

AUG 2 1993

ORDINANCE NO. 133A-6

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, BINGO AND RAFFLES, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 5-1, DEFINITIONS; SECTION 5-5, CONDUCT OF BINGO GAMES; SECTION 5-6, "INSTANT BINGO;" SECTION 5-7, REPORTS OF GROSS RECEIPTS AND DISBURSEMENTS REQUIRED; AND SECTION 5-8, AUDIT FEE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 5, Bingo and Raffles, is hereby amended and reordained by amending Section 5-1, Definitions; Section 5-5, Conduct of bingo games and raffles; Section 5-6, "Instant Bingo;" Section 5-7, Reports of gross receipts and disbursements required; and Section 5-8, Audit Fee.

## Chapter 5. Bingo and Raffles

### Section 5-1. Definitions.

The following words shall have the following meanings:

- (3) Raffle means a lottery in which the prize is won by a random drawing of the name or prearranged number of one or more persons purchasing chances *including the purchasing of chances on a nonprofit duck race*. However, nothing in this chapter shall prohibit an organization from using the State Lottery Department's Pick-3 number as the basis for determining the winner of a lottery. For purposes of this definition, "raffle" shall include determining the winner of

a lottery by use of prepackaged pull-tab devices which are devices made completely of paper or paper products with concealed numbers or symbols that must be exposed by the player to determine wins or losses and may include the use of a seal which conceals a number or symbol that has been designated in advance as a prize winner including but not limited to pull-tab devices commonly known as tip boards or seal cards.

(6) *"Duck race" means a game of chance played by releasing numbered inanimate toys (ducks) into a body of moving water. A person who has been assigned the same number as the first duck to cross a predetermined point in the water (the finish line) is the winner. Other prizes may be awarded on the basis of the order in which the ducks cross the finish line.*

~~(6)~~(7) Commissioner means the James City County Commission of the Revenue.

~~(7)~~(8) Gross Receipts means the gross amount received from all bingo and raffle operations before the deduction of any expenses including but not limited to operating costs, donations and prizes. Gross receipts shall also include interest income from all bingo games and raffles, however, such amount shall be accounted for separately.

State law references - Virginia Code Section, 18.2-340.1, et. seq.

Section 5-5. Conduct of bingo games *and raffles*.

(a) No organization may hold bingo games more frequently than two calendar days in any one calendar week, except that a special permit may be granted an organization which entitles an organization to conduct more frequent operations during carnivals, fairs, and other similar events at its principal meeting place or any other site selected by such organization which is located in the County and which is not in violation of Chapter 20. The sponsoring organization shall accept only cash, or at its option checks, in payment of any charges or assessments for players to participate in bingo games.

(b) *An organization which has obtained a permit under this Chapter to conduct a raffle may sell raffle tickets both in and out of the jurisdiction issuing the permit and may conduct its drawing either in the jurisdiction in which a majority of the tickets were sold or in the jurisdiction issuing the permit, except that pull-tab devices as defined in Section 5-1(3) used as part of a raffle may be sold only upon the premises owned or exclusively leased by such organization and at such times as it is not opened to the public, except to members and their guests.*

Section 5-6. Instant bingo.

(b) The gross receipts in the course of a reporting year from the playing of instant bingo shall not exceed ~~thirty-three and one-third~~ *fifty* per centum of the gross receipts of an organization's bingo operation.

Section 5-7. Reports of gross receipts and disbursements required.

(a) Complete records of all receipts and disbursements shall be kept and shall be filed annually under oath with the office of the Commissioner. *All such reports shall be audited by the Commissioner or his designee; however, any report filed by an organization with gross receipts of less than \$2,000 for the designated reporting period shall be exempt from the audit requirement.* All annual or quarterly financial reports and other items required to be filed under this section shall be a matter of public record. All accountings shall be made on or before the first day of November of each calendar year for which a permit has been issued. The accounting shall include a record for the gross receipts and disbursements of an organization for the year period which commenced on the first day of October of the previous year and a record of all money in the possession of the organization that was derived from bingo or instant bingo, regardless of when the money was received. Provided, however, any organization whose gross receipts exceed fifty thousand dollars during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than sixty days following the last day of such quarter.

(d) Any organization having annual gross receipts from bingo games or raffles in excess of ~~\$500,000~~ \$250,000, as shown on its annual financial report, shall attach to such report an opinion executed by a licensed certified independent public accountant that:

- (1) The annual financial report presents fairly, in all material respects, beginning cash, gross receipts, operating costs, use of proceeds and ending cash;

- (2) The proceeds of any bingo games or raffles have been used for those lawful, religious, charitable, community or educational purposes for which the organization is specifically chartered or organized; and
- (3) The gross receipts have been used in all material respects in accordance with the provisions of this chapter. The failure to file the opinion of a licensed certified independent public accountant, when required, shall cause the automatic revocation of the permit and no organization shall conduct any bingo game or raffle thereafter until the opinion is properly filed with the report and a new permit is obtained.

Section 5-8. Audit fee.

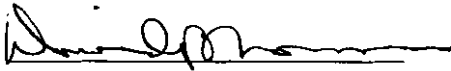
- (a) The permittee under this chapter shall pay an audit fee at the time it files its annual report of:
  - ~~(1)~~(a) the actual cost incurred by the County if the audit is performed by *an* independent auditor or accountant; or
  - ~~(2)~~(b) one percent of the gross receipts reported by the organization if the audit is performed by the Commissioner or his designee. The audit fee for the Commissioner, however, shall not exceed \$500.00.

(b) ~~If the gross receipts of an organization are less than \$2,000.00 for the designated reporting period the audit fee shall be waived.~~



Judith N. Knudson  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of August 1993.