

ORDINANCE 2024-01

CHARITY BINGO

WHEREAS, the Town of Triana has enacted prior Ordinances regulating the licensing and conduct of Charity Bingo within the Town of Triana and;

WHEREAS, there have been subsequent findings by Alabama Attorney General, State and Federal Courts regarding the legality of Electronic Bingo, Electronic Skill Bingo in the State of Alabama and;

WHEREAS, there has been prior controversy within the Town of Triana regarding the legality of Electronic Bingo and Charity Bingo Licensees and;

WHEREAS, the Town Council of the Town of Triana is desirous that any Charity Bingo Games conducted within the Town of Triana shall be conducted in legally and compliance with Alabama State Law and benefit the residents of the Town of Triana;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUCNIL OF THE TOWN OF TRIANA, ALABAMA AS FOLLOWS:

Section 1: Repeal of Prior Bingo Ordinances

All prior bingo ordinances enacted by the Town of Triana are hereby repealed.

Section 2: Purpose and Intent

This ordinance is enacted to regulate and govern the conduct of charity bingo within the Town of Triana, in accordance with Alabama Amendment 387. The purpose is to ensure the fair and lawful operation of charity bingo games, benefitting residents, and promoting charitable activities within the town.

Section 3: General Restrictions and Licensing Requirements

- (a) No person, firm, association, corporation, or organization shall conduct any game of bingo except under a license issued pursuant to this ordinance.
- (b) Nonprofit organizations seeking to conduct charity bingo within the Town of Triana must obtain a valid license from the Town of Triana. The Town Council shall be the authority to grant or deny the license applications.
- (c) In each application, there shall be designated an active member of the applicant organization designated as their Bingo Chairman under whom the game of bingo is to be conducted, and there shall be appended to the application a statement executed by the member so designated that he will be responsible for the conduct of such bingo game in accordance with the terms of the license and the provisions of this article and the state constitution. There shall be appended to the application a copy of a deed, lease and/or sublease, if applicable, executed in the name of the licensee, for the

premises upon which the bingo game is to be conducted. Each bingo license application shall include the following information, items or attachments:

- 1) Date of application.
- 2) Legal name of the firm, association, corporation or organization.
- 3) Actual or trade name of the firm, association, corporation or organization.
- 4) Current mailing address and telephone number of the firm, association, corporation or organization and the address for the last two years, if different from the current address.
- 5) Location address where bingo games are to be conducted.
- 6) Days of the week bingo games are to be played.
- 7) Time of day at which bingo games are to be played.
- 8) Date the firm, association, corporation or organization was established in the city.
- 9) Name, date of birth, current address and telephone number of each current officer or director of the firm, association, corporation or organization.
- 10) Name, date of birth, current address and telephone number of the organization's bingo committee members.
- 11) Date the firm, association, corporation or organization was incorporated.
- 12) Copy of the certificate of incorporation.
- 13) Copy of the organization's or association's charter. If the organization is affiliated with any state, national or international organization, the organization must submit a copy of the authorization or evidence of affiliation issued by the state, national or international organization.
- 14) Copy of the organization's bylaws.
- 15) Date the organization was approved as an organization under section 501(c) of the United States Internal Revenue Code.
- 16) Copy of the organization's 501(c) exemption.
- 17) Copy of the current active membership roster, including but not limited to the name, address and telephone number of all members.
- 18) Name, address and telephone number of the owner of the real estate where bingo games will be conducted.
- 19) A copy of the deed to the property upon which bingo games will be conducted.
- 20) A copy of any lease or sublease pertaining to the property upon which bingo games will be conducted.
- 21) A copy of the organization's financial statements for the previous two years.
- 22) A list of all charitable or educational donations, including the dollar amount or value, made during the past 23 months.
- 23) A completed city annual privilege license tax application.
- 24) A statement attached to the bingo application as to the specific purpose to which the entire net proceeds of such bingo games are to be devoted.
- 25) A statement that all persons signing the application have received and read a copy of this article.
- 26) A \$100.00 bingo application fee.

(d) The nonprofit organization must have a minimum of 10 members residing within the Town of Triana and be registered within the Town of Triana or within Madison County, Alabama.

Section 4: Game Operation

- (a) Charity bingo games must strictly adhere to the rules and regulations set forth by Alabama Amendment 387.
- (b) All games must be non-profit in nature, and proceeds shall be used for the stated charitable or educational purposes in the license application, benefiting residents of the Town of Triana.
- (c) Licensees must comply with all local, state, and federal laws governing charitable gaming and Alabama Amendment 387.
- (d) Only Paper Call Bingo shall be permitted.
- (e) An accurate record shall be maintained for each bingo session showing the gross amount of money taken in from a fee, sale of game packs, sale of game sheets and other bingo paraphernalia during each bingo session; the total number of winners for each bingo game and the amount received by each winner of a game, the total amount that was given away during each bingo session and the net amount of each bingo session to be deposited in the organizations Bingo Checking account. The net amount shall be deposited in the bingo checking account within 4 days after the bingo session. The above accounting records and copy of each deposit slip shall be attached to the Bingo Financial Statements that are required to be submitted to the Town Clerk.
- (f) The licensee shall post the names and titles of all the bingo workers at the facility for each bingo session in public view. All bingo workers shall wear a name tag showing their name and position.
- (g) No bingo caller shall be allowed to call bingo games for more than one organization.
- (h) No person who is a member of more than one organization shall be allowed to be a Bingo Chairman or worker for more than one organization at the same time.
- (i) No Instant Bingo or "Pull Tabs" shall be played within the corporate limits of the Town of Triana.

Section 5: Specific Provisions in Accordance with Alabama Amendment 387

The following provisions, in accordance with Alabama Amendment 387, shall be observed:

- (a) No person under the age of 19 shall participate in or assist in the conduct of any bingo game.
- (b) Bingo licenses shall only be issued to nonprofit organizations existing for at least 23 months prior to license issuance, with an active nonprofit status with the Internal Revenue Service.
- (c) Bingo games shall be operated solely on premises owned or leased by the nonprofit organization, with lease rates not based on a percentage of receipts or profits from bingo games.
- (d) Nonprofit organizations shall not contract with external entities to operate bingo games or pay consulting fees related to bingo game operations.
- (e) A nonprofit organization shall not lend its name for bingo game operations not directly conducted by the organization.

(f) Prizes for bingo games conducted by nonprofit organizations shall not exceed \$1,000.00 in cash or gifts during any bingo session or \$2,000.00 in cash or gifts during any calendar week.

(g) No person or organization shall receive remuneration for services rendered in the operation of any bingo game.

Section 6: Membership and Worker Requirements

(a) Bingo workers must have been a member of the licensed nonprofit for at least 23 months prior to working any bingo games. Bingo workers may not have any prior conviction of a gambling offense, fraud, embezzlement, or other financial crimes in any state.

(b) Any Town Employee appointed by the Mayor and confirmed by the Town Council is prohibited from serving as a bingo worker.

Section 7: Compliance and Reporting

(a) Licensees shall maintain a record of all bingo games and proceeds and shall keep a separate checking account for bingo funds.

(b) A Bingo Committee is hereby established, consisting of the Mayor, Town Council Finance Committee, Town Clerk, and Town Attorney. The committee shall review the quarterly reports submitted by licensees to the Town Clerk for review and record-keeping purposes. The report shall include copies of all game records and proceeds, game prizes, prize winners, checking account statements, copies of all checks, charitable donations, and an affidavit that the report is true and accurate.

(c) The licensee shall submit quarterly reports during the first year of licensure to the Town Clerk for review by the Bingo Committee. The Bingo Committee may recommend after four quarterly reports to the Town Council that subsequent years of licensure may only require biannual or annual reports from the licensee.

Section 8: Limitations on Bingo Facilities

(a) Any facility licensed to conduct bingo must be a minimum distance of 1 mile from another licensed facility.

(b) Any facility licensed to conduct bingo is limited to a maximum of three licensees per facility.

(c) Each licensee may only conduct two bingo sessions per week.

(d) The facility for conducting charity bingo must comply with the applicable commercial fire and building regulations of the Town of Triana. The Building Inspector and Fire Chief or his designee must inspect the building to ensure compliance prior to issuance of a bingo license.

(e) The facility may not hold a liquor license.

(f) The facility may not be under the control, ownership, lease, or sublease of any person who has had a prior conviction of a gambling offense in any state.

(g) The facility shall not include any buildings owned or operated by the Town of Triana.

Section 9: Compliance, Inspections, and Penalties

(a) Licensees and Game Operators shall allow municipal officials to inspect their facilities and records at any reasonable time, ensuring compliance with this ordinance and Alabama Amendment 387.

(b) Non-compliance with this ordinance or the provisions of Alabama Amendment 387 may result in suspension or revocation of the license.

(c) The nonprofit licensee shall be fully responsible for the conduct of all games under their name and compliance with this ordinance and applicable State Law.

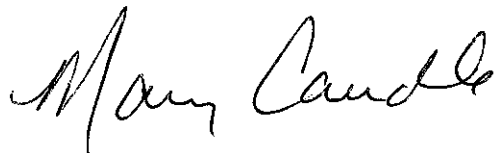
Section 10: Severability

If any provision of this ordinance is found to be invalid or unconstitutional, the remaining provisions shall remain in effect.

Section 11: Effective Date

This ordinance shall take effect 30 days after adoption.

APPROVED and ADOPTED this 3 day of March, 2024



MARY CAUDLE, MAYOR

Attest:



SHARRON HUMPHREY, CLERK