

ORDINANCE NO. 40
October 14, 1992

BE IT ORDAINED by the Mayor and the Council of the Town of Madisonville, Chapter 2, titled Business License, Section 3 of the "Code of Ordinances" of the Town of Madisonville be amended as follows:

3.0 PEDDLERS

All peddlers, defined by Louisiana Revised Statutes, shall obtain a license costing \$200.00, except for itinerant vendors of agricultural products purchased directly from farmers; and itinerant vendors of seafood products who has either harvested the seafood himself or purchased the seafood directly from commercial fishermen or shrimpers, whose license shall be \$100.00

3.1 VIDEO POKER DEVICES

Every person engaged in the business of operating video draw poker devices or similiar devices licensed and permitted under the provision of R.S.: 33:4862, shall obtain a license costing \$50.00 for each such device.

I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its' regular meeting held on Wednesday, October 14, 1992, at 7:30 PM, following the reading of said ordinance, section by section, on motion by David Stein and seconded by Jean Pelloat with the vote thereon as follows:

YEAS: L.P. Ostendorf, Jerry Lange, David Stein, Jean Pelloat

NAYS: None

ABSENT: Danny Tyrney

Cynthia C. Phelps
Town Clerk

[Signature]
or

BE IT ORDAINED BY THE Mayor and the Council of the Town of Madisonville that the "Code of Ordinances" of the Town of Madisonville be amended as follows and the Sections shall be made to coincide with the existing sections of the Code.

OCCUPATIONAL LICENSE TAX

Section 1: Annual License Tax

There is hereby levied an occupational license tax for the year 1988 and for each subsequent year, upon each person pursuing and conducting any business, trade, calling, profession, or vocation, within the corporate limits of the (village, town, city), subject to license under the Louisiana Constitution and laws of this state.

Section 2: Adoption of State Laws

The amount of license tax levied in each case is hereby fixed, determined, and ordained to be the same as that fixed, levied, and collectable by the governing authority under, and shall be granted in accordance with the provisions of Louisiana Revised Statutes, Title 47, Sections 341 through 363, inclusive, as amended, and all other applicable laws, all of which for all purposes of this ordinance are made a part hereof by reference as if written herein in extenso.

Section 3: Peddlers

All peddlers, defined by Louisiana Revised Statutes, shall obtain a license costing one hundred dollars.

Section 4: Effective Date

This ordinance shall become effective January 1, 1988.

Section 5: Repealer Clause

All other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

Section 6: Severability Clause

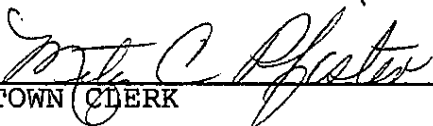
If any provision of this ordinance, or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, of this ordinance are hereby declared severable.

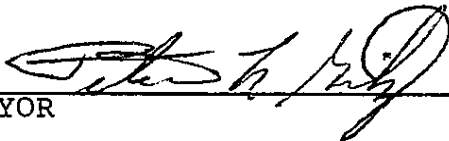
I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at it's regular meeting held on Wednesday, May 13, 1987 at 7:30 p.m. following the reading of said ordinance section by section, on motion by Mrs. P. Pelloat and seconded by Mr. Tyrney with the vote thereon as follows:

YEAS: Mr. Ostendorf, Mr. J. Pelloat, Mr. Baham, Mr. Tyrney
and Mrs. P. Pelloat

NAYS: None

ABSENT: None


TOWN CLERK


MAYOR

CHAPTER 2

Section 2.1 Annual License Tax.

There is hereby levied an occupational license tax for the year 1982 and for each subsequent year, upon each person pursuing and conducting any business, trade, calling, profession or vocation, within the corporate limits of the Town of Madisonville, Louisiana, subject to license under the Louisiana Constitution and laws of this state.

Section 2.2 Adoption of State Laws.

The amount of license tax levied in each case is hereby fixed, determined and ordained to be the same as that fixed, levied and collectable by the governing authority under, and shall be granted in accordance with, the provisions of Louisiana Revised Statutes, Title 47, Section 341-405, both inclusive, as amended, and all other applicable laws, all of which for all purposes of this ordinance are made a part hereof by reference as if written herein in extenso.

Section 2.3 Exemptions, Definitions, Classifications:Adoption.

For the purpose of this ordinance, the exemptions, limitations, definitions, and classifications in effect on December 31, 1981, as provided in said statutes, as amended, and in any act hereinafter passed, amending same, are hereby adopted.

Section 2.4 License Required for Each Location.

(A) Except as otherwise expressly provided, any person taxed, having one (1) or more places of business within the corporate limits, shall pay a separate license fee for each class of business conducted at each place. Only one (1) license shall be required for each place of business, which license shall be based upon the classification of business which constitutes the major portion of the taxable annual gross sales or taxable annual gross receipts.

(B) All gross receipts, sales fees, premiums or commissions derived from any business or occupation taxed under this article, whether earned within or without the municipality, shall for the proper basis upon which all license shall be assessed and collected by the tax collector.

Section 2.5 Due and Payment Dates.

(A) On January first of 1982 and each succeeding year the license tax herein authorized to be levied shall be due and payable to the collector of municipal taxes, who shall commence collecting the tax from each person pursuing and conducting any business subject to taxation under this

ordinance, the Louisiana Constitution, and applicable laws of the state. All license taxes levied hereunder shall be due and payable on January first of each calendar year for which the license is due, except that for a new business commencing after January first of any calendar year, the first license shall be due and payable on the date the business is commenced.

(B) All licenses unpaid prior to March first of each calendar year for which they are due or, in the case of a new business, unpaid on the date such business is commenced shall be deemed delinquent and subject to the payment of delinquent interest and penalty.

Section 2.6 Failure to pay Tax: Judgment Prohibiting Further Pursuit of Business.

Failure to pay the tax levied under authority of this ordinance shall ipso facto, without demand or putting in default, cause the tax, interest, penalties, and costs to become immediately delinquent. The tax collector or other tax collecting official is hereby vested with authority, on motion in a court of competent jurisdiction, to take a rule on the delinquent taxpayer to show cause in not less than two nor more than ten days, exclusive of holidays, why the delinquent taxpayer should not be ordered to cease from further pursuit of the business taxed under authority of this ordinance. This rule may be tried out of term and in chambers and shall be tried by preference. If the rule is made absolute, the order therein rendered shall be considered a judgment in favor of the local governmental subdivision prohibiting the taxpayer from the further pursuit of the business thereof until he has paid the delinquent tax, interest, penalties, and costs, and every violation of the injunction shall be considered a contempt of court, punishable according to law.

Section 2.7 Effective Date.

This ordinance shall become effective January 1, 1982.

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AN ORDINANCE PROVIDING FOR THE
LICENSING AND REGULATION OF
CHARITABLE RAFFLES, BINGO AND KENO

WHEREAS, the applicable State law empowers cities and towns such as the Town of Madisonville to license and regulate Raffles, Bingos and Keno games, and:

WHEREAS, it is deemed advisable to enact a local ordinance providing for such regulation and licensing.

NOW, THEREFORE, BE IT ORDAINED by the ^{Mayor and the} TOWN COUNCIL for the TOWN OF MADISONVILLE, in regular session convened, that the following ordinance is hereby adopted and to be numbered and entitled so as to conform with the applicable code of ordinances for Madisonville, to-wit:

CHARITABLE RAFFLES, BINGO AND KENO
LICENSING AND REGULATION LAW

SECTION 1: Legalized.

Charitable raffles, bingo and keno shall be legal and permitted subject to the provisions of this article.

SECTION 2: Authorization to license certain organizations.

Bona fide veterans, charitable, educational, religious, or fraternal organizations, civic and service clubs, which possess the appropriate nonprofit designation issued by the federal Internal Revenue Service are authorized to hold and operate the specific kind of game or games of chance commonly known as raffle or raffles played by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such game or games and by conducting the game or games accordingly, the game of chance commonly known as bingo or keno played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, and the game of chance commonly known as pull-tabs played for prizes with cards or tickets and as defined in R.S. 33:4861.2, by selling shares or tickets or rights to participate in such games and by conducting the games accordingly when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious, or public spirited uses, and when so licensed, to hold, operate, and conduct such games of chance exclusively by its active members pursuant to this Part and for such licensee in such municipality or parish, to sell shares or tickets or rights to participate in such game or games of chance therein, and under such conditions and regulations for the supervision and conduct thereof, as shall be prescribed by rules and regulations duly adopted, from time to time, by the municipality or governing body of the parish not inconsistent with the provisions of this Part, and for any person or persons to participate in and play such games of chance conducted under any license.

SECTION 3: Application for license.

Each applicant for such a license shall file with the clerk of the municipality ~~or with the governing body of any parish~~ a written application therefor in the form prescribed in said rules and regulations, duly executed and verified, in which shall be stated the name and address of the applicant together with sufficient facts relating to its incorporation and organization to enable the municipality ~~or governing body of any parish~~ to determine whether or not it is a bona fide organization or association; the names and addresses of its officers; the specific kind of game or games of chance intended to be held, operated and conducted by the applicant, and the place or places where, the date or dates and the time or times when, such game or games of chance are intended to be conducted, by the applicant, under the license applied for; the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such game or games of chance and the names and addresses of the persons to whom, and the purposes for which they are to be paid; the specific purposes to which the entire net proceeds of such game or games of chance are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting or assisting in the holding, operation or conduct of, such games of chance; and a description of all prizes to be offered and given in all such games of chance to be held, operated and conducted under such license and such other information as shall be prescribed by such rules and regulations.

In each application there shall be designated an active member or members of the applicant under whom the game or games of chance described in the application are to be held, operated and conducted and to the application shall be appended a statement executed by the applicant and by the member or members, so designated, that he or they will be responsible for the holding, operation and conduct of such game or games of chance in accordance with the terms of the license and the provisions of said rules and regulations governing the holding, operation and conduct of such game or games of chance and of this Part, if such license is granted.

SECTION 4: Investigations of license applicant; issuance of license.

The city shall make an investigation of the qualifications of each applicant for the license required by this article and the merits of the application, within thirty (30) days after filing of the application and shall determine: If the applicant is duly qualified to hold, operate and conduct games of chance under the provisions of this article and the rules and regulations governing the holding, operating and conduct thereof in the city; that the member of the applicant designated in the application to hold, operate or conduct or assist in holding, operating or conducting the games of chance, to hold, operate and conduct which the license is applied for, is a bona fide active member of the applicant and a person of good moral character and has never been convicted of

entry at all times into any premises where any such game of chance is being held, operated and conducted or where it is intended that any game of chance shall be held, operated and conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purposes of inspecting the same.

SECTION 9: Number of games per month.

No game of chance shall be held, operated or conducted under any license issued under this article oftener than six (6) days in any one calendar month.

SECTION 10: Use of electronic or video bingo games.

A. Electronic or video machines, hereafter termed "electronic bingo machines", for public playing of bingo may be made available at any location licensed under this Part for charitable bingo, provided that all requirements of this Part not in conflict with the provisions of this Section are met.

B. Any such electronic bingo machine shall be subject to the following requirements and restrictions concerning its operation and use:

(1) The cost of each game play shall be not less than one quarter nor more than four quarters.

(2) Payout shall be not less than eighty percent and not more than ninety percent of the total amount wagered.

(3) The maximum prize awarded shall be not more than one thousand dollars.

(4) A machine shall dispense no cash, only tickets verifiable as valid indicating the prize amount.

(5) A machine shall play the game of bingo as described in R.S. 33:4861.4, except that a random number generator in the machine shall replace the drawing of numbered objects from a receptacle, and may play "cover-all bingo" in which all numbers of the card must be covered.

(6) A machine shall allow the player a choice of cards on which to play and must show a "BINGO" at the end of play.

(7) A machine shall allow only a linear based payout in which the amount of the payout follows a straight line progression in direct proportion to the amount wagered.

(8) A machine shall provide for an electronic readout giving, at a minimum, a summary of total wagers, total plays, total payout, and current prize allotment since the last date of summary or the last date of reset of the machine.

C. An electronic bingo machine may be leased by any holder of a bingo license issued pursuant to this Part. However, in no case shall any lease agreement entered into authorize the lessor to receive a percentage of the receipts from the machine.

D. Only cash prizes may be awarded winners of games on an electronic bingo machine.

E. At least forty-five percent of the net win from the machine must be paid to the licensee owning or leasing it.

F. The attorney general is authorized to adopt, pursuant to

the Administrative Procedure Act, additional rules and regulations governing the use of electronic bingo machines and may establish a list of manufacturers, distributors, suppliers, and lessors authorized to provide electronic bingo machines or a list of acceptable models of the machines, or acceptable serial numbers on such models or manufacturers, distributors, suppliers, or lessors.

SECTION 11: Pull-tabs.

A. No organization, distributor, or manufacturer, or any representative thereof, either with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell, or otherwise furnish to any person any deal of pull-tabs:

(1) In which the winning pull-tabs have not been completely and randomly distributed and mixed among all other pull-tabs in the deal;

(2) In which the location or approximate location of any of the winning pull-tabs can be determined in advance of opening the pull-tabs in any manner or by any device, including but not limited to any pattern in the manufacture, assembly, or packaging of pull-tabs by the manufacturer, by any markings on the pull-tabs or container, or by the use of a light; or

(3) Which does not conform in any respect to these requirements as to manufacturer, assembly, or packaging.

B. Effective January 1, 1986, a distributor shall not purchase or be furnished any deal of pull-tabs from a manufacturer of pull-tabs unless all of the following conditions are met:

(1) The manufacturer's label or trademark has been registered with the office of state police.

(2) Each individual pull-tab manufactured has conspicuously set forth on it the name of the manufacturer or a label or trademark which identifies its manufacturer.

(3) The pull-tab is of a type approved by the office of state police for use in Louisiana.

SECTION 12: Persons entitled to hold games; equipment; expenses; commissions or salaries.

No person shall hold, operate or conduct or assist in holding, operating or conducting any game or games of chance under any license issued under this article except an active member of the organization or association to which the license is issued, and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance, held, operated or conducted pursuant to any license issued under this article, except such as are bona fide items of reasonable services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever, and whatever shall be paid or given, directly

or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct, of any game of chance so held, operated or conducted.

SECTION 13: Statement of receipts; expenditures; books and records

Within ten (10) days after the conclusion of the holding, operating and conducting of any such game of chance, pursuant to this article, the organization or association which held, operated or conducted the same and its member or members who were in charge thereof, shall furnish to the secretary of the city a duly verified statement showing the amount of the gross receipts derived from each such game of chance, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participating in said game or the right to participate therein, each item of expense incurred, or paid, and each item of expenditure therein made or to be made, name and address of each person to whom each such item has been, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the uses to which such net profit has been or is to be applied and a list of prizes offered or given, with the respective values thereof. It shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

SECTION 14: Examination of books, records and personnel.

The city shall have power to examine or to cause to be examined the books and records of any organization or association to which a license is issued pursuant to this article so far as they may relate to any transaction connected with the holding and conducting of any game of chance thereunder and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance under any such license, but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this article.

SECTION 15: Immunities.

No persons:

(1) Possessing, selling or, any manner disposing of, in the city, any shares, tickets or rights to participate in any games of chance conducted or to be conducted under any license lawfully issued pursuant to this article;

(2) Lawfully conducting or participating in the conduct of any such game of chance; or

(3) Permitting the conduct of any such game of chance upon premises owned by him or it, of any game of chance conducted or to be conducted under any license lawfully issued pursuant to this article;

shall be liable to prosecution or conviction for violation of any provision of R.S. 14:90, however, this immunity shall not extend to any person knowingly conducting or participating in the

conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets, or rights to participate in, or permitting the conduct upon any premises owned by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false or fraudulent pretense or statement.

SECTION 16: Violations

Any person who or which shall make any false statement in any application for a license under this article, or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating and conducting of any game of chance under any such license, or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any game of chance under any such license, or shall violate any of the provisions of this article or of any terms of such license, shall be a disorderly person and if convicted as such shall, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under this article and shall be ineligible to apply for a license under this article for one year thereafter.

PASSED AND ADOPTED at Madisonville, Louisiana on this _____ day of _____, 1986.

President of the Council

Clerk to the Council

Mayor

crime; that such games of chance are to be held, operated and conducted in accordance with the provisions of this article and in accordance with Louisiana Revised Statutes 33:4861.1 - 4861.16, governing the holding, operation and conduct thereof and that the proceeds thereof are to be disposed of as provided by this article; and if the city is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation or conduct of any such game of chance, it shall issue a license to the applicant for the holding, operation and conduct of the specific kind, or one of the specific kinds, of games of chance applied for accordingly.

SECTION 5: Hearing prior to denial of license.

No application for the issuance of a license pursuant to this article shall be refused by the city until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

SECTION 6: Duration of license.

No license for the holding, operation or conduct of any game or games of chance shall be issued under this article which shall be effective for a period of more than one year.

SECTION 7: Form of license; posting.

Each license granted by the city pursuant to this article shall be in such form as the city shall determine and contain any other information which the city shall require or deem necessary and shall contain a description of the kinds of games of chance authorized to be held, operated and conducted thereunder, a statement of the name and address of the licensee, of the names and addresses of the member or members of the applicant under whom such games of chance are authorized to be conducted and the place or places where any of the specific purposes to which the entire net proceeds of such game or games of chance are to be devoted; and any other information which may be required by said rules and regulations to be contained therein. Each license issued for the conduct of any game of chance shall be conspicuously displayed at the place where any game is to be conducted thereunder at all times during the conduct thereof.

SECTION 8: Control and supervision over games.

The city shall have and exercise control and supervision over all games of chance held, operated or conducted under a license issued pursuant to this article, to the end that the same are fairly held, operated and conducted in accordance with the provisions of such license and the provisions of this article and provisions of Revised Statutes 33:4861.1 - 4861.16 governing the holding, operating and conduct of the same. The city shall have the power and authority to suspend any license issued by it and to revoke the same, after hearing, for any violation of any such provisions, and shall by its officers and agents have the right of