

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 26-2009

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AUTHORIZING
LEGALIZED GAMES OF CHANCE AS DEFINED BY
N.J.S.A. 5:8-24 “BINGO LICENSING LAW” AND N.J.S.A. 5:8-50 “RAFFLES LICENSING LAW”
AND AMENDING CHAPTER 129 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN**

WHEREAS, the Township Council of the Township of Moorestown is aware that non-profit community groups, organizations, service groups and churches depend on various fundraising activities such as car washes, bake sales, bingo and raffles to support their cause; and

WHEREAS, the Township Council of the Township of Moorestown understands that the financial stability of said organizations contributes to economic development and a healthy community; and

WHEREAS, the Township Council of the Township of Moorestown finds no harm to the public health, safety and welfare in said types of fundraising activities and wishes to promote the stability and well-being of qualified non-profit organizations in the Township of Moorestown; and

WHEREAS, as defined by statute, qualified organizations include bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches and or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies and officially recognized volunteer first aid or rescue squads; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, that the Code of the Township of Moorestown be amended to add the following Chapter as follows:

Section 1. A newly created Chapter entitled, “Chapter 88 Games of Chance - Bingo and Raffles” shall be added to the Code of the Township of Moorestown as follows:

GAMES OF CHANCE

Chapter 88

BINGO AND RAFFLES

- 88-1. Purpose and Administration.
- 88-2. Licensing authorized; organizations eligible.
- 88-3. License required.
- 88-4. Application for license.

- 88-5. Investigation; matters to be determined; issuance of licenses; duration of license.
- 88-6. Form and contents of license; display of license.
- 88-7. Special license; senior citizen association or club; amusement and recreation only.
- 88-8. Sunday; conduct of games.
- 88-9. Issuing Authority.
- 88-10. Fees.
- 88-11. Violation of bingo, raffles or legalized games of chance laws.
- 88-12. Suspension and revocation of license.

88.1 **Purpose and Administration.** The purpose of this chapter is to regulate all games of chance held, operated or conducted within the Township of Moorestown, pursuant to Acts of the Legislature of the State of New Jersey known as the "Bingo Licensing Law," N.J.S.A. 5:8-24 et seq., and the "Raffles Licensing Law," N.J.S.A. 5:8-50 et seq., and in accordance with the rules and regulations issued or to be promulgated by the Legalized Games of Chance Control Commission within the Department of Law and Public Safety in the State of New Jersey ("LGCCC"). All applications, licenses and proceedings in connection therewith shall be subject to the provisions of such acts and any laws and rules and regulations hereafter enacted and shall be further subject to the provisions of this chapter.

88.2 **Licensing authorized; organizations eligible.** It shall be lawful for the Municipal Clerk, except when prohibited by statute, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads, to hold and operate the specific kind of game or games of chance commonly known as bingo and raffles when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations and clubs to the support of these organizations, and for any such organization or association, church, congregation, society, club, company or squad, when so licensed, to hold, operate and conduct such games of chance pursuant to the terms and conditions set forth in and by this chapter, the New Jersey Bingo and Raffles Licensing Laws, the LGCCC Law and the rules and regulations adopted and promulgated or to be promulgated or adopted by the New Jersey LGCCC but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

- 88.3 **License required.** No person, organization, association, club, fire company or squad shall operate or conduct within the Township of Moorestown any game of chance, as the same is defined in the Bingo Licensing Law (N.J.S.A. 5:8-24 et. seq.) and the Raffles Licensing Law (N.J.S.A. 5:8-50 et seq.) as the same may be hereinafter amended and supplemented, without first obtaining a license issued by the Township of Moorestown. Said license shall be issued pursuant and subject to the provisions of the aforementioned statutes and the rules and regulations promulgated pursuant thereto or issued thereunder by the LGCCC or its successor.
- 88.4 **Application for license.** Each applicant for either a bingo or raffle license or any game of chance covered by the aforesaid statutes shall file with the Municipal Clerk a written application on forms prescribed by and in conformance with the statutes referred to in the previous section and the rules and regulations promulgated or issued by the LGCCC.
- 88.5 **Investigation; matters to be determined; issuance of licenses; duration of license.** The Municipal Clerk shall, in accordance with the Bingo and Raffles Licensing Laws and in accordance with the rules and regulations issued by the LGCCC, cause an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application. If he/she determines that the applicant is duly qualified to be licensed, to hold, operate and conduct games of chance, he/she shall issue a license to the applicant for the holding, operation and conduct of the specific kind of games of chance applied for, accordingly, upon payment of the license fee or fees.
- 88.6 **Form and contents of license; display of license.** Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the LGCCC and shall contain a description of the kind of games of chance authorized to be held, operated and conducted thereunder; a statement of the name and address of the licensee; the names and addresses of the member(s) of the licensee under whom such games of chance will be held, operated and conducted; the number of times, or the hours during which, such games of chance are authorized to be conducted; the place(s) where and the date(s) and time(s) when such games of chance are to be conducted; the specific purposes to which the entire net proceeds of such games of chance are to be devoted; if any prize(s) is are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during the conduct thereof.

88.7 **Special license; senior citizen association or club; amusement and recreation only.** A special license shall be issued to any bona fide senior citizen association or club desiring to hold, operate or conduct games of chance solely for the purpose of amusement and recreation of its members if:

1. The association or club holds a valid registration certificate issued by the LGCCC;
2. No player or other person furnishes something of value for the opportunity to participate;
3. The prize(s) to be awarded are of nominal retail value;
4. No person other than a bona fide active member of the licensed organization plays, conducts or assists in the conduct of the game(s); and
5. No person is paid for conducting or assisting in the conduct of the game(s).

The special senior citizen license shall be valid for a maximum period of two years or until suspended, revoked or modified by the LGCCC or the issuing municipality.

88.8 **Sunday; conduct of games.** Games of chance commonly known as "bingo and raffles," as provided by the Laws of the State of New Jersey 1954, Chapters 5 and 6, may be conducted on the first day of the week commonly known and designated as "Sunday," provided that the applicant for the license to conduct such game otherwise qualifies under the provisions of the aforementioned statutes of the State of New Jersey and the rules and regulations of the LGCCC and, specifically, provided that the organization conducting the games is a charitable, religious or other organization specifically qualifying under the provisions of the aforementioned statutes.

88.9 **Issuing Authority.** The issuing authority responsible for approving bingo and raffle licenses shall be the Municipal Clerk.

88.10 **Fees.** A municipal fee in an amount equal to the amount charged by the LGCCC shall be charged for each license and shall be due at the time the application is made. This fee is in addition to, separate and apart from, the fee charged by the LGCCC.

88.11 **Violation of bingo, raffles or legalized games of chance laws.** No person, organization, association, club, fire company or squad shall violate any of the terms or provisions of any one or more of the following:

- A. Bingo Licensing Law, P.L. 1954 c.6
- B. Raffles Licensing Law, P.L. 1954, c.5
- C. Legalized Games of Chance Control Commission Law, P.L. 1954, c.7
- D. This chapter.

Any person violating this chapter or failing to comply with any of its provisions shall, upon conviction, be subject to the penalties set forth in Chapter 66.

88.12 **Suspension and revocation of license.** Whenever the suspension or revocation of a license is to be considered, the rules set forth at N.J.A.C. 13:47-10 et seq. shall be followed.

Section 2. Chapter 129, Sections 18 and 25 shall be amended as follows (language with a “~~strikeout~~” shall be “deleted” and language with an “underline” shall be “inserted”):

129-18. Gambling.

Except as provided for in Chapter 88, ~~N~~no person shall, within the limits of said township, deal, play or engage in faro, roulette or other games of chance, either as banker, player, dealer or otherwise, for the purpose of gambling for money or other valuable things.

129-25. Possession of gambling material.

Except as provided for in Chapter 88, ~~N~~no person shall have in his or her possession or custody or in any automobile in his or her possession or custody any ticket or tickets, slip or slips, paper or papers, document or documents or memoranda in any way pertaining to the business of a number game; and the term "number game," as used in this section, means any betting on any number or numbers or sets or arrangements of numbers on or according to any plan or method whatsoever.

Section 3: **Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 4: **Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5: **Effective Date.** This ordinance shall take effect immediately upon a majority vote of the legal voters of the municipality who vote in favor of the proposition, printed on the ballot for the November 3, 2009 General Election, “*Shall the “Bingo Licensing Law” (P.L. 1954, c.6) and the “Raffles Licensing Law (P.L. 1954 c.5) be adopted within this municipality?”*” Otherwise, this ordinance shall have no force and effect.

Section 6. **Filing.** A copy of this ordinance shall be forwarded to the Legalized Games of Chance Control Commission immediately upon adoption.

Section 7: **Short Title.** This Ordinance shall be known as Ordinance 26-2009.

NOTICE AND CERTIFICATION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on September 14, 2009. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, NJ on October 5, 2009 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk’s Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk