

AUG 1 1988

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, SECTION 5-4, ISSUANCE OF PERMIT; REQUIREMENTS, DURATION, WAIVER, WHERE VALID; SECTION 5-7, REPORTS OF GROSS RECEIPTS AND DISBURSEMENTS REQUIRED; AND SECTION 5-8, AUDIT REQUIRED, 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 5-4, Issuance of permit; requirements, duration, waiver, where valid; Section 5-7, Reports of gross receipts and disbursements required; and Section 5-8, Audit required, fee.

Chapter 5. Bingo and Raffles.

Section 5-4. Issuance of permit; requirements, duration, waiver, where valid.

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

- (a) Except for recently established volunteer fire and rescue companies or departments, as defined in this article, after county approval, such organization shall have been in existence and met on a regular basis in the county where application is made for a period of at least two (2) years immediately prior to making application for such permit. However, this requirement shall not apply 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 this Commonwealth, or 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.

- (b) Such organization shall be operated currently and shall have 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.
 - (c) 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 Section 501C of the United States Internal Revenue Code.
 - (d) An organization shall designate an individual who shall be responsible for filing the annual or quarterly financial report required by this chapter if the organization goes out of business or otherwise ceases to exist.
- (2) All permits shall have the following requirements:
- (a) A permit shall be valid only in the county 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 from one jurisdiction to another and complies with the requirements of subsection (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 a permit under this article to conduct a raffle may sell such raffle tickets both in and out of the jurisdiction issuing such permit.
 - (b) All permits shall be issued on a calendar basis and unless otherwise provided shall be valid for one calendar year beginning on January 1.
 - (c) All applications for such permit shall be acted upon by the county administrator within sixty (60) days from the filing thereof.
- (3) Upon compliance by the applicant with the provisions of this chapter, the county administrator may issue an annual permit. All permits shall be subject to reasonable regulation by the county to ensure the public safety and welfare in the operation of bingo games and raffles. (Ord. No. 133, 9-10-79; Ord. No. 133A-2, 12-2-85)

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

Complete records of all receipts and disbursements shall be kept and shall be filed annually under oath with the county attorney's office. 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 of 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 (\$50,000.00)

during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than sixty (60) days following the last day of such quarter. "Gross receipts," as used in this section, shall mean the total amount of money received from bingo and "instant bingo" operations before the deduction of expenses or prizes.

All such reports and receipts and disbursements shall be made on a form provided by the county attorney's office and acknowledged in the presence of a duly authorized notary public. The failure to file such reports when due shall cause the automatic revocation of the permit and no such organization shall conduct any bingo game or raffle thereafter until such report is properly filed and a new permit is obtained.

Such financial report shall be accompanied by a certificate, verified under oath, by the board of directors that 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 that the operation of bingo games or raffles has been in accordance with the provisions of Chapter 5.

Notwithstanding the provisions of this chapter requiring an annual audit, the provisions of this section shall not be construed so as to prohibit the county administrator or his designee from performing unannounced audits or restrict any right to secure records required to be maintained by the provisions of this chapter. The county administrator or his designee shall have the authority to go upon the premises on which any organization is conducting a bingo game for the purpose of carrying out the duties imposed by this chapter. The application for the bingo permit shall constitute permission from, and authority granted by, such organization to any law enforcement officer to enter upon such premises.

The organization shall maintain a record in writing for three (3) years of the dates on which bingo is played, the number of people in attendance on each date and the amount of the receipts and prizes paid on each such day. The organization shall also maintain a record of the name and address of each individual to whom a door prize, regular or special bingo game prize or jackpot from the playing of bingo is awarded, as well as the amount of such award. The organization playing bingo shall also maintain an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games. (Ord. No. 133, 9-10-79; Ord. No. 133A-1, 9-13-82; Ord. No. 133A-2, 12-2-85)

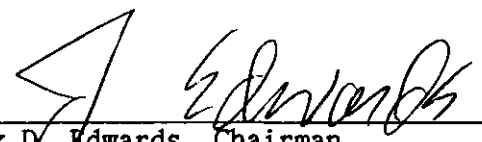
Section 5-8. Audit required, fee.

All reports filed pursuant to Section 18.2-340.6 of the Code of Virginia, 1950, as amended, shall be audited by the county administrator or his designee. All such reports shall be a matter of public record.

The audit fee shall be one per centum of the gross receipts which an organization reports and of the interest income received from bingo or instant bingo operations, provided; however, the fee shall not exceed \$100 for gross receipts and interest income less than \$100,000, and in no case shall the fee exceed \$300. The audit fee shall accompany each annual report; however, if the gross receipts of an organization are less than two thousand dollars

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(\$2,000.00) for the designated reporting period, the audit fee may be waived. The audit fee shall be payable to the treasurer, James City County. (*Ord. No. 133, 9-10-79; Ord No. 133A-1, 9-13-82*)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| NORMENT | AYE |
| TAYLOR | AYE |
| MAHONE | AYE |
| DEPUE | ABSENT |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia,
this 1st day of August, 1988.

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