

ORDINANCE NO. 1875

AN ORDINANCE to amend and reordain Sections 23-13, 23-14, 23-15, 23-16, 23-17 and 23-18, all of Chapter 23 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 23 relates to OFFENSES-- MISCELLANEOUS, which Section 23-13 formerly related to GAMBLING-- GENERALLY and now relates to GAMBLING--GENERALLY--PENALTY, which Section 23-14 formerly related to SAME--KEEPING GAMING BANK, GAMING TABLES, ETC. and now relates to SAME--KEEPING GAMING BANKS, GAMING TABLES--PENALTY AND SEIZURE, ETC., which Section 23-15 formerly related to SAME-- OCCUPANT OF PREMISES PERMITTING GAMING BANKS, GAMING TABLES, ETC. and now relates to SAME--OCCUPANT OF PREMISES PERMITTING GAMING BANKS, GAMING TABLES--PENALTY, ETC., which Section 23-16 formerly related to SAME--LOTTERY, ETC. and now relates to SAME--LOTTERY-- PENALTY, ETC., which Section 23-17 formerly related to SAME--SAME-- PENALTY and now relates to BINGO GAMES AND RAFFLES ALLOWED CERTAIN ORGANIZATIONS WITH PERMIT--REGULATIONS AND PROCEDURES, REVOCATION OF PERMITS, APPEALS AND PENALTIES, and which Section 23-18 formerly related to SAME--SAME--MONEY, ETC., DRAWN OR PROPOSED TO BE DRAWN FORFEITED TO CITY and now relates to SAME--FORFEITURE OF MONEY, ETC., DRAWN AND PROPERTY USED IN LOTTERY; INNOCENT OWNERS OR LIENORS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 23-13, Chapter 23 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 23-13. Gambling--Generally--Penalty.

(a) Any person who shall bet, wager or play at any game for money or other thing of value shall be fined not exceeding one hundred dollars, or confined in jail not exceeding sixty days, or both.

(b) This section shall not apply to any bingo game or raffle conducted in accordance with Section 23-17.

Section 2. That Section 23-14, Chapter 23 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 23-14. Same--Keeping gaming banks, gaming tables-- Penalty and seizure, etc.

If any person shall keep or exhibit, for the purpose of gaming, any gaming table or bank of any name or description whatever or any table or bank used for gaming which has no name, any wheel of fortune or slot machine, or any pigeon-hole table or Jennie Lynn table whether the game or table be played with cards, dice or otherwise, or be a partner or concerned in interest in the keeping or exhibiting such table or bank, he shall be confined in jail not less than two nor more than six months, and fined not less than one hundred nor more than five hundred dollars.

Any such table, bank or wheel of fortune, and all the money, stakes or exhibits to allure persons to bet at such table, bank or wheel may be seized by order of the court, or under warrant of a justice of the peace or a judge or clerk of a court not of record, and the money so seized shall be forfeited, one-half to the person making the seizure and the other half to the city, and the table, bank, machine or wheel shall be burned; provided that when any billiard or pool table or other paraphernalia, not inherently gambling paraphernalia, is so seized, the court may, in its discretion, award the same to some charitable organization or war recreation center, upon condition that it be used only for the purpose of recreation.

Section 3. That Section 23-15, Chapter 23 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 23-15. Same--Occupant of premises permitting gaming banks, gaming tables--Penalty, etc.

If any person knowingly permit a gaming table, gaming bank or wheel of fortune, such as is mentioned in the preceding section, to be kept or exhibited on any premises in his occupation, or shall keep a place resorted to for the purpose of gaming, or a place frequented for such purposes, or shall reside in such place for such purposes, he shall be confined in jail not exceeding six months, and fined not less than one hundred nor more than five hundred dollars.

Section 4. That Section 23-16, Chapter 23 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 23-16. Same--Lottery--Penalty, etc.

If any person shall:

(a) Set up, promote or be concerned in managing or drawing a lottery or raffle for money or other thing of value,

(b) Knowingly permit such lottery in any house under his control,

(c) Knowingly permit money or other property to be raffled for in such house, or to be won therein, by throwing or using dice, or by any other game of chance,

(d) Knowingly permit the sale in such house of any chance or ticket in, or share of a ticket in, a lottery, or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize or share of, or interest in a prize to be drawn in a lottery, or,

(e) For himself or another person, buy, sell or transfer, or have in his possession for the purpose of sale or with intent to exchange, negotiate or transfer, or aid in selling, exchanging, negotiating or transferring, a chance or ticket in or share of a ticket in a lottery, or any such writing, certificate, bill, token or device,

he shall be confined in jail not exceeding six months, and fined not exceeding five hundred dollars.

Section 5. That Section 23-17, Chapter 23 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 23-17. Bingo games and raffles allowed certain organizations with permit--regulations and procedures, revocation of permits, appeals and penalties.

(a) Section 23-16 shall not apply to any bingo game or raffle conducted solely by any of the following:

(1) A voluntary fire department or rescue squad which has been reorganized by an ordinance or resolution of the political subdivision where the voluntary fire department or rescue squad is located as being part of the safety program of such political subdivision.

(2) An organization, which for purposes of this section, shall be defined as any of the following which operates without profit and which has been in existence continuously for a period of two years immediately prior to seeking a permit as hereinafter provided:

(i) A corporation, trust, church, association, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, community or educational purposes;

(ii) Posts or associations of war veterans or auxiliary units or societies of any such posts or associations, if such posts, associations, units or societies are organized in the United States or any of its possessions;

(iii) A fraternal society, order or association operating under the lodge system;

(iv) A corporation or association organized and operated exclusively for the restoration and maintenance of historic gardens and the general promotion of beautiful gardens.

(b) No part of the gross receipts derived from any bingo game or raffle regulated by this section shall inure directly or indirectly to the benefit of any private shareholder, member, agent or employee of any such volunteer fire department, rescue squad or organization; and provided further, that any such volunteer fire department rescue squad or organization shall not enter into a contract with any person or firm, association, organization, partnerships or corporation of any classification whatsoever, for the purpose of organizing, managing or conducting bingo games or raffles. Such volunteer fire department, rescue squad or organization may delegate the authority or duty of organizing, managing or conducting bingo games or raffles only to a natural person or persons who are bona fide members of such volunteer fire department, rescue squad or organization..

(c) No such volunteer fire department or rescue squad located in the city or organization whose business office is located in the city shall conduct any bingo game or raffle without first obtaining an annual permit from the City Council. The Director of Finance is hereby authorized and directed to issue permits on behalf of City Council. The Director of Finance shall prepare a form which shall be used by all parties applying for a permit. The Director of Finance shall use the standards enumerated in subsections (a), (b), and (c) above in determining whether or not to issue a permit. To defray partially the cost of administering and enforcing the provisions of this section, there shall be an administrative fee of TWENTY-FIVE DOLLARS (\$25.00) payable to the city upon issuance of each permit. All permits shall be on a calendar year basis with no pro-ration for a partial year.

(d) In addition to obtaining an annual permit, any such volunteer fire department, rescue squad or organization shall notify the Director of Finance in writing of the date, location and time of any planned bingo game or raffle at least five days before the bingo game or raffle is to be conducted. If any volunteer fire department, rescue squad, or organization plans to hold bingo games or raffles on a regular basis, a single written notification will be sufficient.

(e) No such volunteer fire department, rescue squad or organization shall place or permit to be placed on the premises or within one hundred yards of the premises where such bingo game is to be conducted, any sign or signs advertising such bingo game.

(f) Records of all receipts and disbursements shall be kept and shall be filed with the Commissioner of Accounts during the month of January following the calendar year for which the permit referred to in subsection (c) above was issued. Such record shall be a matter of public record.

(g) The Director of Finance, on behalf of City Council, may revoke the permit of any volunteer fire department, rescue squad or organization found to be not in compliance with this section.

(h) Any person denied a bingo and raffle permit or who has had such a permit revoked by the director of finance, may appeal to the city council by filing a written notice with the city clerk within fifteen (15) days of the decision. Such appeal shall be de novo.

(i) Any group eligible to conduct any bingo game or raffle within the city may do so only at an approved location. No location shall be approved which is in or on the grounds of any single family, two family or row dwelling. No location shall be approved which is on the grounds of any multi-family dwelling or inside any multi-family dwelling in an area used for dwelling purposes. The prohibition of the preceding sentence shall not apply to an inside area normally used for group activities such as assemblies, meetings, or recreation. Applications for approved locations shall be made in writing to the director of planning and regional affairs on a form prepared by the director. Upon receipt of an application the director shall forthwith send a copy of such application to the department of traffic, the department of health, the fire department and his own department for review and comment with respect to the standards set forth in (1) through (4) below.

The director of planning and regional affairs shall schedule a public hearing on any application and shall notify in writing property owners within 300 feet of the boundaries of the site proposed, at least 15 days prior to said hearing. The placing of such notice in the mail shall be considered sufficient service.

At the public hearings the director of planning and regional affairs shall consider the reports of the above mentioned departments and any comments of the applicant, property owners, and the public. At the conclusion of the public hearing the director shall approve the location applied for unless he finds that one or more of the standards set forth in (1) through (4) below will be violated:

(1) The noise level will be increased so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in the vicinity.

(2) The access of fire-fighting or other emergency vehicles will be significantly impaired.

(3) Undue congestion will be caused in surrounding areas.

(4) Property values in the area will be substantially diminished or impaired.

Any person, including the applicant, who is entitled to written notification and is aggrieved by the action of the director of planning and regional affairs may appeal to the city council by filing a written notice with the city clerk within 15 days of the decision. Such appeal shall be de novo.

The city council may revoke or suspend any approval of location granted by the director of planning at any time upon proof that the provisions in this subsection are being violated. Such revocation or suspension shall only be ordered after a public hearing.

(j) No bingo game or raffle shall be conducted within the city between the hours of 12:00 midnight and 7:00 a.m.

(k) Any person, shareholder, agent, member or employee of any such volunteer fire department, rescue squad or organization who violates any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed five hundred dollars.

(l) Should any volunteer fire department, rescue squad or organization be found in violation of this section, then the Commonwealth Attorney of the City of Alexandria, may, in addition to the foregoing criminal penalty, apply to the Circuit Court of Alexandria for an injunction against such volunteer fire department, rescue squad or organization from continuing to run bingo games or raffles for a period not to exceed three years from the date of such violation.

Section 6. That Section 23-18, Chapter 23 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 23-18. Same--Forfeiture of money, etc., drawn and property used in lottery; innocent owners or lienors.

All money and things of value drawn or proposed to be drawn by an inhabitant of this city and all money or things of value received by such person by reason of his being the owner or holder of a ticket or share of a ticket in any lottery or pretended lottery, contrary to this chapter, and all money, gambling paraphernalia, office equipment and all other personal property of any kind or character used in connection with the promotion, operation or conduct of any lottery or attempted lottery shall be forfeited to the city and may be seized by an officer and held to await proceedings for condemnation; provided that such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law. The money or other personal property so forfeited shall be disposed of as provided by law.

Section 7. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The clerk of the council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: June 26, 1973