

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1997 Legislative Session

Bill No. CB-92-1997

Chapter No. 83

Proposed and Presented by Council Member Estepp

Introduced by Council Members Estepp, Gourdine, and Wilson

Co-Sponsors

Date of Introduction October 28, 1997

BILL

AN ACT concerning

Charitable Gaming

For the purpose of amending the provisions pertaining to casino night events to reflect the expiration of State law authority and to provide for the regulation of charitable gaming.

BY repealing:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 2A. CASINO NIGHTS.

Sections 5-118.01, 5-118.02, 5-118.03, 5-118.04,
5-118.04.01, 5-118.04.02, 5-118.05, 5-118.06,
5-118.07, 5-118.08, 5-118.09, 5-118.09.01, 5-118.10,
5-118.11, 5-118.12, 5-118.12.01, 5-118.13, and 5-118.14,
The Prince George's County Code
(1995 Edition, 1996 Supplement).

BY adding:

SUBTITLE 5. BUSINESSES AND LICENSES.

Sections 5-107.01, 5-109.01, 5-112.01, 5-112.02,
5-113.01, 5-113.02, 5-113.03, 5-113.04, and 5-118.01,
The Prince George's County Code
(1995 Edition, 1996 Supplement).

BY repealing and reenacting with amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

Sections 5-106, 5-107, 5-109, 5-110, 5-111, 5-112, 5-113,
5-114, 5-115, 5-116, 5-117, and 5-118,
The Prince George's County Code
(1995 Edition, 1996 Supplement).

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 4. BOARD OF APPEALS.

Section 2-117,
The Prince George's County Code
(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-118.01, 5-118.02, 5-118.03, 5-118.04, 5-118.04.01, 5-118.04.02, 5-118.05, 5-118.06, 5-118.07, 5-118.08, 5-118.09, 5-118.09.01, 5-118.10, 5-118.11, 5-118.12, 5-118.12.01, 5-118.13, and 5-118.14 of the Prince George's County Code be and the same are hereby repealed.

SECTION 2. BE IT FURTHER ENACTED that Sections 5-107.01, 5-109.01, 5-112.01, 5-112.02, 5-113.01, 5-113.02, 5-113.03, 5-113.04, and 5-118.01 of the Prince George's County Code be and the same are hereby added; and that Sections 5-106, 5-107, 5-109, 5-110, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, and 5-118 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 2. BENEFIT PERFORMANCES [(OTHER THAN CASINO NIGHTS)].

Sec. 5-106. Persons eligible for permit.

(a) Any group of citizens of this County, or any company, association or body corporate, or bona fide organization within the County for the promotion of the purposes of a volunteer fire department, or of any charitable, benevolent, patriotic, fraternal, educational, religious or civic object, and not organized for the private profit or gain of any member of

such group or organization shall be eligible for permits required under this Division.

(b) In addition to the criteria set forth in Section 5-106(a) above, to be eligible for a charitable gaming event permit, an applicant must be a group or organization that has been located in Prince George's County for at least two (2) years and has been active for at least two (2) years in the County.

Sec. 5-107. Permitted activities.

(a) The eligible group or organization, as described in Section 5-106, may conduct and operate any benefit performance, such as an outdoor or indoor carnival, raffle or any other activity to which the public is invited or admitted, with or without charge for such admission, the intent of which is to raise proceeds for the purpose set forth in Section 5-108.

(b) The eligible group or organization, as described in Section 5-106, may conduct and operate a charitable gaming event pursuant to the criteria set forth in this Division.

(c) Any eligible group or organization may conduct or hold a carnival, bazaar, or raffle for its exclusive benefit if no individual or group of individuals benefit financially from the holding of any bazaar, carnival, or raffle, for personal use or benefit. The eligible group or organization may award prizes in cash, or in merchandise by such devices as are commonly designated as paddle wheels, wheels of fortune, chance books, bingo or any other gaming device. However, carnivals, bazaars, or raffles shall be managed by the members of the eligible group or organization. When holding raffles, it shall be lawful to award prizes in cash totalling up to \$5,000 and in merchandise in any amount or the merchandise cash equivalent.

(d) Any eligible group or organization may conduct and operate any benefit performance, such as an outdoor or indoor carnival, fair, picnic, dance, card party, bingo party, bazaar, concert, contest, exhibition, lecture, barbecue or dinner, to which the public is invited or admitted with or without charge if the net proceeds of the benefit performance inure to the eligible group or organization for the promotion of and to be used for one or more of the objects set forth in Section 5-106, and not for the private gain of any member of the group or organization. At a benefit performance, conducted under the conditions herein prescribed, it shall be lawful to award prizes in merchandise, conduct games of skill, to dispose of

merchandise and other things of value by auction or voting or by such mechanical devices as are commonly designated as paddle wheels, wheels of fortune, bingo, or other similar methods, and with or without an entrance or participation charge or fee. It shall also be lawful to award cash prizes of not more than \$1,000 per prize. The benefit performance may be managed and operated only by members of the eligible group or organization.

Sec. 5-107.01. Prohibited activities.

(a) Casino nights are prohibited.

(b) No individual or group of individuals shall benefit financially from the holding of any benefit performance or charitable gaming event to which the public is invited or admitted with or without charge, or be paid any of the proceeds from any benefit performance or charitable gaming event, for personal use or benefit. The net proceeds of the benefit performance or charitable gaming event shall inure to the exclusive benefit of an eligible group or organization for the promotion of and to be used for one or more of the objects set forth in Section 5-106 of this Division, and not for the private gain of any individual or group of individuals or member of the group or organization.

(c) The proceeds from a raffle conducted pursuant to Section 5-107 of this Division must inure to the company, association, body corporate or group for the promotion of, and to be used for, one or more of the purposes set forth in Section 5-108 of this Division and no individual or group of individuals shall benefit financially from the holding of any such raffle or shall receive or be paid any of the proceeds from such raffle for personal use or benefit except as a bona fide raffle winner.

Sec. 5-109. Definitions.

(a) As used in this Division:

(1) **Carnival** shall mean any amusement enterprise which includes sideshows or games of chance, and one or more rides;

(2) **Casino night** shall mean a benefit performance at which card games, wheels of chance, or roulette are played and money winnings or tokens redeemable in money are awarded as prizes. Casino night does not include a benefit performance such as a carnival, fair, or bazaar at which the only form of gaming is a wheel of fortune, big wheel, or other wheel of chance.

(3) **Charitable gaming event** shall mean a benefit performance conducted by an eligible organization at which any gaming authorized by Sec. 5-107 may occur.

(4) **Department** shall mean the Office of Business and Regulatory Affairs.

(5) **Director** shall mean the Director of Business and Regulatory Affairs.

(6) **Eligible group or organization** shall mean a group or organization that has obtained and possesses a valid charitable gaming event permit.

(7) **Gaming Permit Review Board** shall mean the Board established pursuant to Section 5-109.01 of this Division.

[(2)] (8) **Raffle** shall mean one (1) or more drawings from a single series of chances sold by means of chance books;

[(3)] (9) **Ride** shall mean any mechanical device or any structure open to the public by which persons are conveyed or propelled in an unusual manner for diversion[.] and;

(10) **Slot Machine** shall mean any machine, apparatus or device if it is one that is adapted for use in such a way that, as a result of the insertion or deposit therein, or placing with another person of any piece of money, coin, token or other object, such machine, apparatus or device is caused to operate or may be operated, and by reason of any element of chance or of other outcome of such operation unpredictable by him, the user may receive or become entitled to receive any piece of money, coin, token or other object representative of and convertible into money, irrespective of whether the said machine, apparatus or device may, apart from any element of chance or unpredictable outcome of such operation, also sell, deliver or present some merchandise or money or other tangible thing of value.

Sec. 5-109.01. Gaming Permit Review Board.

(a) There shall be a Gaming Permit Review Board, which shall consist of three (3) members, each of whom shall be appointed by the County Executive and confirmed by the County Council. The County Executive shall designate one member to serve as chairman and one member to serve as vice-chairman. The members shall serve without compensation for terms of four (4) years. The County Executive shall designate the agency responsible for providing staff assistance to the Gaming Permit Review Board.

(b) The Gaming Permit Review Board shall be responsible for approving any application

for a new charitable gaming event permit.

Sec. 5-110. Permit required; application; contract.

(a) Except as provided in Section 5-110(c), [Before] before operating a benefit performance, any eligible group or organization shall first obtain a written permit from the Department [Office of Business and Regulatory Affairs]. [Permits for benefit performances involving casino night activities, either in whole or in part, shall be issued pursuant to the provisions of Division 2A of this Subtitle.]

(b) Application shall be made on forms to be provided by the Department [Office of Business and Regulatory Affairs] at least thirty (30) days prior to the performance. The application shall be accompanied by any contract with a professional carnival operator or promoter. The contract shall not contain any covenant providing for payment contingent upon the receipt or intake of any permitted game of skill, mechanical device, or bingo.

(c) Before operating a charitable gaming event, a group or organization shall first obtain a written permit from the Gaming Permit Review Board. Application shall be made on forms provided by the Department and submitted to the Gaming Permit Review Board at least thirty (30) days prior to the first event.

(d) Before a group or an organization may obtain a permit to conduct a charitable gaming event, an officer of the group or organization shall certify that the group or organization has been located in Prince George's County for at least two (2) years and has been active for at least two (2) years in the County.

(e) Charitable gaming event permits may be issued on a semi-annual basis.

(f) The number of permits issued for the operation of charitable gaming events shall be set by the Gaming Permit Review Board.

(g) Applications for charitable gaming event permits shall be submitted to the Gaming Permit Review Board, together with the Director's recommendation, if any. The Gaming Permit Review Board shall make the final decision within forty-five (45) days of the date the application is filed.

[(c)](h) A permit is not required to hold a raffle when the total cash value of the prize does not exceed Two Hundred Dollars (\$200.00).

(i) The Gaming Permit Review Board may issue joint permits between an eligible organization and an applicant which meets the provisions of Section 5-106. Such a joint permit shall constitute an amendment of the existing permit and shall not be an award of a new permit. Applicants for a joint permit shall make application for joint permit days. A joint permit event may not be held more than once weekly.

(1) Both eligible organizations shall be responsible for meeting all reporting, permit and tax requirements of this Division.

(2) Applicants for a joint permit shall enter into a written agreement concerning joint operating responsibility and division of revenue. No less than fifty percent (50%) of the revenues net of expenses shall be enured to the benefit of the subordinate joint permit holder. All agreements must be in writing and signed by the chief executive officer of each eligible organization. All such agreements and any amendments thereto shall be filed with the Director.

Sec. 5-111. Permit application; contents; financial disclosure.

(a) The permit application shall set forth the following with respect to the group or organization:

(1) The name of the group or organization and a full list of the names and addresses of its officers and directors and in addition, for charitable gaming events, those who will control the proceeds and have authority to disburse funds derived from charitable gaming events;

(2) A full and complete statement of the purposes and objects of the group or organization and the purposes for which the proceeds from such operation will be used;

(3) A statement under affidavit by the president and treasurer of [such] the group or organization, or by its chief executive and fiscal officers, that no agreement, written or oral, exists for the division of any portion of the proceeds from any games permitted by Section 5-116 of this Division of such benefit performance with any other person, group, partnership, association or corporation;

(4) A statement under affidavit that no person, group, partnership, association, organization or corporation other than the applicant group or organization or bona fide member thereof will receive any portion of the proceeds of such benefit performance other than in furtherance of the purposes of such group or organization except that previously agreed to

amounts necessary to pay for benefit performance operating costs may be taken from proceeds;

(5) For charitable gaming event permits, each initial application and each first application in succeeding calendar years shall require the submission of the following documents:

(i) A copy of the applicant's most recent IRS Form 990 and State Form COF-85, or any other substitute document deemed necessary by the Director, along with an affidavit, made under penalty of perjury, by two (2) officers of the organization that the copies are accurate;

(ii) An affidavit that transmits and attests to the validity of a copy of the organization's bylaws and charter and the tax identification number;

(iii) For corporate sponsors, a current certificate of good standing from the State of Maryland; and

(iv) A list of all persons who worked at charitable gaming events during the previous licensing period.

[(5)] (6) Any other information the Department [Office of Business and Regulatory Affairs] or, for charitable gaming event permits, any other information that the Gaming Permit Review Board may require with respect to length of operation, number and kind of facilities and number and kind of games.

Sec. 5-112. Refusal of [permit] permits; generally.

Except as provided in Section 5-112.01 for charitable gaming events, [The] the Department [Office of Business and Regulatory Affairs] may refuse to grant the permit if it finds that:

(1) The proposed benefit performance will cause a traffic problem detrimental to the use of the general public;

(2) The noise created by the benefit performance will be an unreasonable invasion on the adjoining property owners; or,

(3) For other reason that might jeopardize the health, safety or welfare of the area or the County.

Sec. 5-112.01. Charitable gaming events; refusal, suspension, revocation or reinstatement of permit.

(a) The Gaming Permit Review Board shall review an application for a charitable gaming

event permit within 30 days after receiving it. The Gaming Permit Review Board shall approve or disapprove, in writing, the application within ten (10) days after the completion of the review and promptly notify the applicant of the action taken.

(b) The Gaming Permit Review Board shall reject an application for a charitable gaming event permit if:

(1) A determination is made that any information in the application is false or misleading; or

(2) The operation of a charitable gaming event is not necessary for the accommodation of the general public or would disturb the peace, create a nuisance, or be detrimental to the morals, health, or welfare of the community.

(c) The Gaming Permit Review Board may suspend or revoke a charitable gaming event permit for a period not to exceed three (3) years if it finds that:

(1) A charitable gaming event either has caused, or will cause, traffic or parking problems detrimental to the welfare of the general public;

(2) Noise generated by the charitable gaming event is, or will result in, an unreasonable intrusion upon the rights of adjoining property owners;

(3) The charitable gaming event will jeopardize the health, safety, or welfare of residents or workers within the area or the County; or

(4) Violations of any provisions of this Division exist.

(d) An organization may submit a request in writing to the Gaming Permit Review Board for reinstatement of a permit which has been suspended or revoked.

(1) After revocation, an organization may at any time apply to the Gaming Permit Review Board for reinstatement of a charitable gaming event permit. The petitioner shall present evidence that the petitioner has cured or corrected any violation or other cause which gave rise to the prior revocation. Within ten calendar days of receiving the request for reinstatement, the Gaming Permit Review Board shall issue a decision in writing and state in detail all reasons for granting or denying a request.

(2) The Gaming Permit Review Board's decision may be appealed to the Board of Appeals pursuant to, and in accordance with, Section 2-117 of the Code.

Sec. 5-112.02. Charitable gaming events; appeals to the Board of Appeals.

(a) Within ten (10) calendar days of any final decision of the Director or the Gaming Permit Review Board, made pursuant to this Division, any aggrieved person may appeal the decision to the Board of Appeals. The appeal shall be filed with the Clerk of the Board of Appeals, shall be in writing and shall state in detail all reasons that support the appeal.

(b) The Board of Appeals will hold a hearing, if requested, and shall issue a decision in writing within sixty (60) days after the close of the record of the hearing. In cases where no hearing is requested, the Board shall issue a decision within sixty (60) days of its receipt of the appeal. The Board of Appeals may also issue a stay of the Gaming Permit Review Board's decision pending the decision of the Board of Appeals.

(c) Any party aggrieved by the decision of the Board of Appeals may appeal such decision to the Circuit Court for Prince George's County, Maryland, pursuant to the rules governing appeals from administrative agencies. This appeal shall be on the record.

Sec. 5-113. Permit conditions and regulations.

(a) The permit shall be conditioned upon compliance with the following:

(1) All health, electrical, zoning, fire and building laws and regulations;

(2) Except for charitable gaming events, [Operation] operation shall be limited to between the hours of 12:00 Noon and 11:00 P.M. on Sunday through Thursday, and between the hours of 12:00 Noon and 12:00 Midnight on Friday and Saturday, except as follows:

(A) Where the event takes place on land leased from a public agency upon which a privately owned building or facility is operated for a recreational purpose on a commercial basis, the hours of operation may be extended on Sunday through Thursday until 12:00 Midnight and until 1:00 A.M. the following day for events held on Friday and Saturday provided there are no occupied residences within 1,000 feet of the nearest ride, show or game of the event.

(B) Where the event, including all associated activities under the permit, is held within a wholly enclosed building, the hours of operation may be extended on Friday and Saturday to 2:00 A.M. the following day.

(3) All charitable gaming event permits are subject to the following conditions:

(A) Not more than two (2) charitable gaming events shall be conducted in any

one (1) week by any one organization, except that an eligible organization may conduct a third gaming event in a single week in conjunction with a joint permittee;

(B) The hours of operation are limited as follows:

(i) 2 P.M. to 11 P.M. on Sunday;

(ii) 12 Noon to 11 P.M. on Monday through Thursday;

(iii) 12 Noon Friday to 2 A.M. Saturday; and

(iv) 12 Noon Saturday to 2 A.M. Sunday;

(C) Charitable gaming events may only be held at any premises owned or leased exclusively by an organization which is eligible for a permit under Sec. 5-106, and no charitable gaming location may operate more than five days per week.

(D) The manager or chief supervisor of all charitable gaming events shall be a bona fide member of the group or organization for a minimum of three (3) years or a resident of Prince George's County, Maryland;

(E) Dealers, workers, or supervisors shall not play as patrons at events they work; and

(F) Only betting tokens or tickets that have been paid for by a patron with cash shall be used in the conduct of charitable gaming events.

(4) The following activities are prohibited at charitable gaming events:

(A) Games involving dice;

(B) The use of credit cards;

(C) The use of checks and drafts for gaming;

(D) The cashing of checks and drafts by persons working at a charitable gaming event; and

(E) The serving of complimentary alcoholic beverages.

(5) No person under 21 years old may be a patron or accompany any patron at a charitable gaming event.

(6) The use of checks and drafts for gaming and the cashing of checks and drafts by persons working at a charitable gaming event are prohibited.

[(3)] (7) The benefit performance shall be managed and operated only by members of

such group or organization personally except that employees of any professional carnival operation may operate all rides and technical, mechanical, and electrical equipment and may operate special equipment, such as popcorn, coffee, and candy machines.

[(4)] (8) No person, association, corporation or any other entity, other than a governmental agency or other organization as defined by Section 5-106, shall lease, rent, or receive any remuneration for any structure or premises to be used for a bingo operation other than the premises described in Section 5-113(a)(2). This paragraph shall not apply to a carnival.

[(5)] (9) No bingo games may be operated more than three (3) days a week at any one facility or location, except for games operated as part of any one carnival or County fair which games may be operated for up to a total of seventeen (17) days in any one year.

Sec. 5-113.01. Charitable gaming events; volunteer members; affidavit required; worker license requirements.

(a) Any member who works at a charitable gaming event shall submit an affidavit, under the penalty of perjury, stating that the member is a volunteer, not working at the charitable gaming event for any salary, compensation, or gratuities from the organization or private gain from the proceeds. The affidavits shall be filed with an organization's quarterly reports, as required by Section 5-113.03.

(b) Each person who works at a charitable gaming event shall be required to obtain a license annually from the Department by submitting an application supplied by the Director.

(c) As provided by State law, the Director shall conduct such background investigations of volunteers as necessary to insure that anyone with a past illegal gambling conviction (including probation before judgment or a plea of nolo contendere), other criminal background, or conviction for any crime involving financial misrepresentations is not allowed to work at charitable gaming event operations in the County. All individuals who assist in conducting charitable gaming events shall be fingerprinted and shall submit an affidavit under the penalty of perjury stating that the individual has never been found guilty of a gambling conviction (including probation before judgment or a plea of nolo contendere), other criminal background, or conviction for any crime involving financial misrepresentation. No license shall be issued to a person under 18 years old.

(d) The Director may suspend or revoke a charitable gaming event worker's license for a period not to exceed three (3) years if it finds that the licensee will jeopardize the health, safety, or welfare of residents or workers within the area or the County; or that the licensee has violated any provisions of this Division.

(e) A charitable gaming event worker may submit a request in writing to the Director for reinstatement of a license which has been suspended or revoked.

(1) After revocation, a worker may at any time apply to the Director for reinstatement of a charitable gaming event license. The petitioner shall present evidence that the petitioner has cured or corrected any violation or other cause which gave rise to the prior revocation. Within ten calendar days of receiving the request for reinstatement, the Director shall issue a decision in writing and state in detail all reasons for granting or denying a request.

(2) The Director's decision may be appealed to the Board of Appeals pursuant to, and in accordance with, Section 2-117 of the Code.

(f) The charitable gaming event worker license shall be valid for one year.

(g) The charitable gaming event worker license fee for supervisors, dealers and games operators, and other workers shall be as established by resolution of the County Council.

(h) Replacement badges for charitable gaming event worker licensees may be issued after a replacement fee is paid. The amount of the fee shall be as established by resolution of the County Council.

(i) The charitable gaming event worker license fees may be paid by the eligible group or organization.

Sec. 5-113.02. Charitable gaming events; gratuities; prohibited.

(a) An organization may not pay an individual who assists in conducting a charitable gaming event a salary, gratuity or compensation of any kind for assisting in conducting the charitable gaming event.

(b) No individual or group of individuals shall benefit financially from the holding of a charitable gaming event to which the public is invited or admitted with or without charge or be paid any of the proceeds from any charitable gaming event, for personal use or benefit. The net proceeds of a charitable gaming event shall inure to the exclusive benefit of an eligible group or

organization for the promotion of and to be used for one or more of the objects set forth in Section 5-106 of this Division, and not for the private gain of any individual or group of individuals or member of the group or organization.

Sec. 5-113.03. Charitable gaming events; organizational reporting.

(a) Each eligible group or organization conducting a charitable gaming event more than one time per month shall file a quarterly charitable gaming event report on a form supplied by the Department, within thirty (30) days from the end of each quarter as established by the Director. The reports shall include the following information:

(1) The dates of each charitable gaming event held during the reporting period;
(2) The gross and net income derived from each event;
(3) An itemized list of expenses, including the names and addresses of each vendor and lessor, the necessity of each expense, date of purchase or lease, and, if prepaid before the event(s), the source of the payment;

(4) As of the date of filing, an itemized list of any gifts or donations made from the proceeds of the charitable gaming event, including:

(A) The name, address, and tax identification number of each person, group, or organization receiving such gifts or donations; and

(B) The dates and amounts of each gift or donation;

(5) A statement of the organization's intent as to the disposition of any unexpended portion of net proceeds from such events; and

(6) A list of all persons who worked at charitable gaming events during the reporting period.

(b) Each eligible group or organization shall file an annual report for the preceding calendar year, on a form supplied by the Department, not later than April 15 of each year (beginning April 15, 1998). The report shall contain a summary of the previous year's activities and a statement of how the organization's charitable gaming event activities continually and substantially work towards the organization's stated goals and activities. The group or organization shall also submit an unqualified audited financial statement concerning the operation of its charitable gaming activities, prepared by an independent certified public accountant and a copy of its most recent

IRS 990 and State Form COF-85, or any other substitute documents deemed necessary by the Director on the same day as the organization's Federal Tax Returns are due.

Sec. 5-113.04. Charitable gaming events; false, fictitious, or fraudulent representations.

A person may not knowingly make a false, fictitious, or fraudulent representation in a charitable gaming event permit application, record, report, or as part of any other documentation required under this Division.

Sec. 5-114. Inspections required.

(a) Except for charitable gaming events, [The] the Department [Office of Business and Regulatory Affairs] shall conduct an initial preoperating inspection as well as periodic inspections to insure that the permit conditions are complied with.

(b) For charitable gaming events, the Department shall conduct such periodic inspections as necessary to insure compliance with the provisions of this Division.

Sec. 5-115. [Permit fees] Fees.

(a) The fee for a benefit carnival permit shall be Fifteen Dollars (\$15.00) per ride with a minimum of One Hundred Seventy-five Dollars (\$175.00) for the first seven (7) days and One Hundred Dollars (\$100.00) per week, or portions of a week, thereafter.

(b) No fees shall be required for any benefit performance, other than a carnival or raffle, that is to be a one (1) time operation.

(c) Any benefit performance, other than a carnival, charitable gaming event, or a raffle, that is to be operated repeatedly shall have a fee of Fifty Dollars (\$50.00) per year.

(d) The fee for a benefit raffle permit shall be Fifteen Dollars (\$15.00).

(e) The fee for a charitable gaming event permit shall be One Hundred Fifty Dollars (\$150.00) for each charitable gaming event and Fifty Dollars (\$50.00) per month for each mechanical device that is operated on the premises of a permittee.

(f) A charitable gaming event permit enforcement fee shall be as established by resolution of the County Council.

Sec. 5-116. Permitted games; [exception] exceptions.

(a) Permitted games shall be limited to [games of skill, mechanical devices,] gaming events authorized pursuant to Section 5-107 of this Division, bingo, and raffles.

(b) Games involving dice and slot machines shall not be permitted.

Sec. 5-117. Limitation on prizes.

(a) Prizes shall be limited as follows:

(1) Any benefit performance, other than a raffle, charitable gaming event, or bingo, may include the award of cash prizes of not more than One Thousand Dollars (\$1,000.00) per prize or the award of merchandise.

(2) Any raffle may include the award of cash prizes totalling up to Five Thousand Dollars (\$5,000.00) and the award of merchandise in any amount or the merchandise cash equivalent.

(3) No bingo operation may include the award of cash prizes or merchandise in an amount or value greater than One Thousand Dollars (\$1,000.00) per prize and such prizes shall not exceed a total amount or value of Three Thousand Five Hundred Dollars (\$3,500.00) per day of operation.

(4) Any charitable gaming event may include the award of cash prizes of not more than One Thousand Dollars (\$1,000.00) per prize.

Sec. 5-118. Penalty for violation.

(a) Except as provided in Section 5-118(b) of this Division pertaining to charitable gaming events, [Any] any person, group, or organization operating or attempting to operate any such benefit performance in violation hereof shall, upon conviction of such violation, be subject to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in jail for a period of not more than one (1) year, or both such fine and imprisonment at the discretion of the court.

(b) In addition to any penalties imposed for violations of State law pertaining to charitable gaming events, any person who violates any provision of this Division applicable to charitable gaming events is guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000) or imprisonment not exceeding six (6) months, or both.

Sec. 5-118.01 Charitable gaming events; violations; fines.

(a) Any person who violates any provision of this Division pertaining to charitable gaming events shall be subject to the issuance of a civil citation pursuant to the provisions of Subtitle 28, Division 3, of this Code, and shall pay the County a civil monetary fine in an amount prescribed

by Subsection (b) of this Section.

(1) Each day the violation remains uncorrected is deemed a separate offense and is subject to an additional citation and fine as prescribed by Subsection (b) of this Section.

(b) A group or organization that conducts a charitable gaming event in violation of the provisions of this Division is subject to the following penalties:

(1) For a first violation, a 30-day suspension of the group's or organization's permit to conduct a charitable gaming event and a Five Hundred Dollar (\$500.00) civil penalty;

(2) For a second violation, a six (6) month suspension of the group's or organization's permit to conduct a charitable gaming event and a maximum Three Thousand Dollar (\$3,000.00) civil penalty; and

(3) For a third violation, revocation of the group's or organization's permit to conduct a charitable gaming event and a Ten Thousand Dollar (\$10,000.00) civil penalty.

SECTION 3. BE IT FURTHER ENACTED that Section 2-117 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 4. BOARD OF APPEALS.

Sec. 2-117. Board of Administrative Appeals.

(a) There is created a Board of Administrative Appeals for the County, to hear and determine all administrative appeals allowed by ordinance or law. The jurisdiction of the Board of Administrative Appeals shall not extend to any provision of the County Code which does not expressly provide for such jurisdiction.

(b) County law which specifically grants the Board authority to hear appeals includes (but need not be limited to) the following:

* * * * *

SUBTITLE 5. BUSINESSES AND LICENSES.

Division 2. Benefit Performances [(Other than Casino Nights)].

[Division 2A. Casino Nights.]

* * * * *

SECTION 4. BE IT FURTHER ENACTED that any organization which possessed a valid casino night permit under the former Division 2A on May 1, 1997, shall be granted a charitable gaming permit upon submission to the Director for certification: (1) that the corporation remains in good standing; (2) that there are no changes to the nonprofit status of the organization; (3) all Federal tax returns and county required reports have been filed; (4) an affidavit stating that there have been no material changes in the operation or purpose of the organization and that the organization and any charitable gaming event worker is in full compliance with the provisions of this Act; and (5) that all fees have been paid in accordance with the provisions of this Act and former Division 2A.

SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of November , 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.