

The following Ordinance was introduced by Councilperson Phillips at the scheduled meeting of the Winnfield City Council held on April 30, 2019, and is presented for adoption by Councilperson Phillips at the regularly scheduled meeting of the Winnfield City Council held May 14, 2019, to-wit:

ORDINANCE NO. 6 of 2019

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WINNFIELD, LOUISIANA, TO ADD SECTION 12-71 (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) TO THE CODE OF ORDINANCES OF THE CITY OF WINNFIELD, LOUISIANA TO PROVIDE FOR VIDEO BINGO OPERATION WITHIN THE CITY OF WINNFIELD, LOUISIANA, TO PROVIDE FOR ANY RELATED MATTERS AND PROVIDING AN EFFECTIVE DATE THEREFOR.

**BE IT RESOLVED** by the Mayor and City Council of the City of Winnfield, Louisiana that the Code of Ordinances of the City of Winnfield is hereby amended to add the following:

**SECTION 12-71 VIDEO BINGO PERMITTED**

- (a) **Permitted at Licensed Locations:** It shall be lawful for any bona fide nonprofit board association, corporation, or other organization domiciled in this state and qualified with the United States Internal Revenue Service for an exemption from federal income tax under Subsection 501(c) (3), (4), (5), (6), (7), (8), (10) or (19) of the Internal Revenue Code, or like organization authorized under the authority of LSA-R.S. 4:703 possessing a current, valid city and state bingo permit that authorizes the use of electronic video bingo machines, to use electronic video bingo machine or machines authorized pursuant to LSA-R.S. 4:701, et seq. at one licensed location; and the leasing or placement of such machines from state-approved distributors/suppliers. Any state-approved manufacturer or distributor of supplies or equipment for use in the conduct of any game of chance authorized under this Ordinance and any private contractor qualified to conduct games of chance as authorized under the provisions of R.S. 4:729 shall submit a permit application to the Office of the City Clerk, City of Winnfield, Louisiana. **"State-approved"** denotes a person or entity specifically licensed or otherwise approved by the State of Louisiana in accordance with LSA-R.S. 4:701, et seq.
- (b) **Application for License:** (1) Each **state-approved** manufacturer or distributor of supplies or equipment for the use in the conduct of any game of chance authorized under the provisions of R.S. 4:729 within the City of Winnfield shall apply for and obtain, on an annual basis, an

electronic video bingo distributor/manufacturer license from the City of Winnfield. (2) Every bona fide veteran's, charitable, educational, religious, or fraternal organization, civic, service club, and carnival organization ("**EVBL**") that desires to sponsor or conduct fund raising events using electronic bingo machine or machines shall apply for and obtain an electronic video bingo organization permit from the City of Winnfield. Every distributor, manufacturer and **EVBL** seeking a license or permit shall file with the Office of the City Clerk of the City of Winnfield a written application therefor, in the form prescribed by the Office of the City Clerk of the City of Winnfield, duly executed and verified, in which shall be stated the name and address of the applicant, the place or places where, the date or dates and the time or times when such electronic video bingo machine or machines are intended to be used by the applicant, or operated by the **EVBL**, under the license applied for. The majority of the organization's charity work shall be done within Winn Parish. During any calendar year, no more than one-third (1/3) of the **EVBL** permits issued by the City shall be granted to organizations whose domicile or principal place of business operation is outside the corporate limits of the City, except that the Mayor is hereby authorized to waive this limitation for good cause.

- (c) **Term of License or Permit:** Licenses or permits issued by the City to a distributor/manufacturer and **EVBL** shall be effective each year for the period of July 1<sup>st</sup> through June 30<sup>th</sup> of the following year. Fees for a partial year shall not be prorated.
- (d) **License Processing Fee:** An annual, nonrefundable licensing fee of Two Hundred Fifty (\$250.00) Dollars shall be paid to the City by each distributor/manufacturer or operator to defray the costs of reviewing and processing an application. Each **EVBL** that seeks a charitable organization permit shall pay an annual nonrefundable fee of Ten (\$10.00) Dollars.
- (e) **Machine Permit Fee:** An annual fee of Twenty (\$20.00) Dollars for each machine to be permitted on the licensee's premises shall be paid to the City by the distributor/manufacturer, and be included with the application or renewal application.
- (f) **Maximum Number of Machines Permitted:** No one (1) site used by a licensee or permittee under this Ordinance shall have in operation more than thirty-five (35) electronic video bingo machines at the licensed location.
- (g) **Louisiana Statutory Provisions:** Where any provisions hereof conflict

with the provisions of LSA-R.S. 4:701, et seq., the application provisions of such state law and the applicable provisions contained in the Louisiana Administrative Code promulgated pursuant thereto, shall govern. Each **EVBL** shall meet all requirements of state law regarding the operation of electronic video bingo games and use of electronic video bingo machines.

- (h) **Licensed Locations:** The operation of electronic video bingo machines as authorized by this ordinance shall not be allowed in any property zoned Residential or in any location prohibited by City Zoning Ordinances. The location of the one authorized must be 1) approved by the City of Winnfield; 2) be prohibited from the sale of alcohol; 3) shall not be located within 150 feet of a church, and 4) shall not be allowed to open on Sundays prior to 2:00 P.M.
- (i) **Net Proceeds:** For purposes of this ordinance, the term **“Net Win”** shall mean the sum obtained by subtracting total coins in minus the total amount paid out on any ticket voucher tendered for cash money. At least forty-five (45%) percent of the **Net Win** from each electronic video bingo machine shall be paid to the **EVBL**. Throughout the period of time which electronic video bingo devices are authorized for use in the State of Louisiana, the sum of two (2%) percent of the **“Coin In”** per month shall be paid as a tax to the City of Winnfield.
- (j) **General:** Except as specifically provided with respect to electronic video bingo, all other requirements and penalties relating to occupational licenses, bingo, keno and raffles shall apply to the operation of electronic bingo machines. To the extent of any conflict, the provisions of this section shall control

#### REPEALER

BE IT FURTHER ORDAINED by the City Council of the City of Winnfield, Winn Parish, Louisiana, that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

#### SEVERABILITY

BE IT FURTHER ORDAINED by the City Council of the City of Winnfield, Winn Parish, Louisiana that this ordinance is deemed severable and accordingly, should any part or portion hereof be declared invalid or unconstitutional, then the rest and remainder of the ordinance which can be enforced without regard to such invalid or unconstitutional part or portion shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall be effective on publication hereof and the expiration of the required legal delays.

The above Ordinance was introduced on April 30, 2019. A hearing on the above Ordinance was held on May 14, 2019, at a regular meeting of the Mayor and City Council of the City of Winnfield, Louisiana, and thereafter the vote thereon was recorded as follows, to-wit:

YEAS: 3

NAYS: 1

ABSENT: 1

ABSTAINING: 0

Thereupon the Mayor declared the Ordinance passed by a vote of 3 yeas and 1 nays, on the 14<sup>th</sup> day of May 2019, at a regular meeting of the Mayor and City Council of the City of Winnfield, Louisiana.

Katina Smith

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KATINA SMITH, CITY CLERK

George Moss

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GEORGE MOSS, MAYOR