

Mr. Smiley, seconded by Mr. Hudson offered the following ordinance for adoption.

ORDINANCE NO. 9339

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, ARTICLE III OF THE COMPILED ORDINANCES OF OUACHITA PARISH GOVERNING “CHARITABLE RAFFLES AND BINGO” TO ALLOW THE USE OF ELECTRONIC VIDEO BINGO MACHINES IN THE UNINCORPORATED AREAS OF OUACHITA PARISH, LOUISIANA, IN ACCORDANCE WITH STATE LAW; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, Acts 2005 No. 373 clarified that electronic or video machines, hereafter termed “electronic video bingo machines” or “EVBM”, for public playing of bingo may be made available at any location licensed for charitable bingo, provided that all requirements of state law are met.;

WHEREAS, the Ordinances of Ouachita Parish have long allowed the operation of charitable bingo games in the unincorporated area of Ouachita Parish, but presently do not allow the use of electronic video bingo machines;

WHEREAS, many neighboring jurisdictions follow the general state law and allow the use of electronic video bingo machines in charitable bingo games; and,

WHEREAS, the Ouachita Parish Police Jury desires to allow and regulate the use of electronic video bingo machines in charitable bingo games in the unincorporated areas of Ouachita Parish;

NOW, THEREFORE:

BE IT ORDAINED by the Ouachita Parish Police Jury in legal and regular session that Ordinance No. 8865 adopted April 2, 2007 and presently codified as 13-36.1 of the Compiled Ordinances of Ouachita Parish, Louisiana, be, and hereby is, repealed;

BE IT FURTHER ORDAINED that Section 13-36.1 of the Compiled Ordinances of Ouachita Parish, Louisiana governing “Charitable Raffles and Bingo” be, and hereby is, amended, re-stated and re-adopted to henceforth provide as follows:

Sec. 13-36.1 - Electronic video bingo machines.

- (a) *Permitted at licensed locations.* It shall be lawful for any bona fide nonprofit board, association, corporation or other organization domiciled in this state and qualified with the United States Internal Revenue Service for an exemption from federal income tax under section 501(c)(3), (4), (5), (6), (7), (8), (10) or (19) of the Internal Revenue Code of 1986 (as amended) or organizations authorized under R.S. 4:703, possessing a current, valid parish and state bingo permit, to use electronic video bingo machine or machines authorized pursuant to R.S. 4:701 *et seq.* at licensed locations for electronic video bingo; and the leasing or placement of such machines from state approved (as defined below) distributors

shall also be lawful. Any state approved distributor of such equipment for use in the conduct of any games of chance authorized under this chapter and under the provisions of R.S. 4:726 shall obtain a license from the Ouachita Parish Police Jury before distributing or supply any electronic video bingo machines in the unincorporated area of Ouachita Parish. "State approved" as used in this chapter shall mean a person or entity specifically licensed or otherwise approved by the State of Louisiana in accordance with state laws governing charitable gaming and electronic video bingo, including but not limited to La. R.S. 4:701 *et seq.* and regulations of the Louisiana Administrative Code promulgated in accordance therewith

(b) *Application for license.*

- (1) Each state-approved manufacturer or distributor, each organization or private contractor qualified to conduct games as authorized under this chapter, and each commercial lessor leasing a premises to a licensee for conducting such bingo, within the unincorporated area of Ouachita Parish shall apply for and obtain, on an annual basis, an electronic video bingo license (EVBL) from the Ouachita Parish Police Jury. Applications for EVBL shall be made in the form prescribed by the Parish Treasurer.
- (2) Every bona fide veteran's, charitable, educational, religious, or fraternal organization, civic, service club and carnival organization seeking an EVBL that desires to sponsor or conduct fund raising events using an electronic video bingo machine or machines ("EVBLMs") in the unincorporated area of Ouachita Parish shall apply for and obtain an EVBL from the Ouachita Parish Police Jury. Such application, shall be in the form prescribed by the Parish Treasurer, duly executed and verified, shall state the name and address of the applicant, together with such information required by R.S. 4:708, including but not limited to the place or places, the date or dates, and time or times when such electronic video bingo machine or machines are intended to be used or operated by the applicant.

(c) *Term of license or permit.* EVBLs issued by the Ouachita Parish Police Jury ("Parish") shall be effective each year from the period of January 1 through December 31 of the same year. Fees for a partial calendar year shall not be prorated.

(d) *License processing fee.*

- (1) An annual nonrefundable fee of two hundred fifty dollars (\$250.00) shall be paid to the Parish to defray the costs of reviewing and processing an application for the issuance or renewal of an EVBL to a manufacturer, distributor, operator, or commercial lessor. This fee shall be in addition to the annual occupational license fee due from said entity.
- (2) Charitable organizations that seek the issuance or renewal of an EVBL shall pay the Parish a nonrefundable application fee of ten dollars (\$10.00). This fee shall be in addition to the annual occupational license fee due from said entity, if any.

- (e) *Machine permit fee.* An annual permit fee of ten dollars (\$10.00) for each electronic video bingo machine to be permitted shall be paid to the Parish by the owner or Distributor of the machine and be included with the EVBL application or renewal application.
- (f) *Quarterly statement.* Not later than twenty (20) days after January 1, April 1, July 1, and October 1, of each year, the owner or distributor of every EVBM used in the unincorporated area of Ouachita Parish shall furnish the Ouachita Parish Police Jury a sworn (notarized) and verified statement indicating total payment, cash or coins in, credits played, credits won and credits paid.
- (g) *Maximum number of machines permitted.* No one site used by an EVBL licensee under this chapter shall have more than thirty-five (35) electronic video bingo machines in such licensed location.
- (h) *Locations.* No EVBL shall be issued to allow the operation of electronic video bingo machines on any premises that would be ineligible for an alcoholic beverage permit under Section 2-24 of the Compiled Ordinances of Ouachita Parish, Louisiana, due to its proximity to one of the institutions or facilities identified in said Section. This prohibition shall not apply if the EVBL applicant provides an Act in authentic form executed by the owner or governing authority of every institution or facility whose proximity would otherwise prevent the issuance of an EVBL at the subject premises, affirming that said institution or facility has no objection to the operation of EVBMs at the subject premises.
- (i) *[Reserved]*
- (j) *Sessions.* A session represents electronic video bingo games played within a time limit not to exceed six (6) hours within a minimum of twelve (12) hours between sessions. Sessions are limited to not more than one session per day per EVBL. No EVBL shall be permitted to operate electronic video bingo games for more days in any calendar month than allowed by the laws or regulations of the State of Louisiana.
- (k) *Parish tax.* For purpose of this provision, the term "net win" shall mean the sum obtained by subtracting total coins in minus the total amount paid out on ticket vouchers tendered for cash money from the electronic video bingo machines. Twenty percent (20%) of the net win from each electronic video bingo machine shall be paid by the owner or distributor of the EVBM as an assessment or tax owed the Parish. The tax or assessment owed to the Parish shall be determined on a monthly basis and becomes due on the fifth day of the month that follows the previous month of operations. Taxes or assessments that are not paid to the Parish, through the Ouachita Parish Police Jury, by the tenth day of the month in which they become due shall incur a penalty of two (2) per cent per month until paid.

- (l) *General.* Except as specifically provided with respect to electronic video bingo, other requirements and penalties relating to bingo, keno, and raffles shall apply to the operation of electronic video bingo machines. To the extent that any of this section is in conflict with any other section(s) of this chapter, the provisions of the section shall control.
- (m) *Louisiana statutory provisions.* Where any provisions hereof conflict with the provisions of R.S. 4:701 *et seq.*, the applicable provisions of such state law (including provisions contained in the Louisiana Administrative Code promulgated pursuant thereto) shall govern. Each EVBL shall meet all requirements of state law regarding the state licensure of such EVBL, the operation of electronic bingo games, and the use of electronic video bingo machines.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall become effective the 15th day of July, 2020.

The above ordinance was introduced on the 1st day of June, 2020.

The ordinance was submitted to a roll call vote, and the vote thereon was as follows:

YEAS:	(4)	Mr. Larry Bratton, District C; Mr. Michael Thompson, District D; Mr. Shane Smiley, District E; and Mr. Lonnie Hudson, District F.
NAYS:	(1)	Mr. Jack Clampit, District B
ABSTAIN:	(0)	
ABSENT:	(1)	Mr. Scotty Robinson, District A

The above ordinance was adopted on the 15th day of June, 2020.

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CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 9339 adopted at a Regular Meeting of the Ouachita Parish Police Jury held on the 15th day of June, 2020, in which a quorum was present and voting and that the ordinance adopted is still in effect and has not been rescinded or revoked.

Signed at Monroe, Louisiana on the 16th day of June, 2020.

/s/Karen Cupit

Karen Cupit
Recording Secretary