

AN ORDINANCE NO. 85-210-199

ADOPTED AUG 26 1985

To amend and reordain Sections 4-47 (bingo and raffles; prohibited conduct), 4-49 (Issuance; requirements; duration; waiver; where valid), 4-53 (audit required; fee), 4-55 (denial, suspension or revocation of permit), 4-57 (hearings and appeals), and 4-58 (joint operation of bingo games; restrictions; special permit required), of Article IV of Chapter 4, of the Code of the City of Richmond, 1985, and to repeal Section 4-56 (enforcement of article; injunctive relief) of said Code.

Patron - City Manager

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Sections 4-47, 4-49, 4-53, 4-55, 4-57, and 4-58 of Article IV, Chapter 4, of the Code of the City of Richmond, 1985, be and are hereby amended and reordained as follows:

Sec. 4-47. Prohibited conduct.

(a) It shall be unlawful for any person, other than a person possessing a valid permit issued pursuant to section 4-48, in the city:

(1) To set up, promote or be concerned in managing or drawing a lottery or raffle or in conducting a bingo game;

(2) To knowingly permit a lottery in any house under his control;

(3) To knowingly permit money or other property to be raffled for in such house, or to be won therein, by throwing or using dice, or by any other game of chance;

(4) To knowingly permit the sale in such house of any chance or ticket in, or share of a ticket in a lottery, or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize or share of, or interest in a prize to be drawn in a lottery;

(5) For himself or another person to buy, sell or transfer or have in his possession for the purpose of sale or with intent to exchange, negotiate or transfer, or aid in selling, exchanging, negotiating or transferring, a chance or ticket in or share of a ticket in a lottery, or any such writing, certificate, bill, token or device.

(b) Every such person, upon conviction of engaging in any of the foregoing prohibited practices shall be confined in jail not exceeding twelve (12) months and fined not exceeding five hundred dollars (\$500.00); and for a second or other subsequent conviction within two (2) years from the date of the prior conviction shall be confined in jail not exceeding twelve (12) months and fined not exceeding one thousand dollars (\$1,000.00).

Sec. 4-49. Same -- Issuance; requirements; duration; waiver; where valid.

(a) Prior to the issuance of any permit, the organization must meet the following requirements:

(1) Except for recently established volunteer fire and rescue companies or departments, as defined in this article, after approval by the city, such organization shall have been in existence and met on a regular basis in the city for a period of at least two (2) years immediately prior to making application for such permit. However, this requirement shall not apply (i) to any lodge or chapter of a national or international fraternal order or a national or international civic organization which is exempt under section 501(c)(3) of the United States Internal Revenue Code and which has a lodge or chapter holding a bingo permit issued under the provisions of this article anywhere within the state, or (ii) with regard to the issuance of a bingo or raffle permit to booster clubs which have been operating for less than two (2) years, and which have been established solely to raise funds for school-sponsored activities in public schools which are less than two (2) years old.

(2) A permit shall be valid only in the city 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 in the city from another political subdivision and complies with the requirements of subsection (a)(1) 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 obtained a permit under this article to conduct a raffle may sell such raffle tickets both in and out of the city.

(3) Such organization shall be operated currently and shall have always 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 (2) years immediately prior to seeking a permit as hereinafter provided.

(4) Any organization whose gross receipts from all bingo operations exceed or can be expected to exceed seventy-five thousand dollars (\$75,000.00) in any calendar year shall have been granted tax-exempt status pursuant to 501 C of the United States Internal Revenue Code.

(b) All permits shall be issued on a calendar basis and unless otherwise provided shall be valid for one calendar year beginning on January first.

(c) All applications for such permit shall be acted upon by the director of finance within sixty (60) days from the filing thereof.

(d) Upon compliance by the applicant with the provisions of this article, and at the discretion of the director of finance, an annual permit may be issued. All permits shall be subject to reasonable regulation by the city [~~council~~] to ensure the public safety and welfare in the operation of bingo games and raffles.

Sec. 4-53. Audit required; fee.

(a) All reports filed pursuant to section 4-52 shall be audited by the city auditor or his designee. All such reports shall be a matter of public record.

(b) An audit fee of one percent of the gross receipts which the organization reports should accompany each annual report and be made payable to the city [~~auditor~~].

Sec. 4-55. Denial, suspension or revocation of permit.

The [~~city-council~~] director of finance may deny, suspend or revoke the permit of any organization found not to be in strict compliance with the provisions of this article. Any person convicted of violating the provisions of this article, other than section 4-54, shall be guilty of a Class 1 misdemeanor and shall be punished accordingly.

Sec. 4-57. Hearings and appeals.

No permit to conduct bingo games or raffles shall be denied, suspended or revoked except upon notice to the applicant stating the proposed basis for such action and the time and place for a hearing thereon. After a hearing on the issues, the ~~[city-council]~~ director of finance, or his authorized representative, may refuse to issue or may suspend or revoke any such permit if ~~[it]~~ he determines that the organization has not complied with the provisions of this article. Any organization aggrieved by the decision ~~[of city-council]~~ may appeal such decision to the circuit court. Appeal must be taken within twenty-one (21) days of the decision of the director of finance. On appeal from a suspension or revocation of a permit, the court may in its discretion stay such order of suspension or revocation upon the appellant posting bond in an amount and with such surety or security as may be fixed by the court.

Sec. 4-58. Joint operation of bingo games; restrictions; special permit required.

(a) Two (2) qualified organizations may jointly organize and conduct bingo games provided both have been issued a permit under the provisions of section 4-49 and provided both fully comply with all other provisions of this article.

(b) Any two (2) qualified organizations jointly conducting bingo games shall be subject to the same restrictions and prohibitions contained in this article that would apply to a single organization conducting bingo games. Organizations jointly conducting bingo games shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise or money awarded as prizes, and all other practices prohibited under section 4-54.

(c) Any two (2) qualified organizations which wish to jointly conduct one (1) or more bingo games shall furnish the [~~city-council~~] director of finance a written report setting forth the division of manpower, costs and proceeds of each game to be jointly conducted. Upon a finding that the division of manpower and costs for each game bears a reasonable relationship to the division of proceeds, the [~~city-council~~] director of finance may issue a special permit for the joint conduct of all approved bingo games. No bingo game may be jointly conducted until this special permit is obtained by the organization involved for that bingo game.

§ 2. That Section 4-56 of Article IV, of Chapter 4, of the Code of the City of Richmond, 1985, as follows, be and is hereby repealed:

Sec. 4-56. Enforcement of article; injunctive relief.

If an organization violates the provisions of this article, then the commonwealth's attorney or the city 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.

§ 3. This ordinance shall be in force and effective as of June 11, 1985.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 85-210	Subject
Requested by City Manager	To Amend City Code
Received City Manager's Office --	
Summarized 8/20/85	

SUMMARY

This Ordinance would amend the City Code, Sec. 4-47 and others related to Bingo and Raffles concerning penalties for violation and duties of Director of Finance.

COUNCIL ACTION

On Docket 8/26/85
Amended
Adopted
Rejected