

ORDINANCE #2-21

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ENTITLED "GENERAL LICENSING AND BUSINESS REGULATIONS" AT SECTION 5-12 (GAMES OF CHANCE)

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, Chapter V of the Borough's Revised General Ordinances establishes General Licensing and Business Regulations; and

WHEREAS, the Governing Body of the Borough desires to amend the section of Chapter V governing the licensing and regulation of Games of Chance commonly referred to as bingo and raffles; and

WHEREAS, the Council of the Borough (the "**Council**") has determined to amend Chapter V referenced therein to provide for such amendments (additions are underlined, deletions are ~~stricken~~).

NOW THEREFORE, BE IT ORDAINED by the Council that the Revised General Ordinances of the Borough of Keyport, Chapter V be and hereby is amended and supplemented as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter V of the Revised General Ordinances of the Borough of Keyport is hereby amended to read as follows:

§ 5-12 GAMES OF CHANCE.

- a. Games of chance commonly known as bingo and raffles, as provided by N.J.S.A. 5:8-24 et seq. and through N.J.S.A. 5:8-50 et seq. may be conducted in the Borough on any day of the week, including the first day of the week commonly known and designated as Sunday, provided the applicant for the license to conduct such games otherwise qualifies under the provisions of N.J.S.A. 5:8-25 and N.J.S.A. 5:8-51, and the rules and regulations of the Legalized Games of Chance Control Commission (herein, "the Control Commission"), which restrict the availability of such licenses to bona fide religious, charitable, fraternal and other such organizations.
- b. ~~Except as provided by paragraph d. herein, t~~The Borough shall charge a fee in the amount equal to the amount charged by the Control Commission, as set forth in N.J.A.C. 13:47-4.9 or equivalent section as may be amended from time to time.

- c. Keyport volunteer fire companies and first aid squads are exempt from the fees imposed by the Borough pursuant to paragraph b. Upon the adoption of this paragraph, [1] The Borough of Keyport shall not waive the municipal fee established under paragraph b. for any other religious, charitable, fraternal or other such organizations within the Borough of Keyport. The Borough shall be entitled to receive a municipal fee for each and every pull tab ticket/raffle application made by entity within the Borough of Keyport. Nothing set forth in this paragraph c. shall exempt any organization from payment of any fee due to the Control Commission.
- d. At the request of any bona fide religious, charitable, fraternal or other not-for-profit organization, the Borough of Keyport shall waive the municipal yearly fee established for any machine-generated pull tab tickets and/or raffles utilized within the Borough of Keyport. This waiver shall only apply to tickets generated directly from a machine operated and located within the Borough of Keyport. Nothing set forth in this paragraph d shall exempt any organization from payment of any fee due to the Control Commission.
- e. The authority to approve the granting of bingo and raffle licenses in accordance with the Rules of Legalized Games of Chance, N.J.A.C. 13:47-1.1 is hereby delegated to the Borough Clerk.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: March 16, 2021

Public Hearing: April 6, 2021

Adopted: April 6, 2021

Michele Clark, RMC, Borough Clerk

Collette J. Kennedy, Mayor