

RECOMMENDED BY:

PUBLIC SAFETY COMMITTEE

SUBMITTED BY:

JOEL MONTGOMERY
CITY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL TITLE 12, CHAPTER 3.5, "BINGO", OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980, AND ADOPT IN FULL A NEW TITLE 12, CHAPTER 3.5, "BINGO".

WHEREAS, this Council finds that certain commercial areas within the City boundaries of Birmingham, Alabama are considered to be blighted and in need of economic stimulus for redevelopment, and

WHEREAS, this council finds that there are charities, non profit organizations, and other public interest purposes that are not being properly funded, and

WHEREAS, this council finds that the Constitution of Alabama 1901 as amended by Amendment 386 and Amendment 600 provided in part that

"The operation of bingo games for prizes or money by nonprofit organizations for charitable or educational purposes shall be legal in Jefferson County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions." , and

WHEREAS, the office of the Attorney General of the State of Alabama has issued an opinion number 2008-135 providing interpretation for understanding language identical to that used in Amendment 386 and Amendment 600, and

WHEREAS, this council finds that the modern technological progress aids in the offering of bingo games through the use of equipment for the playing of electronically aided bingo, and

WHEREAS, Congress of the United States enacted Public Law 100-497 on October 17, 1988, wherein it described the game of bingo as

“the game of chance known as bingo (whether or not electronic, computer, or other technological aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards. Interim prizes may be awarded prior to the game ending prize.”

WHEREAS, this council finds that the granting of a limited number of licenses by the Council for the operation of electronic charity bingo games in those certain commercial areas in need of stimulus for redevelopment will provide that said stimulus, and

WHEREAS, this council finds that the redevelopment of those certain commercial areas will increase the assessed value of now underutilized properties, and

WHEREAS, this council finds that the redevelopment of those certain commercial areas will increase the revenues of the City of Birmingham from its occupation and sales taxes and the license fees and levies from the new commercial activities that will occur in those now underutilized properties, and

WHEREAS, this council finds that Section 12-3.5 of the General Code of the City of Birmingham is outdated and in need of replacement, and

WHEREAS, this City Council of the City of Birmingham, Alabama, deems it appropriate to enact the following ordinance and to repeal any prior Code sections or ordinances enacted by the City Council of the City of Birmingham, Alabama designed or intended to license or to regulate the playing of bingo within the city boundaries of the City of Birmingham, and add to the ordinances that comprise the Code of the City the following sections titled "Bingo Rules and Regulations" as set forth as follows.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham, Alabama, that Title 12, Chapter 3.5, "Bingo", of the General Code of the City of Birmingham, 1980, be and is hereby repealed, and the following Title 12, Chapter 3.5, "Bingo", is hereby adopted to read in full as follows:

CHAPTER 3.5

- 12-3-5-1 Regulated**
- 2 Definitions**
- 3 Operations of bingo games; permit required.**
- 4 Application for permit to conduct bingo, approval by city council, submission, form, contents**
- 5 Contents and display of permits**
- 6 Special permit, application, fee, issuance by city council, contents, term, number, transfer**
- 7 Certain contract activities prohibited; special requirements.**
- 8 Social Responsibility; expenses**
- 9 Proceeds of bingo games, disposition**
- 10 Management and operation bingo, persons eligible, compensation, equipment, prizes, advertisements**
- 11 Age restriction to play or conduct bingo games**
- 12 Taxation, prize; Taxation of Proceeds**
- 13 Enforcement and supervision of administration of chapter, personnel, rules**
- 14 Records of permit holders; financial statements; inspection and location of bingo.**
- 15 Suspension or revocation of permits, appeal**

-16

Violation, offense

-17

Issuance of reissuance of permit upon suspension, revocation or forfeiture; effect of suspension, revocation or forfeiture.

Sec.12-3.5-1 Regulated.

The operation of bingo games for prizes or money by qualified nonprofit organizations for charitable or educational purposes shall be legal in the City of Birmingham, subject to the provisions set out in this chapter.

Sec.12-3.5-2 Definitions

Bingo means a game of chance known as bingo (whether or not electronic, computer, media or other technological aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards (either printed or displayed upon an electronic display) bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards. The definition of bingo shall include the following:

a game of chance incorporating the following elements: (i) the game must be played on a grid of five horizontal rows intersected by five vertical rows, with each row divided into five contiguous squares contained within the grid; (ii) the game must be played by multiple players within each player being assigned one or more grids; (iii) each square of the grids used in playing the game must be identified by numbers or symbols so used to identify the squares of the grids available for play must be included in an aggregation of such numbers or symbols from which selection can be made for each round of play; (iv) for each round of play number or symbols selected by a procedure or mechanism entirely or predominantly governed by chance and, as such numbers or symbols are selected in a particular game, the same numbers or symbols, if they are present on one or more of the squares on any grid in a play, are covered or otherwise marked on such grid; (v) the winner or winners of a particular game are the players of those grids for which a previously designated pattern or arrangement is covered or marked; (vi) every game must have one or more winners, (vii) the game cannot be played by a solitary player, and one or more players must compete against one or another for prizes; (viii) monetary wagers may be collected from the players of bingo for the opportunity to participate in the game, and such wagers may vary in the amount to reflect the value of the prize for winning a particular game, whether the wager is for participating in the whole game or a particular phase thereof, as well as other factors depending upon the interplay of the amount wagered, the size of the prize and the probability of winning' and (ix) the

prizes for winning the game can be money or anything else of value without limit as to amount. Subject to the restrictions contained in this Section, bingo can be played with different kinds of equipment varying from the use of tokens to cover the designated squares on traditional cards to the use of electronic bingo equipment to operate the game and interact with human players by means of video consoles. Consolation or interim prizes for particular games may be given to players.

In the event that any controversy concerning whether or not certain activity, or type of activity, constitutes the game of bingo, as herein defined, and for which a license may be issued, the decision of the Birmingham City Council shall control and be final.

Police chief means the chief of the Birmingham Department of Police.

Equipment means the objects or machinery used in the actual play of bingo. Equipment used in electronically aided bingo may include a central computer server and individual play stations or computer based terminals for the play of bingo by individual patrons.

Location means a single detached building, hall, enclosure, and a single unit or multiple units of a multi-unit property or single outdoor area used for the purpose of playing bingo pursuant to a permit issued under this chapter. Bingo games shall be held only on the premises owned or leased by the qualified organization. If the premises are leased, the rental shall not be based on a percentage of receipts or profits from the operation of bingo games.

Special occasion means a single gathering or session at which a series of successive bingo games authorized by this chapter are played pursuant to a special permit issued under section 12-3.5-6.

Qualified organization means a bona fide religious, educational, service, senior citizens, fraternal or veteran's organization, which has been in existence continuously in the State of Alabama as such an organization for a period of two years.

Religious organization means an organization, church or body of communicants or group, not for pecuniary profit, meeting regularly within the state, in common membership for mutual support and edification in piety, worship and religious observances; or any society, not for pecuniary profit, of individuals united for religious purposes ; or a church-related private school, not for pecuniary profit.

Education organization means an organization within the state, not for pecuniary profit, whose primary purpose is educational in nature and designed to develop the capabilities of individuals by instruction in any public or private elementary or secondary school, or any public or private college, not for pecuniary profit.

Service organization means a branch, lodge or chapter of a national or state organization, not for pecuniary profit, which is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a fraternal, civic or service purpose within the state; and a local civic organization, not for pecuniary profit and not affiliated with a state or national organization, whose constitution, charter or articles of incorporation or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization whose entire assets are pledged to charitable purposes.

Senior citizen organization means an organization within the state, not for pecuniary profit, of which at least fifty percent (50%) of the membership and at least 10 members are 60 years of age or older, and exists for their mutual support and for the entertainment or advancing the causes of elderly or retired persons.

Fraternal organization means an organization within the state, except student fraternities or sororities, not for pecuniary profit, which is a branch, lodge or chapter of a national or state organization and exists for the common business or other interests of its members.

Veterans' organization means an organization within the state or a branch, lodge or chapter within this state, of a state organization or of a national organization chartered by the Congress of the United States, not for pecuniary profit, the membership of which consists of individuals who were or are members of the armed services or forces of the United States

Permit holder means a qualified organization issued a permit pursuant to this chapter.

Member means an individual who qualified for membership in a qualified organization pursuant to its bylaws, articles of incorporation, charter or other legal entity.

Person means a natural person, firm, association, corporation, limited liability, or other legal entity.

Equivalent value means the fair market value of a gift or prize on the date it is awarded as a prize in a bingo game.

Handle means the total amounts wagered.

Hold mean the Handle less the prizes paid out.

Net proceeds means the hold less the payments paid out for the reasonable expenses authorized by this section.

Patron means a person who engages in the playing of bingo in the games offered by a qualified organization.

Customer means a person who engages in a commercial or financial transaction with a qualified organization other than playing bingo in a bingo location.

Sec.12-3.5-3 Operation of bingo games permit required; classification of permits

(a) Any provisions of the law to the contrary notwithstanding, no qualified organization shall be permitted to operate a bingo game until the city council issues a permit to the organization authorizing it to do so. In the event of any controversy concerning whether or not a certain activity constitutes bingo for which a permit may be issued, the decision of the city council shall control, subject to appeal by the permit applicant to circuit court. A permit shall not be assignable or transferable without the permission of the Council, which shall not be unreasonably withheld.

(b) It shall be unlawful for any person to operate, conduct or participate in any bingo game, or provide equipment utilized in the operation of bingo games, unless such a game is operated under a current, valid bingo permit issued for a qualified organization at the permitted location. The permits described in this chapter are in addition to any business license or other license or permit required by law and it shall be unlawful to conduct or operate any bingo game ~~until all required licenses and permits are obtained, unless such licenses or~~ permits are not being issued by another governmental unit to thwart or interfere with the intent or operation of this section or are waived by the city council.

(c) The permits issued under these chapters shall be classified as follows:

- (1) Class I permit. A qualified organization issued a Class I permit may award prizes in cash and/or gifts of equivalent value not to exceed \$500 in any one paper based bingo session, not to exceed \$1000 during any calendar week, and not to exceed \$50,000 in a calendar year. Any qualified organization exceeding any of these three prizes limitations at any time shall be considered a Class II permit holder and subject of the requirements and regulations of a Class II permit holder.
- (2) Class II permit. A qualified organization issued a Class II permit may utilize such equipment authorized by Class II operations as defined by the National Indian Gaming Regulations promulgated by the United States Department of Interior as of the date that this section becomes effective, such equipment as may be authorized in the future by that agency, or other such equipment as certified by an independent testing laboratory accepted by the United States Department of the Interior certifying that the equipment proposed to be used in the playing of electronic bingo meets the requirements for bingo set out in this

ordinance There shall be no limit on the amount of the prizes which a Class II permit holder may award or pay out during any bingo session.

Sec. 12-3.5-4 Application for permit to conduct bingo, approval by city council submission, form, contents.

(a) All qualified organizations desiring to obtain or to renew a permit to operate bingo games shall make application to the police chief on forms prescribed by the city council. The police chief shall investigate the status of the applicant as a qualified organization as defined herein and the proposed location where bingo will be conducted. Within 21 days from the date of application, the police chief shall direct the results of the investigation and the application to the attention of the city council. All annual permits must be approved by the city council. The applicant shall be given reasonable notice of the city council meeting at which its application will be considered. Upon the date of such meeting, the city council shall, after considering any evidence or testimony offered by the applicant, act upon the application. All qualified organizations shall pay an initial application and permit fee of \$100 for a Class I bingo permit and \$2500 application fee for a Class II bingo permit at the time of application for the permit. All permits issued under any repealed Section or ordinance are void. No permit shall be issued to any qualified organization unless such organization has been in continuous existence in the State of Alabama for 24 months immediately prior to the issuance. A permit may be renewed annually ~~by filing a renewal application with the police chief within 60 days before the~~ date of expiration, on a form specifying all of the information required herein below. The police chief shall direct the renewal application to the attention of the city council. Each application for a permit or for renewal of a permit shall be subscribed to by any authorized representative of the qualified organization before a notary public or other attesting officer authorized to administer oaths, shall affirm the truthfulness of the information provided and shall contain the following information:

- (1) The name and address of the qualified organization. The names and home addresses of each of the officers and directors, or other persons similarly situated, of the organization.
- (2) The names and home addresses of each of the persons who will be managing the bingo game, as well as their dates of birth and social security numbers.
- (3) The location at which the qualified organization will conduct the bingo games and a copy of all deeds, mortgages, rental agreements or leases to the premises where the proposed bingo games are to be conducted.

- (4) The date and county the qualified organization was established in the State of Alabama and if the qualified organization is a senior citizen organization, the name, address and age of the each member.
- (5) Whether the applicant is applying for a Class I or Class II Bingo permit.
- (6) A copy of the qualified organization's articles of incorporation if the organization is incorporated.
- (7) A copy of the most recent fire safety inspection report for the premises where bingo is proposed to be conducted.
- (8) Prior to any bingo equipment being put into service, a letter from the National Indian Gaming Commission certifying acceptance of that equipment as acceptable for use in Indian Class II bingo or a letter of certification from an independent testing laboratory accepted by the United States Department of the Interior certifying that the equipment proposed to be used in the playing of electronic bingo meets the requirements for bingo set out in this ordinance. In order to be certified as an approved independent testing laboratory for the City of Birmingham, a laboratory must be competent and qualified to scientifically test and evaluate devices for compliance with the rules and regulations issued by the City of Birmingham, provided that any ~~laboratory upon which the National Indian Gaming Commission with~~ the United States Department of the Interior has relied upon for such testing may be utilized for testing required by these rules. A qualified independent testing laboratory must have been in operation for no less than five (5) years, based and operating within of the United State and shall not be owned or controlled by an organizational licensee, an Indian tribe, the state, or any manufacturer, supplier or operator of devices.
- (9) Any other necessary and reasonable information which the city council may require.
- (10) No bingo permit shall be granted to any applicant who fails to fully provide the information.
- (11) No Class II permit shall be issued for any location for less than 500 bingo terminals.

(b) For electronic bingo, any company leasing or renting bingo terminals to a qualified non profit organization shall pay to the City of Birmingham fees in the amount of \$100 per month per bingo terminal on the first business day of each month beginning on the first day of operation of such terminal. Beginning on January 1, 2011, any company leasing or renting bingo terminals to an

authorized non profit organization shall pay to the City of Birmingham fees in the amount of Two Thousand Dollars (\$2000.00) per bingo terminal annually.

Sec 12-3.5-5 Contents and display of permits.

(a) Each bingo permit shall state whether the permit is for Class I or Class II Bingo and shall contain the name and address of the permit holder, and the location at which the permit holder is permitted to conduct bingo.

(b) The bingo permit holders shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

Sec 12-3. 5-6 Special permit, application, fee, issuance by city council, contents, term, number, and transfer.

(a) A qualified organization, which does not hold a permit pursuant to section 12-3.5-4, may apply for a special Class I permit for conducting bingo at a designated location for a special occasion. Such an applicant shall submit to the police chief a written application, along with a \$100 fee, prepared in accordance with and on a form containing the requirements contained in § 12-3.5-4, any additional requirements prescribed by rule of the city council and the applicant shall indicate the day or days on which the applicant will conduct bingo for the special occasion. ~~An application pursuant to this subsection must be submitted at least 60 days prior to the date or dates bingo will be conducted.~~ After investigation by the police chief that the applicant is a qualified organization and not ineligible pursuant to section 12-3.5-7, the police chief shall direct the applicant and the results of the investigation to City Council to be considered and approved or disapproved by the city council as provided in section 12-3.5-4.

(b) A special permit shall contain the name and the addresses of the permit holder, the names and addresses of each of the persons who will be operating the bingo games, and shall specify the location at which the permit holder may conduct bingo and the dates, day, and hours, not exceeding two consecutive days, on which the permit holder may conduct bingo, for the special occasion.

(c) A qualified organization licensed pursuant to subsection (b) of this section shall not be issued more than two special permits in any one-year period. A special permit shall not be assignable or transferable.

Sec. 12-3.5-7 Certain activities prohibited; special requirements.

(a) Organizations which are properly issued permits pursuant to this chapter shall be allowed to operate bingo games. It shall be unlawful for any person or organization to operate bingo games without first having obtained a permit. Any person or organization that shall have operated a bingo game without first having obtained a permit shall be disqualified from obtaining a permit for a period of five years.

(b) A qualified organization shall not lend its name or allow its identity to be used by any individual, firm, association or corporation in the operating, promoting or advertising of a bingo game in which said qualified organization is not directly and solely operating said bingo game.

(c) It shall be unlawful for any person or organization by whatever name or composition thereof to take any salary, expense money or fees as remuneration for services rendered in the playing of any bingo game, including compensation in any form for providing bingo game participants except as allowed by the language of the various Acts of the Alabama Legislature or the official Opinion of the Alabama Attorney General numbered 2008-135.

(d) No qualified organization shall pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

~~(e) It should be unlawful for anyone to operate or conduct a bingo game at any place other than at the permitted location, or for the permit holder to allow anyone to operate a bingo game under its permit who is not a bona fide member, employee or representative of the qualified organization.~~

(f) It shall be unlawful for a permit holder or anyone conducting or operating a bingo game to fail to give out the amount of cash, prizes or gifts advertised for each bingo game.

(g) It shall be unlawful for a Class I permit holder or anyone conducting or operating a Class I permitted bingo game to offer or give out more than \$500 in cash and/or gifts of equivalent value in any calendar day or to give out more than \$1000 in cash and/or gifts of equivalent value in any calendar week. There shall be no limit on the prizes paid out in class II bingo.

(h) Failure to comply with the provisions of this section shall constitute cause for permit revocation.

Sec.12-3-5-8 Social Responsibility; expenses

A qualified organization applying for a permit renewal to operate bingo games shall file, along with the first renewal application, a statement of social responsibility outlining its commitment to social responsibility to provide and sustain a program or facility for youth, senior citizens, the disabled, or other special needs groups. This statement should include the following:

- (a) Description of the facility or project, its purpose and those it seeks to serve:
- (b) A project plan with target dates, the size and scope of the project.
- (c) The proposed location of the project.
- (d) A detailed plan for defraying the provision, maintenance, and operation of the facility or program

Sec.12-3.5-9 Proceeds of bingo games, disposition.

(a) A qualified organization operating bingo games pursuant to a Class I permit issued by the city council shall devote the entire net proceeds after taxes of said bingo games to the charitable, civic, community, benevolent, religious or scholastic activities stated in its charter, bylaws or similar legal instrument and shall distribute all of such proceed no less than yearly. A qualified organization ~~operating bingo games pursuant to a Class II permit issued by the city council~~ shall devote the entire net proceeds, to the charitable, civic, community, benevolent, religious or scholastic activities stated in its charter, bylaws or similar legal instrument.

(b) An item of expense shall not be incurred or paid in connection with the holding, operating or conducting of bingo; except the following bona fide expenses may be incurred or paid:

- (1) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair, maintenance, security, cleaning, and general upkeep of equipment;
- (2) Cash prizes or the purchase of prizes of merchandise;
- (3) Rental of the location at which bingo is conducted, subject, however, to the restriction in section12-3.5-2 in the definition of location; if the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games. If mortgage payments are being made, such payments cannot be calculated based upon a percentage of receipts or profits.

- (4) Utilities;
- (5) Janitorial services;
- (6) The fee required for issuance or reissuance of a permit to conduct bingo;
- (7) Insurance of the facilities and liability coverage, as is reasonable for the operation of bingo games;
- (8) Security personnel;
- (9) Accountant and attorney fees in connection with the operation of bingo;
- (10) Advertising and promotional expenses;
- (11) Other reasonable expenses incurred by the permit holder, not inconsistent with this chapter, as permitted by rules established by the city council and consistent with the Opinion number 2008-135 issued by the Attorney General of the State of Alabama.

~~(c) Failure to comply with provisions of this section shall constitute cause for permit revocation.~~

Sec.12-3.5-10 Management and operation bingo, persons eligible, compensation, equipment, prizes, advertisement.

(a) It shall be unlawful for a person other than a bona fide member, employee or representative of the permit holder to participate in the management of bingo. Persons other than bona fide members of the permit holder may participate in the operation of bingo as provided by rules established by the city council.

(b) Bingo may not be conducted with any equipment, which is not owned, being purchased or being rented by the permit holder.

(c) Prizes given by any organization for the playing of any bingo games shall be no less than the amount of cash, prizes or gifts advertised by the permit holder.

(d) Failure to comply with the provisions of this section shall constitute cause for revocation of the bingo permit.

Sec. 12-3.5-11 Age restriction to play or conduct bingo games.

No person under the age of 19 years shall be permitted to play any game or games of bingo conducted pursuant to any permit issued under this chapter. No person under the age of 19 years shall be permitted to conduct or assist in the conduct of any game of bingo conducted pursuant to any permit issued under this chapter.

Sec. 12-3.5-12 Taxation, prize.

Local taxes of any kind whatsoever shall not be imposed upon the recipient of any prize, whether merchandise or money, awarded by a permit holder during a bingo game conducted in conformity with this chapter or section.

Sec. 12-3.5-12.1 Taxation of Net Proceeds

The qualified organization offering Class II bingo shall pay to the Birmingham Board of Education a tax in an amount equal to fifteen (15.0 %) the net hold of those bingo games. That tax shall become effective on January 1, 2010 and shall be remitted on a quarterly basis beginning April 1, 2010.

Sec. 12-3.5-13 Enforcement and supervision of administration of chapter, personnel rules.

(a)The city council may promulgate reasonable rules and regulations deemed necessary for the proper administration and enforcement of the provisions of this chapter. The police chief shall employ personnel as necessary to implement this chapter.

(b)The city council by reasonable rules shall regulate the holding, operation or conducting of bingo.

Sec. 12-3.5-14 Records of permit holders; financial statements; inspection and location of bingo.

(a)Each permit holder shall maintain financial records for at least three years from the date on which the last bingo game is conducted and Class II permit holders shall prepare a quarterly report for inspection by the Director of Finance on forms approved by such director which shall report all receipts and expenditures for the preceding quarter.

(1)The records shall be open to inspection by a duly authorized employee of the police chief and/or a duly authorized employee of the Director of Finance during

reasonable business hours. The city finance director or his authorized deputy, auditor or representative, may examine and conduct an audit of a permit holder's records, accounts and transactions related to the operation of bingo.

(2) The records kept by a permit holder that are available for inspection are the private property of the permit holder and are not public records available for publication

(b)The location at which the bingo is being conducted or at which an applicant or permit holder intends to conduct bingo shall be open to inspection at all times by duly authorized employees of the chief of police and/or authorized employees of the Director of Finance.

Sec.12-3.5-15 Suspension or revocation of permits

(a)The City Council may suspend or revoke any permit issued pursuant to this chapter if the permit holder, or any officer, director, agent, member or employee of the permit holder violates this chapter or rule promulgated hereunder.

(b)The chief of police or his designee may request the revocation or suspension of any bingo permit for any of the following:

- 1) Failure or refusal to comply with any provision of this chapter;
- 2) Conviction of any officer, director or employee of the permit holder or other person operating, conducting or managing bingo games under such permit of any crime or offense involving moral turpitude or corrupt or fraudulent practice in connection with such games;
- 3) Making a false statement of a material fact in the application for bingo permit or failing to disclose any information called for in the application;
- 4) Failure to give out the amount of cash, prizes or gifts advertised for each bingo game; provided, however, that in the event of a dispute between the qualified organization offering bingo and a patron, the dispute shall be resolved by binding mandatory arbitration.
- 5) A Class I Bingo permit holder, or employee, person operating, conducting or managing a Class I permitted bingo game offering or giving out more than \$500 in cash or gifts of equivalent value in any calendar day or more than \$1000 in any calendar week.

(c) The Chief of Police may request that the city council suspend a bingo permit for any of the above reasons for a period not to exceed fifteen days. Notice shall be given in writing to the permit holder or the manager or operator of the bingo games by certified mail to

the address of record of the permit holder or by personal delivery. Such written notice shall set out the offense or violation giving rise to the suspension and request for suspension or revocation of the bingo permit and a date and time which the city council hearing will be held.

(d) The council shall hold a hearing on the revocation or suspension within fourteen days of receipt of the Police Chief's recommendations. The permit holder may be represented at the council hearing by an attorney and may present witnesses concerning the charges.

(e) The decision of the City Council shall be appealable to the Circuit Court of Jefferson County

(f) Any suspension shall be upon such terms and conditions and for such period of time, as the council deems appropriate.

Sec.12-3.5-16 Violation, offense

Any person who violates this chapter, upon conviction, shall be punished to the general penalties described in § 1-1-6 of this Code.

Sec. 12-3.5-17 Issuance or reissuance of permit after revocation, forfeiture or suspension; grounds for forfeiture; return of permit upon suspension, revocation or forfeiture; effect of suspension, revocation or forfeiture.

(a) A permit holder whose permit is revoked in consequence of a violation of this chapter or a rule promulgated under this chapter shall be ineligible to apply for a permit for a period of one year after revocation.

(b) If the permit is suspended, in addition to other penalties, which may be imposed, the city council may declare the violator ineligible to conduct a bingo game or apply for a permit under this chapter for a period not exceeding one (1) year.

(c) The permit holder shall return its permit to the police chief on or before the effective date of a suspension, revocation or forfeiture.

(d) It shall be unlawful for any person to conduct or aid in conducting a bingo game under an expired, suspended or revoked permit.