

## **ORDINANCE 2023-05**

### **AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, HEREBY RESCINDING AND REPLACING CHAPTER 5 – SECTION 3 OF THE BOROUGH CODE ENTITLED “LEGALIZED GAMES OF CHANCE”**

#### 5-3. LEGALIZED GAMES OF CHANCE

##### 5-3.1 Introduction

This chapter is for the purpose of regulating all games of chance held, operated or conducted within the Borough, pursuant to N.J.S.A. 5:8-24 et seq. and N.J.S.A. 5:8-50 et seq., and in accordance with the rules and regulations promulgated by the Legalized Games of Chance Control Commission in the Department of Law and Public Safety of the State of New Jersey. All applications, licenses and proceedings in connection therewith shall be subject to the provisions of such Acts and the rules and regulations and any laws, rules and regulations hereafter enacted and shall be further subject to the provisions of this chapter.

##### 5-3.2 Issuing Authority

The Issuing Authority, as defined in N.J.S.A. 5:8-24 et seq. and N.J.S.A. 5:8-50 et seq., responsible for approving bingo and raffle licenses shall be the Municipal (Borough) Clerk.

##### 5-3.3 Conduct of Games on Sunday

Licensees authorized by law to conduct any games of chance, including raffles and bingo, shall be permitted to conduct the same on any day of the week, including Sundays as provided by N.J.S.A. 5:8-31 and N.J.S.A. 5:8-58.

#### 5-3.4 License Application

The issuing authority shall approve or deny all applications for bingo or raffle licenses within thirty (30) days after the filing of the application. Applications must be filed with the Municipal (Borough) Clerk together with the required fees pursuant to law. The applicant shall demonstrate in writing compliance with the provisions of all applicable laws and regulations.

#### 5-3.5 Organizations Eligible for License

No license to conduct a game of chance as authorized by law shall be issued to any organization not having bona fide sites established in good faith within the State of New Jersey and actively engaged in serving one or more of the authorized purposes as defined by the rules and regulations of the Legalized Games of Chance Control Commission.

#### 5-3.6 Suspension or Revocation of License

The governing body, pursuant to N.J.S.A. 5:8-30 and N.J.S.A. 5:8-57, may suspend or revoke any issued bingo or raffle license, after a hearing, for any violation of this chapter or state law. The governing body may suspend the operation of a licensed bingo or raffle pending a hearing, in which case a hearing must be held within five (5) days after such action. Notice of a hearing shall be served personally upon an officer of the licensee or the member in charge of the conduct of the bingo or raffle or sent by registered mail or certified mail to the licensee at the address shown on the license. All decisions and findings by the governing body regarding the suspension or revocation of a bingo or raffle license shall be in writing.

### 5-3.7 Licensing Fees

- A. All licensing fees due and payable to the Legalized Games of Chance Control Commission shall be collected by the Municipal (Borough) Clerk at the time that an application is submitted and shall be submitted by the applicant on an instrument (check or money order) made payable to the Legalized Games of Chance Control Commission.
- B. The licensing fee due and payable to the Borough shall be the same as the fee paid by the applicant to the Legalized Games of Chance Control Commission.
- C. The Borough licensing fee shall be waived for qualified organizations which are domiciled or have their primary place of business within the Borough.

The foregoing Ordinance was duly adopted by the Mayor and Council at their Regular Meeting on April 25, 2023.

**Sean Asay**

**Borough Clerk**