

CHAPTER 35

GAMES OF CHANCE

§ 35-1. Title 3501

§ 35-2. Statutory authority 3501

§ 35-3. Definitions 3501

§ 35-4. Regulation and supervision 3503

§ 35-5. Restrictions on conduct 3503

§ 35-6. Application and licensing procedures..... 3503

§ 35-7. Enforcing officer..... 3503

§ 35-8. Statutory provisions adopted..... 3504

§ 35-9. Effective date 3504

[HISTORY: Adopted by the Common Council of the City of Dunkirk 6-7-1979. Amendments noted where applicable.]

GENERAL REFERENCES

- Bingo - See Ch. 13.
- Permits - See Ch. 51.

§ 35-1. Title

This chapter shall be known as the “City of Dunkirk Games of Chance Licensing Law.”

§ 35-2. Statutory authority.

This chapter is authorized by and subject and subordinate to all the conditions and provisions contained in Article 9-A of the General Municipal Law, and amendments therto, and any and all rules and regulations and opinions adopted or to be adopted by the New York State Racing and Wagering Board.

§ 35-3. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED GAMES OF CHANCE LESSOR - An authorized organization which has been granted a license pursuant to the provisions of Article 9-A of the General Municipal Law or pursuant to the provisions of this chapter.

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 fireman, which, by its charter, certificate of incorporation, constitutes or act of the legislature, shall have among its dominate purposes one (1) or more of the lawful purposes as defined in Article 9-A of the General Municipal Law as amended, provided that each shall operate without profit to its members and provided that each such organization has engaged in serving one (1) or more of the lawful purposes as defined in Article 9-A of the General Municipal Law for a period of three (3) years immediately prior to applying for a license under this Article. No organization which is formed primarily for the purpose of conducting games of chance and which does not devote at least seventy five percent (75%) of its activities to purposes other than conducting games of chance shall be deemed an authorized organization. No political party shall be deemed an authorized organization.

AUTHORIZED SUPPLIER OF GAMES OF CHANCE EQUIPMENT

- Any person, firm, partnership, corporation or organization licensed by the New York State Racing and Wagering Board to sell or lease games of chance equipment or paraphernalia which meets the specifications and regulations established by the Board. Nothing herein shall prevent an authorized organization from purchasing common articles, such as cards and dice, from normal sources of supply of such articles or from constructing equipment and paraphernalia for games of chance for its own use. However, no such equipment or paraphernalia, constructed or owned by an authorized organization, shall be sold or leased to any other authorized organization without written permission from the Board.

BOARD - The New York State Racing and Wagering Board and its successor, if any.

GAMES OF CHANCE - Specific games of chance as expressly authorized and defined by the rules and regulations of the State Racing and Wagering Board, being craps, roulette, blackjack, big six, money wheel, chuck-a-luck, hazard, under and over seven, beat the dealer, merchandise wheels, big nine, color wheel and any other game of chance which has been approved in writing by the Board, but not including games commonly known as "bingo" or "lotto", which are controlled by Article 14-H of the General Municipal Law.

- B. All other definitions as set forth in § 186 of Article 9-A of the General Municipal Law, as amended, are hereby incorporated and made a part of hereof.

§ 35-4. Regulation and supervision.

The regulation of said games of chance and the supervision thereof shall adhere to § 188-a of the General Municipal Law, as amended, and shall be governed by the New York State Racing and Wagering Board as called for therein.

§ 35-5. Restrictions on conduct.

- A. Restrictions upon conduct of games of chance shall be regulated by § 189 of the General Municipal Law, as amended.
- B. Games of chance are hereby authorized on Sundays, said games to be regulated by all the rules and regulations pertaining to said Sunday games as contained in the General Municipal Law, Article 9-A, and all applicable rules and regulations of the State of New York Racing and Wagering Board. **[Added 7-1-1980]**

§ 35-6. Application and licensing procedures.

The application and procedure for the obtaining of a license to operate a game of chance shall be governed by § 190 of the General Municipal Law, as amended.

§ 35-7. Enforcing officer.

The Chief Law enforcement officer of the City of Dunkirk is hereby charged with the enforcement of this chapter. Offenses shall be charged and punished as provided in Article 9-A of the General Municipal Law.

§ 35-8. Statutory provisions adopted.

The Common Council of the City of Dunkirk hereby adopts in their entirety all other sections of Article 9-A of the General Municipal Law, as amended, and incorporates said section herein as part of this chapter.

§ 35-9. Effective date.

This chapter shall take effect on the first day of January 1980 after having been approved by a majority of the electors of the City of Dunkirk, New York, voting on same which will be submitted at the general election for the year 1979 in accordance with the provisions of § 188(2) and (3) of the General Municipal Law, as amended. **[Editor's Note: This ordinance was approved by referendum 11-6-1979]**