

SEP 10 1979

ORDINANCE NO. 133

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN THE CODE OF THE COUNTY OF JAMES CITY BY ADDING A NEW CHAPTER, CHAPTER 5, BINGO AND RAFFLES.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County that it hereby amends and reordains the Code of the County of James City by adding a new Chapter, Chapter 5, Bingo and Raffles, to read as follows:

ORDINANCE NO. 133

ARTICLE 1

Section 5-1. Definitions.

The following words shall have the following meanings:

1. "Organization" means any one of the following:

(a) A voluntary fire department or rescue squad or auxiliary unit thereof which has been recognized by an ordinance or resolution of the political subdivision where the voluntary fire department or rescue squad is located as being a part of the safety program of such political subdivision.

(b) An organization operated exclusively for religious, charitable, community or educational purposes; an association of war veterans or auxiliary units thereof organized in the United States, or a fraternal association operating under the lodge system.

2. "Bingo" means a specific game of chance played with individual cards having randomly numbered squares ranging from one to seventy-five, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random. Such cards shall have five vertical rows headed respectively by the letters B.I.N.G.O., with each row having five randomly numbered squares.

3. "Raffle" means a lottery in which the prize is won by a random drawing of the name or prearranged number of one or more persons purchasing chances.

4. "Instant Bingo" means a specific game of chance played by the random selection of one or more individually prepacked cards, with winners being determined by the preprinted appearance of the letters B.I.N.G.O. in any prescribed order on the reverse side of such card.

Section 5-2. Permit required.

Prior to the commencement of any bingo game or raffle by a qualified organization as defined in this article, such organization shall obtain an annual permit from the County Administrator. Such permit shall only be granted after a reasonable investigation has been conducted by the County Administrator.

Section 5-3. Application for permit.

Application for the permit shall be accompanied by a check in the amount of twenty-five dollars payable to the treasurer of James City County. Application for such annual permit shall be made on a form provided by the County Attorney's office. Such application shall be a matter of public record.

Section 5-4. Issuance of permit; requirements, duration, waiver, where valid.

1) Prior to the issuance of any permit, the organization must meet the following:

a) Such organization shall have been in existence and met on a regular basis in the County for at least two years immediately prior to making application for such permit.

b) A permit shall be valid only in the County and only at such locations as are designated in the permit application. However, a permit may be issued to an organization which relocates its meeting place on a permanent basis from one jurisdiction to another and complies with the requirements of subsection (a) of this section and provided further that such organization was the holder of a valid permit at the time of such relocation. An organization which has a permit under this article to conduct a raffle may sell such raffle tickets both in and out of the jurisdiction issuing such permit.

c) Such organization shall be operated currently and shall have been operated in the past as a nonprofit organization and shall have been in existence as such nonprofit organization for a period of at least two years immediately prior to seeking a permit as hereinafter provided.

2) All applications for such permit shall be acted upon by the County Administrator within sixty days from the filing thereof.

3) Upon compliance by the applicant with the provisions of this article the County Administrator may issue an annual permit. All permits shall be subject to reasonable regulation by the County to ensure the public safety in the operation of bingo games.

Section 5-5. Conduct of bingo games.

No organization may hold bingo games more frequently than two calendar days in any one calendar week, except that a special permit may be granted an organization which will entitle an organization to conduct more frequent operations during carnivals, fairs and other similar events at its principal meeting place or any other site selected by such organization which is located in the jurisdiction issuing the permit and which is not in violation of Chapter 20, Zoning.

Section 5-6. "Instant Bingo".

Any organization qualified to conduct bingo games pursuant to the provisions of this article is authorized to play "instant bingo" as a part of such bingo game; provided however, that "instant bingo" may be conducted only at such times as a regular bingo game as defined in Section 5.1 is in progress and only at such location and at such times as are specified in the bingo application permit.

The gross receipts in the course of a reporting year from the playing of "instant bingo" shall not exceed thirty-three and one-third per centum of the gross receipts of an organization's bingo operation.

Any organization playing "instant bingo" shall maintain a record of the date, quantity and card value of instant bingo supplies purchased as well as the name and address of the supplier of such instant bingo supplies. The organization shall also maintain a written invoice or receipt from a non-member of the organization verifying any information required by this subsection.

No organization shall sell an "instant bingo" card to any individual below sixteen years of age.

Section 5-7. Reports of gross receipts and disbursements required.

Complete records of all receipts and disbursements shall be kept and shall be filed annually under oath with the County Attorney's office. All annual or quarterly financial reports and other items required to be filed under this section shall be a matter of public record. All such accountings shall be made on or before the first day of November of each calendar year for which a permit has been issued. Such accounting shall include a record of the gross receipts and disbursements of an organization for the year period which commenced on the first day of October of the previous year. Provided, however, any organization whose gross receipts exceed fifty thousand dollars during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than sixty days following the last day of such quarter. "Gross receipts", as used in this section, shall mean the total amount of money received from bingo and "instant bingo" operations before the deduction of expenses or prizes.

All such reports and receipts and disbursements shall be made on a form provided by the County Attorney's office and acknowledged in the presence of a duly authorized notary public. The failure to file such reports when due shall cause the automatic revocation of the permit and no such organization shall conduct any bingo game or raffle thereafter until such report is properly filed and a new permit is obtained.

Such financial report shall be accompanied by a certificate, verified under oath, by the Board of Directors that the proceeds of any bingo games or raffles have been used for those lawful, religious, charitable, community or educational purposes for which the organization is specifically chartered or organized and that the operation of bingo games or raffles has been in accordance with the provisions of Article 1 of Chapter 5.

Notwithstanding the provisions of this article requiring an annual audit, the provisions of this section shall not be construed so as to prohibit the County Finance Department from performing unannounced audits or restrict any right to secure records required to be maintained by the provisions of this article. The County Finance Department shall have the authority to go upon the premises on which any organization is conducting a bingo game for the purpose of carrying out the duties imposed by this article. The application for the bingo permit shall constitute permission from, and authority granted by, such organization to any law-enforcement officer to enter upon such premises.

The organization shall maintain a record in writing of the dates on which bingo is played, the number of people in attendance on each date and the amount of the receipts and prizes paid on each such day. The organization shall also maintain a record of the name and address of each individual to whom a door prize or jackpot from the playing of bingo is awarded, as well as the amount of such receipts and disbursements; including operating costs and use of proceeds incurred in operating bingo games.

Section 5-8. Audit required, fee.

All reports filed pursuant to Section 18.2-340.6 of the Code of Virginia, 1950, as amended, shall be audited by the County Administrator or his designee. All such reports shall be a matter of public record.

The audit fee shall be one per centum of the gross receipts which an organization reports. Such audit fee shall accompany each annual report. Such audit fee shall be payable to the Treasurer, James City County.

Section 5-9. Other prohibited practices.

In addition to those other practices prohibited by this article, all those practices enumerated in Section 18.2-340.9 of the Code of Virginia, 1950, as amended, shall also be prohibited in the County.

Section 5-10. Same; penalties.

The Board of Supervisors may deny, suspend or revoke the permit of any organization found not to be in strict compliance with the provisions of this article.

Section 5-11. Enforcement of article; injunctive relief.

In the event that an organization violates the provisions of this article, then the County Attorney may, in addition to the foregoing criminal penalties apply to the circuit court for an injunction restraining the continued operation of bingo games or raffles or any aspect thereof.

Section 5-12. Hearings and appeals.

No permit to conduct bingo games or raffles shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for a hearing thereon. After a hearing on the issues, the Board of Supervisors may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of this article. Any organization aggrieved by the decision of the Board of Supervisors may appeal such decision to the circuit court.

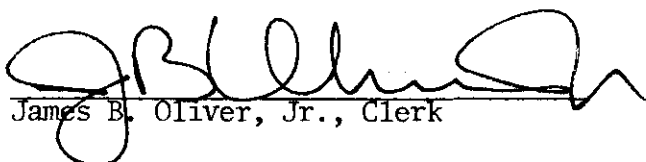
Section 5-13. Severability.

All individual provisions of this act shall be severable and if any single provision or portion thereof found by a court of competent jurisdiction to be unconstitutional or in any other way in violation or in conflict with any superior law, such fact shall have no effect on the remainder of this act.

This ordinance shall be in full force and effect from the date of its adoption.


Stewart U. Taylor, Chairman
Board of Supervisors

ATTEST:


James B. Oliver, Jr., Clerk

Adopted by the Board of Supervisors, James City County, Virginia, on this 10th day of September, 1979.