

LOCAL LAW #1 OF THE YEAR 2014  
TOWN OF BRIGHTON, FRANKLIN COUNTY, NEW YORK  
GAMES OF CHANCE

BE IT ENACTED by the Town Board of the Town of Brighton as follows:

TITLE: This Local Law shall be known as "Games of Chance Law."

PURPOSE: The Town Board has found and determined 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.

AUTHORITY: The Town of Brighton enacts this local law in accordance with the authority granted to it under New York State General Municipal Law Sections 187, 188 and 188-a and under New York State Municipal Home Rule Law.

DEFINITIONS:

AUTHORIZED ORGANIZATION - 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.

GAMES OF CHANCE - shall mean and include 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.

TOWN - the Town of Brighton

The Definitions for all other necessary terms can be found in New York General Municipal Law Section 186.

1. LICENSED ACTIVITIES: Authorized Organizations may, upon obtaining a license from the Clerk of the Town of Brighton conduct games of chance within the Town of Brighton, as provided in Article 9-A of the New York State General Municipal Law and as provided further in this chapter and other applicable laws and regulations of

the State of New York. 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 chapter.

6. 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 it 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 of Brighton Justice in an amount not less than \$25.00 (twenty five) and not to exceed \$250.00 (two hundred fifty)
- H. All mandatory restrictions contained in the New York State General Municipal Law are hereby incorporated by reference.

7. AGE RESTRICTION: No person under the age of 18 shall be permitted to play, operate or assist in any games of chance or raffles.

8. CONDUCT OF GAMES ON SUNDAY: Games of chance may be conducted on Sunday pursuant to this Local Law. However, no games of chance or raffles shall be conducted on Easter Sunday, Christmas Day or New Years Eve.

9. **ENFORCEMENT:** The Chief Law Enforcement Officer of Franklin County, New York, shall exercise control over and supervision of all games of chance conducted under duly authorized license. The Chief Law Enforcement Officer of Franklin County shall have all the powers and duties set forth in and for the enforcement of General Municipal Law Article 9-A, and incident thereto, all fees provided for by the General Municipal Law Section 195-f shall be remitted to the Chief Fiscal Officer of the County of Franklin, or other person designated by the Town Board of the Town of Brighton.
10. **DENIAL OF LICENSE:** Nothing in this section shall create any obligation by the Town of Brighton to issue such license, and the Town may, at its discretion, deny such application. An application for a license from the Town of Brighton may be sought from the Town Clerk in the form as the Town Board may prescribe.
11. **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.
12. **WHEN EFFECTIVE:** This Local Law shall take effect immediately upon filing with the Secretary of State's office following its approval at referendum by majority of qualified voters voting thereon at the General Election to be held in November 2014.

Filed with New York State Department of State, November 25, 2014