

#2017-09

ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN AND STATE OF NEW JERSEY REPEALING AND REPLACING ORDINANCE NO. 53 AND ENACTING A NEW ORDINANCE REGULATING MUNICIPAL LICENSING OF BINGO AND RAFFLES, ENTITLED "GAMES OF CHANCE"

WHEREAS, the Borough of Audubon Park (“Borough”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, Ordinance No. 53 governs the municipal fee for bingos and/or raffles licenses; and

WHEREAS, the aforementioned Ordinance has been determined by the Mayor and the Borough Council (the "Governing Body") to be in need of revision and modification; and

WHEREAS, the Governing Body has deemed it in the best interest of the public health, safety and welfare of the residents to update these regulations; and

WHEREAS, pursuant to N.J.S.A. 5:8-24 et seq., the Governing Body is authorized to enact and amend ordinances relating to operation and licensing of bingos; and

WHEREAS, pursuant to N.J.S.A. 5:8-50 et seq., the Governing Body is authorized to enact and amend ordinances relating to operation and licensing of raffles and other games of chance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Audubon Park, County of Camden, and State of New Jersey, as follows:

SECTION 1: Ordinance No. 53 and any and all subsequent amendments thereto, are hereby repealed in their entirety and replaced with the following:

GAMES OF CHANCE

ARTICLE I – DEFINITIONS

1.1 “Premises” shall mean any land, building, enclosure or part thereof used for the purpose of operating or conducting games of chance under the Bingo Licensing Law;

1.2 “Occasion” shall mean a single gathering or session at which a game or series of successive games are played;

1.3 "Commission" shall mean the Legalized Games of Chance Control Commission;

1.4 "Organization" shall mean any organization licensed to hold, operate or conduct games of chance under the Bingo Licensing Law and Raffles Licensing Law;

1.5 "Person" shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity;

ARTICLE II – BINGO

2.1 Authority to license and provide for bingo

Subject to the Governing Body's approval, the Municipal Clerk is hereby authorized and directed to issue licenses, pursuant to the provisions set forth below, to all bona fide organizations and associations to hold and operate games of chance, commonly known as "bingo" or "lotto" as provided for in N.J.S.A. 5:8-24 et seq.

2.2 Filing of bingo application

Applications for bingo licenses shall be filed with the Municipal Clerk in writing and on the forms prescribed by the rules and regulations duly adopted from time to time by the Commission.

2.3 Governing Body review; approval; issuance of bingo license

The Governing Body shall make or cause to be made the required investigations of the qualifications of each applicant for such license and the merits of each application for such license, with due expedition after the filing of the application. If the Governing Body shall determine that the applicant is duly qualified to hold, operate, and conduct games of chance under the provision of said law, the Governing Body shall so certify by resolution to the Municipal Clerk, who shall issue such license upon the payment of the fee or fees outlined in Section 2.4 below.

2.4. Bingo form of payment; fees

- A. All bingo licensing fees paid to the Commission are to be paid by check.
- B. All bingo licensing fees paid to the Borough of Audubon Park are to be paid by check.
- C. The bingo licensing fee payable to the Commission is twenty dollars (\$20.00) for each occasion on which any game or games of bingo are to be conducted under the license. The bingo licensing fee payable to the Borough of Audubon Park is twenty dollars (\$20.00) for each occasion on which any game or games of bingo are to be conducted under the license.

2.5 Expiration of bingo license

No bingo license issued, as provided herein, shall be effective for a period longer than one (1) year, such that the occasion for which a license is issued hereunder shall be conducted within (1) one year of the date of issuance or the license will expire and become void.

2.6 Bingo operation on Sunday

Bingo games may be conducted under any license issued pursuant to the provisions hereof on the first day of the week, commonly known and designated as “Sunday.”

2.7 Participation by minors in bingo

No person under the age of eighteen (18) shall be permitted to participate in any bingo game or games operated or conducted pursuant to any license issued as herein provided.

2.8 Frequency of bingo games; sale of alcoholic beverages

No bingo game or games shall be held, operated or conducted under any license issued pursuant to this Ordinance more often than six (6) consecutive or nonconsecutive days in any one (1) calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games, except that alcoholic beverages may be sold or served during the progress of a game or games held on the licensed premises of the holder of a plenary retail liquor consumption license pursuant to N.J.S.A. 33:1-12.

2.9 Operation and records to comply with state law

All such bingo game or games shall be held, operated or conducted, and all licenses shall keep the necessary books and file the required reports, as provided by said law and the rules and regulations duly adopted from time to time, by the Commission.

ARTICLE III – RAFFLES, ARMCHAIR RACES, & CASINO NIGHTS

3.1 Authority to license and provide for raffle

Subject to the Governing Body’s approval, the Municipal Clerk is hereby authorized and directed to issue licenses, pursuant to the provisions set forth below, to all bona fide organizations and associations to hold and operate games of chance, commonly known as “raffle” or “raffles” as provided for in N.J.S.A. 5:8-50 et seq.

3.2 Filing of raffle application

Applications for raffle licenses shall be filed with the Municipal Clerk in writing and on the forms prescribed by the rules and regulations duly adopted from time to time by the Commission.

3.3 Governing Body review; approval; issuance of raffle license

The Governing Body shall make or cause to be made the required investigations of the qualifications of each applicant for such license and the merits of each application for such license, with due expedition after the filing of the application. If the Governing Body shall determine that the applicant is duly qualified to hold, operate, and conduct games of chance under the provision of said law, the Governing Body shall so certify by resolution to the Municipal Clerk of the Borough of Audubon Park, who shall issue such license upon the payment of a fee or fees as outlined by Section 3.5 below.

3.4 Form of payment

- A. All raffle licensing fees paid to the Commission are to be paid by check.
- B. All raffle licensing fees paid to the Borough of Audubon Park are to be paid by check.

3.5 Raffle fees

The fees for the permitted types of raffles and/or raffle games shall be as follows:

- A. On-premises draw raffle for cash prizes (50/50) in excess of \$400.00 or merchandise prizes where the total combined retail value of prizes awarded is in excess of \$400.00:
 - (1) Commission Licensing Fee: \$20.00 for each day on which a drawing(s) is to be conducted under the license;
 - (2) Borough of Audubon Park Licensing Fee: \$20.00 for each day on which a drawing(s) is to be conducted under the license.
- B. On-premises draw raffle for cash prizes (50/50) that do not exceed \$ 400.00 or merchandise prizes where the total combined retail value of prizes awarded does not exceed \$400.00:
 - (1) Commission Licensing Fee: No licensing fee.
 - (2) Borough of Audubon Park Licensing Fee: No licensing fee.
 - (3) In the event the retail value of the prize(s) offered or awarded exceeds \$400.00 in a raffle in which it was anticipated that the retail value would not exceed \$400.00, the licensee shall submit a check or money order made payable to the “Legalized Games of Chance Commission” in the amount of \$20.00 at the time of filing the report of operations required by N.J.A.C. 13:47–9 and, provide the Borough of Audubon Park \$20.00 in fees due, together with a copy of the Report of Raffle Operations.
- C. Off-premises draw raffle awarding merchandise as a prize:

(1) Commission Licensing Fee: \$20.00 for each \$1,000 or part thereof of the retail value of the prize(s) to be awarded.

(2) Borough of Audubon Park Licensing Fee: \$20.00 for each \$1,000 or part thereof of the retail value of the prize(s) to be awarded.

D. Off-premises cash (50/50) raffle:

(1) Commission Licensing Fee: A \$20.00 fee shall be paid at the time the application is filed. In the event the awarded prize exceeds \$1,000, then an additional fee of \$20.00 for each \$1,000 or part thereof in value of the awarded prize in excess of \$1,000 shall be forwarded to the Commission by check payable to the "Legalized Games of Chance Control Commission" together with the Report of Operations as required by N.J.A.C. 13:47-9.

(2) Borough of Audubon Park Licensing Fee: A \$20.00 fee shall be paid at the time the application is filed. In the event the awarded prize exceeds \$1,000, then an additional fee of \$20.00 for each \$1,000 or part thereof in value of the awarded prize in excess of \$1,000 shall be paid to Borough of Audubon Park by check payable to "Borough of Audubon Park" together with a copy of the Report of Raffle Operations.

E. Instant raffle games awarding cash or merchandise as a prize:

(1) Commission Licensing Fee: \$20.00 for each day on which instant raffle tickets are sold or offered for sale or \$750.00 for a one-year license to sell, or to offer for sale, instant raffle tickets during that year.

(2) Borough of Audubon Park Licensing Fee: \$20.00 for each day on which instant raffle tickets are sold or offered for sale or \$750.00 for a one-year license to sell, or to offer for sale, instant raffle tickets during that year.

F. Carnival games or wheels:

(1) Commission Licensing Fee: \$20.00 for each game or wheel held on any one day, or any series of consecutive days not exceeding six at one location.

(2) Borough of Audubon Park Licensing Fee: \$20.00 for each game or wheel held on any one day, or any series of consecutive days not exceeding six at one location.

3.6 Expiration of raffle license

No raffle or other license issued, as provided herein, shall be effective for a period longer than one (1) year, such that the occasion for which a license is issued hereunder shall be conducted within (1) one year of the date of issuance or the license will expire and become void.

3.7 Raffle operation on Sunday; Frequency of raffles

A. Raffle or raffles may be conducted under any license issued pursuant to the provisions hereof on the first day of the week, commonly known and designated as "Sunday."

B. No raffle or raffles shall be held, operated or conducted under any license issued under this ordinance more often than authorized by any regulation promulgated by the Commission.

3.8 Participation by minors

A. No person under the age of 18 years shall be permitted to participate in any manner in any raffle or raffles not conducted by a drawing, except that a person under the age of 18 years shall be permitted to play a raffle not conducted by a drawing when the prize offered and awarded consists of merchandise only and does not include cash or money.

B. No person under the age of 18 years shall be permitted to participate in any manner in any raffle or raffles conducted by a drawing, held, operated or conducted pursuant to any license issued pursuant to Article II, except that a person under the age of 18 years shall be permitted to play an on-premises draw raffle, including a Penny auction, when any prize offered and awarded consists of merchandise only.

3.9 Operation and records to comply with state law

All such raffle or raffles shall be held, operated or conducted, and all licensees shall keep the necessary books and file the required reports, as provided by said law and the rules and regulations duly adopted from time to time by the Commission.

3.10 Armchair races; casino night

A. The Commission may adopt regulations authorizing licensees to hold events known as:

(1) "armchair races" at which wagers are placed on the outcome of previously-filmed horse races and wagerers do not know the results in advance, when the prize awarded consists of merchandise or raffle tickets only, and not cash; and

(2) "casino nights" at which players use chips or script purchased from the licensee to wager in games of chance known as blackjack, under/over, beat-the-dealer, chuck-a-luck, craps, roulette, bingo or similar games approved by the commission, when the chips or script are redeemable for merchandise or raffle tickets only, and not for cash.

B. The fees for the permitted types of Armchair Races shall be as follows:

- (1) Commission Licensing Fee: \$50.00 per licensed day of operation.
 - (2) Borough of Audubon Park Licensing Fee: \$50.00 per licensed day of operation.
- C. The fees for the permitted types of Casino Nights shall be as follows:
- (1) Commission Licensing Fee: \$100.00 for each day of operation.
 - (2) Borough of Audubon Park Licensing Fee: \$100.00 for each day of operation.

ARTICLE IV – FEE EXCEPTIONS

4.1 Exceptions to bingo licensing fees

Any person, group, or organization desiring to hold, operate and conduct bingo solely for amusement and recreation may do so, without licensure and without complying with the provisions of N.J.S.A. 5:8-24 et seq., provided that no player or other person furnishes anything of value for the opportunity to participate; the prizes awarded or to be awarded are nominal; and no person is paid for conducting or assisting in the conduct of the game or games. The holding, operating and conducting of bingo solely for amusement and recreation pursuant to this section shall not involve the use of any device into which currency, coins or tokens may be inserted or from which currency, coins or tokens, or any receipt for monetary value, can be dispensed or which, once provided to a person participating in bingo, is capable of communicating with other such devices.

4.2 Exceptions to raffle licensing fees

The governing body of any municipality shall issue a special license to any senior citizen association or club desiring to hold, operate and conduct raffles solely for the purpose of amusement and recreation of its members. The special license shall be valid only for those raffles held, operated and conducted where no player or other person furnishes anything of value for the opportunity to participate; the prizes awarded or to be awarded are nominal; no person other than a bona fide active member of the organization participates in the conduct of the games; and no person is paid for conducting or assisting in the conduct of the game or games. The special license shall be issued without fee and shall be effective for a period of two years.

SECTION 2: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 3: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Attest:

BOROUGH OF AUDUBON PARK

Introduced: November 6, 2017

Adopted: December 4, 2017

LAWRENCE E. PENNOCK, MAYOR

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Audubon Park at a regular meeting held on December 4, 2017.

DAWN M. PENNOCK, MUNICIPAL CLERK

SECTION 4: This Ordinance shall take effect upon passage and publication according to law.

Attest:

BOROUGH OF AUDUBON PARK

Introduced: November 6, 2017

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