

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of ...Newcomb.....
Town
Village

FILED
STATE RECORDS
NOV 27 2009

Local Law No. / of 2009.

DEPARTMENT OF STATE

**A LOCAL LAW AUTHORIZING CERTAIN GAMES OF CHANCE FOR
NON-PROFIT CAUSES IN THE TOWN OF NEWCOMB**

Be it enacted by theTown Board..... of the
(Name of Legislative Body)

County
City of Newcomb.....as follows:
Town
Village

ARTICLE 1. Purpose. The purpose of this Local Law is to provide for the orderly and lawful conduct of certain games of chance in the Town of Newcomb to raise funds for *bona fide* charitable, educational, religious and other non-profit causes. It is adopted pursuant to General Municipal Law §188 and Municipal Home Rule Law §10.

ARTICLE 2. Games of Chance

Section 2.1 - Definitions: "Games of Chance" shall mean and include only the games known as "merchandise wheels", "coin boards", "merchandise boards", "seal cards", "raffles", and "bell jars" and any other specific games authorized by the New York State Racing and Wagering Board, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance. "Games of Chance" shall not include games commonly known as "bingo or lotto" which are controlled under Article 14-H of the New York General Municipal Law or "bookmaking", "policy or numbers games" or "lottery" as defined in Section 225.00 of the New York Penal Law. No game of chance shall involve wagering of money by one player against another player.

(continued on page (1-A))

"Authorized Organization" shall mean and include any bona fide religious, charitable, educational, fraternal or service organization or bona fide organization of veterans or volunteer firemen, which (a) by its charter, certificate of incorporation, constitution or act of the legislature, has among its dominant purposes one or more of the lawful purposes defined in New York General Municipal Law Section 186, (b) operates without profit to its members and (c) has engaged in serving one or more of the lawful purposes as defined in New York General Municipal Law Section 186 for a period of three (3) years immediately prior to applying for a license under this Local Law. No organization which is formed primarily for the purpose of conducting Games of Chance and which does not devote at least seventy-five percent (75%) of its activities to other than conducting Games of Chance shall be deemed an "Authorized Organization". No political party shall be deemed an "Authorized Organization".

Section 2.2 - Generally: An authorized organization may conduct games of chance or lease premises for conducting games of chance or otherwise make premises available therefor after obtaining a license from the Town Clerk, subject to the procedures, requirements and restrictions set forth in Article 9-A of the New York General Municipal Law.

Section 2.3 - Procedures: Licenses to conduct games of chance or to lease premises for conducting games of chance shall be issued by the Town Clerk pursuant to the application, investigation, hearing and other provisions of New York General Municipal Law Sections 190 - 192.

Section 2.4 - Restrictions: The conduct of games of chance and the lease or other providing of premises for conducting games of chance shall be subject to the requirements and restrictions set forth in General Municipal Law Article 9-A.

ARTICLE 3. Severability. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

ARTICLE 4. Repealer. All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local law are hereby repealed.

ARTICLE 5. Effective Date. This Local Law shall take effect upon approval by the affirmative vote of a majority of the qualified electors of the Town voting at the general election to be held on November 3, 2009, and upon filing in the office of the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the [Town Board] on [DATE], in accordance with the applicable provisions of law.
(Name of Legislative Body)~~

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 199____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 199____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2009.. of the (County)(City)(Town)(Village) ofNewcomb..... was duly passed by theTown Board..... on ...August 25, 2009... and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 199____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on ...November 3, 2009... in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 199____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 199____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 199____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

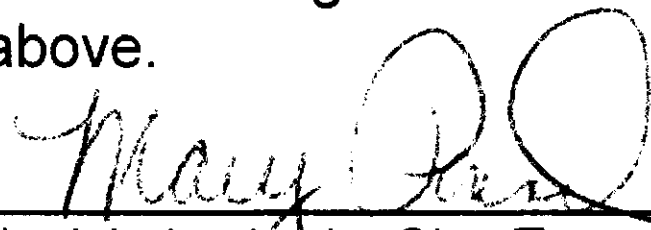
~~I hereby certify that the local law annexed hereto, designated as local law No. of 199.... of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on, 199....., became operative.~~

6. (County local law concerning adoption of Charter.)

~~I hereby certify that the local law annexed hereto, designated as local law No. of 199.... of the County of, State of New York, having been submitted to the electors at the General Election of November, 199....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the town of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ... 3, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

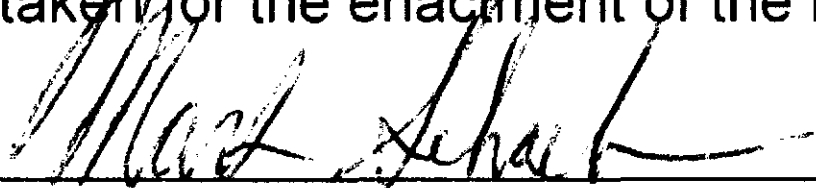
(Seal)

Date: 11-19-09

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WARREN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature: **Mark Schachner, Esq.**

Town Counsel

Title

County

City

Town of Newcomb

Village

Date: November 19, 2009