on the 25 day of September, 1980, at 7:15 o'clock P. M. at the Town Hall, Main Street, in the Town of Allegany, New York, and that notice of such time and place of such hearing describing in general terms the proposed ordinance, be published once on or before the 15 day of September, 1980, in the Olean Times Herald, a newspaper circulating in said Town of Allegany.

The question of the adoption of the foregoing resolution was duly put to vote on Roll Call, which resulted as follows:

<u>James Andre</u>	<u>VOTING</u>	<u>Aye</u>
<u>Kenneth King</u>	<u>VOTING</u>	<u>Aye</u>
<u>Charles Fortuna</u>	<u>VOTING</u>	<u>Aye</u>
<u>Raymond Jonak</u>	<u>VOTING</u>	<u>Aye</u>
<u>Daniel Eaton</u>	<u>VOTING</u>	<u>Aye</u>

The resolution was thereupon declared duly adopted.

DATED: September 11, 1980.