

CITY OF FAIRFIELD, ALABAMA

**BINGO/GAMING
ORDINANCE NO. 2024-60
(AMENDING ORDINANCE 1024-I)**

WHEREAS, the Fairfield City Council amends ordinance No 1024-I as set forth below.

WHEREAS, the Fairfield Council finds that the City of Fairfield, Alabama is in need of economic stimulus for redevelopment, and

WHEREAS, this Council finds that there are charities, nonprofit 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 non-profit 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this City Council of the City of Fairfield, Alabama deems it appropriate to enact the following ordinance having repealed any prior Code Sections or ordinances as a result of certain constitutional issues and to avoid ambiguities and misinterpretations enacted by the City Council of the City of Fairfield, Alabama designed or intended to license or to regulate the playing of bingo within the City boundaries of the City of Fairfield, and add to the ordinances that comprise of the Code of the City the following sections as set forth as follows.

BE IT ORDAINED by the Council of the City of Fairfield, Alabama

SECTION 1. SHORT TITLE.

This ordinance shall be known and may be cited as the "City of Fairfield Bingo/Gaming Ordinance." and shall repeal and replace any prior ordinances enacted to permit and regulate the playing of bingo within the City boundaries of the City of Fairfield, Alabama including but not limited to ordinance numbers 1024-I.

SECTION 2. DEFINITIONS.

As used herein the following words shall have the following meanings as described here, unless the context clearly indicates otherwise:

A. "Bingo" or "Bingo Games" shall mean any game of chance known as bingo, including any game permitted by Federal law or which the National Indian Gaming Commission has classified, in a letter opinion which incorporate the following elements: (i) the game must be played on a grid of five (5) horizontal rows intersecting by five (5) continuous squares contained within the grid; (ii) each square in a grid must be designed by a number or other symbol contained in a collection of numbers or symbols used for playing the game; (iii) numbers or symbols are selected by a procedure or mechanism entirely or predominantly governed by chance, and as such number or symbols, if they present on one or more of the squares on any grid in play, are covered or otherwise marked on such grid; (iv) the winner or winners of a particular game are the players of those grids for which a previously designated pattern or arrangement is first covered or marked; (v) two or more players must compete against one or another for prizes; (vi) monetary wagers may be collected for the players of bingo for the opportunity to participate in the game, and such wagers may vary in amount to reflect the value of the prize of winning a particular game, whether the wager is for participation in the whole game or a particular phase thereof, and other factors reflecting the interplay of the amount wagered, the size of the prize and the probability of winning; and (vii) the prizes for winning the game of bingo can be money or anything of value. Notwithstanding any provision to the contrary herein, the definition of "Bingo" or "Bingo Games" shall include the legal description established by the Alabama Supreme Court in *Surles v. City of Ashville*, which provides as follow:

1. "Each player uses one or more cards with spaces arranged in five columns and five rows, with an alphanumeric or similar designation assigned to each space.
2. Alphanumeric or similar designations are randomly drawn and announced one by one.
3. In order to play, each player must pay attention to the values announced; if one of the values matches a value on the player's card, the player must physically act by marketing his or her card accordingly.
4. A player can fail to pay proper attention or to properly mark his or her card, and thereby miss an opportunity to be declared a winner.
5. A player must recognize that this or her card has a "bingo," i.e., a predetermined pattern of matching values, and in turn announce to the other players and the announcer that this is the case before any other player does so.
6. The game of bingo contemplates a group activity in which multiple players compete against each other to be the first to properly mark a card with the predetermined winning pattern and announce that fact."

Surles v. City of Ashville (Ala. 1080826, 1081015, January 29, 2010)

Additionally, "Bingo" and "Bingo Games" shall be defined as said definition may be subsequently amended by the Alabama Supreme Court and/or pursuant to an Amendment to the Constitution of the State of Alabama which applies to the City of Fairfield.

B. "Bingo Equipment and Supplies" shall mean any paper cards and marking pens.

C. "Bingo Expenses" shall mean all expenses incurred in connection with the holding, operating and conducting of Bingo Games in accordance with Amendment 386, as Amended by Amendment 600 to the Constitution of Alabama 1901, including but not limited to, the following expenses; rental of Bingo Equipment and Supplies, payment for the maintenance and repair of Bingo Equipment and Supplies, payment of prizes, rental for the Location, utilities, janitorial services, security services, banking services, permit fees, taxes and license fees, insurance premiums, professional services, maintenance and any payments required by this ordinance. Any expenses authorized by Alabama Constitutional Amendment 386, amended by Alabama Constitutional Amendment 600, and by Alabama Attorney General Opinion 2008-135 shall be permitted under this ordinance.

D. "Bingo Facility" shall mean a facility in which bingo games are operated by a nonprofit organization as provided in this Article. As long as a nonprofit organization is operating the bingo games, the bingo facility may be owned by an individual, partnership, profit corporation or for profit organization.

E. "Bingo Sessions" shall mean (6) consecutive days of no more than 10 hours per day. Sunday operation must begin after 1:00 pm.

F. "Chief of Police" shall mean the Chief of Police for the City of Fairfield, Alabama, who is charged with certain duties concerning investigation, regulation, and enforcement of the requirements of this Ordinance as set forth therein.

G. "Class A Bingo License" shall mean a license issued to an applicant who desires to operate only paper card Bingo or paper card Bingo with skilled games at a Class A Qualified Location.

H. "Class A Qualified Location" for the holder of a Bingo License shall mean a Location which has been inspected and approved by the Chief of Police for the conducting of Bingo Games.

I. "License Holder" shall mean any holder of a Class A Bingo License.

J. "Location" shall mean a building, hall, enclosure, room, premises, grounds and/or outdoor area that complies with all federal, state and local laws and applicable building and fire codes.

K. "Net Proceeds from Bingo" shall mean gross receipts from holding, operating and conducting of Bingo Games in accordance with Amendment 386, Amended by Amendment 600, of the Constitution of Alabama 1901 less winnings and/ or prizes awarded less Bingo Expenses.

L. "Nonprofit Organization" shall mean any bona fide charitable, education, religious, fraternal, civic or service organization or other entity based in Alabama which has been classified

by the Internal Revenue Service as a tax-exempt organization and which operates without profit to its members (if any).

M. "Person" shall mean any human being, corporation, partnership, business organization, association or legal entity of any kind whatsoever.

N. "Revenue Director" shall mean the Administrative Clerk of Fairfield, Alabama, who is charged with certain duties concerning the issuance of licenses and revocation of prescribed by this ordinance.

SECTION 3. OPERATION OF BINGO GAMES

The operation of Bingo Games for prizes or money by Nonprofit Organizations shall be allowed in the City of Fairfield, provided that the Nonprofit Organization shall first obtain a Bingo License and shall thereafter conduct Bingo Games and pay Bingo Expenses in accordance with this Bingo Ordinance and Amendment 386, as Amended by Amendment 600 to the Constitution of Alabama 1901.

All bingo establishments in the City of Fairfield shall comply with all regulations prescribed under Code of Alabama Section 45-37-150.02 also cited as the Jefferson County Bingo Act.

SECTION 4. BINGO LICENSE REQUIRED

A. The operation of Bingo Games for prizes or money by Nonprofit Organization shall be allowed in the City of Fairfield, provided that the Nonprofit Organization shall first obtain a Certificate of Nonprofit Compliance by a vote of the Fairfield City Council to qualify to be considered for a Bingo License.

B. No Nonprofit Organization shall be allowed to operate a Bingo Game unless the Chief of Police has given said recommendation to the Revenue Director issuing a license to said Nonprofit Organization authorizing it to do so. The license described herein shall be in a form designated by the City Council of the City of Fairfield.

C. A holder of a Bingo License may hold only one license, and that license shall be valid for only one Location in the City of Fairfield, Alabama. A license is not assignable or transferable and shall become inactive upon the dissolution of the License Holder and shall become void thirty (30) days after the dissolution of the License Holder.

SECTION 5. APPLICATION FOR LICENSE; SUBMISSION; FORM CONTENTS.

A. Any Nonprofit Organization desiring to obtain a license to operate Bingo Games hereunder shall make application to the Revenue Director and shall pay a nonrefundable application fee of \$5,000.00 for a Class A Bingo License. Such License shall be valid for a period of one (1) year.

a. On any annual anniversary of the issuance of any License, the License shall terminate unless the License Holder, within thirty (30) days prior to each annual anniversary date files a prescribed form providing any changes to the required information given in the original application or in the prior update to the information as applicable and pays a nonrefundable clerical and investigative fee of \$5,000.00 for a Class A Bingo License..

B. No Bingo License shall be issued to any applicant qualified hereunder unless and until the applicant fully provides the information required hereunder, such being provided in a form and in sufficient detail to satisfy the Chief of Police, Fire Chief, Building Department and the City Council of the City of Fairfield of its validity and sufficiency. The Chief of Police and the City Council of the City of Fairfield may require any reasonable confirming documentation as to any information required hereunder and shall have reasonable time to check and confirm by any available method the accuracy or validity of any information provided hereunder.

(i) Any annual anniversary update under Section 5 (A) shall fully provide the information required hereunder, such being provided in a form and in sufficient detail to satisfy the Chief of Police, Fire Chief, Building Department and/or the City Council of the City of Fairfield of its validity and sufficiency. The Chief of Police and the City Council of the City of Fairfield may require any reasonable confirming documentation as to any information required hereunder and shall have reasonable time to check and confirm by any available method the accuracy or validity of any information provided hereunder.

(ii) Should the Chief of Police decide that the initial license would not have been granted had all changes in the required information since the original application occurred prior to the issuance of the License, the Chief of Police may revoke the License. Should the Chief of Police revoke the any License under this sub provision, the procedures in Section 15 of this Ordinance shall apply.

C. No such licenses shall be issued until such time as the Building Department has determined that all Building Code Regulations have been complied with and that all zoning regulations have been satisfied.

D. No license shall be issued for any individual player station or device. In addition, the Police Department shall investigate as to the possible criminal record of the applicant. Should it be determined that any of said parties have, within two (2) years prior to the date of application, been convicted of any felony and/or misdemeanor involving moral turpitude, the application may be denied.

E. Each application for a Bingo License or renewal thereof shall be on such form as is prescribed or approved by the City Council of the City of Fairfield, and shall, at a minimum, contain the following information and exhibits:

(i) The date of the incorporation or other evidence of inception showing existence by the Nonprofit Organization for at least twenty-four (24) months immediately prior to the issuance of the license.

(ii) A certified copy of the charter, certificate of incorporation, by-laws, or other evidence of legal existence of the Nonprofit Organization or Operator.

(iii) Where applicable, a copy of the letter ruling or tax-exempt determination letter from the Internal Revenue Service, or other proof deemed acceptable by the Chief of Police verifying the tax-exempt status of the Nonprofit Organization named in the application of the parent organization of which the same is a qualified branch, chapter, lodge or post.

(iv) The names and residence addresses of each of the members, officers, directors, or the other authorized representatives of the Nonprofit Organization who are responsible for the operation of Bingo Games by the Nonprofit Organization.

(v) The exact physical Location at which the applicant will conduct the Bingo Games and proof that such Location is either owned or leased by the Nonprofit Organization which is conducting Bingo Games. If such Location is not owned by such Nonprofit Organization, the application shall include the names and addresses of the owners or owners of the leasehold interest thereof and a copy of all agreements with the said owners and/or owners of the leasehold interest thereof regarding the rental or use of the premises for the operation of Bingo Games.

(vi) The application shall also be accompanied by a drawing showing the floor plan of the proposed business and all exits. Applications for Licenses shall also show the proposed location and its floor space requirement as required under the Building Code of the City of Fairfield.

(vii) A statement listing all convictions, if any, for criminal offenses, other than traffic offenses, of each of the Persons identified pursuant to subsection (iv) and (v) above.

(viii) A statement that the Persons identified pursuant to subsections (iv) and (v) above are persons of good moral character.

(ix) Such additional information as is reasonably required by the Chief of Police and/or City Council of the City of Fairfield to ensure compliance with this Ordinance and other applicable City, County, State and Federal ordinances, laws and regulations.

SECTION 6. ISSUANCE OF LICENSE

A. Upon receipt of a fully completed and documented application for a license meeting all the requirements set out herein, the Chief of Police shall make such investigation as he may deem necessary and proper of the qualifications of each applicant as required herein and the truth and veracity of the information contained or attached to the application. After making such investigation and after being satisfied that all qualifications and requirements as set out herein have been fulfilled, the Chief of Police shall make recommendations to the City Council of the City of Fairfield as to whether the requested license shall be issued. As part of said investigation, any

Person named in paragraphs (iv) and (v) of Section 5(f) herein may be required to furnish a consent for background and criminal history check.

B. The Revenue Director shall issue such license to said applicant upon the terms and conditions herein set forth.

C. A Class A Bingo License shall be issued to an applicant who desires to operate paper card Bingo only at Qualified Location.

SECTION 7. AMENDMENTS.

A. An applicant may amend an application filed hereunder to correct or complete the information contained therein or to change said information to comply with a change in circumstances at any time prior to the denial thereof by the City Council of the City of Fairfield or the issuance of a license thereon, provided that said amendment is made in or on a form satisfactory to the City Council of the City of Fairfield and the applicant pays a substitution of amendment fee of \$1,000.00 per amendment.

B. A license, once issued, may be amended only upon resubmission of a new, completed application satisfactory to the City Council of the City of Fairfield and payment of a new application fee by the License Holder. The City Council of the City of Fairfield may deny amendments only for the reason that the proposed amendment would have prevented the issuance of the original license had the amendment been included in the original application at the time the original license was issued. If such amendment is approved, a new license evidencing the amendment will be issued in place of the license being amended.

SECTION 8. CONTENTS AND DISPLAY OF LICENSES.

A. Each Bingo License shall contain the name and address of the License Holder, the Location at which the License Holder is permitted to conduct Bingo Games, the days of the week on which the License Holder is permitted to conduct Bingo Games, and the date on which the license was issued and upon which it expires.

B. The License Holder shall display the license conspicuously at the Location where Bingo is being conducted at all times during the conduct of a Bingo Game.

SECTION 9. FEE PROCEDURES.

All monies collected by the Revenue Director hereunder shall be paid to the City of Fairfield and shall be deposited into a separate Bingo account, not to be comingled with the General Fund. Further no expenditures shall be paid for said Bingo account without the approval of the City Council of the City of Fairfield, Alabama. To the extent allowed by law, in the public interest, the said account shall be subject to audit by the State of Alabama Examiners of Public Accounts.

(a) The City Clerk as authorized by this ordinance shall have the power to make regulations respecting the reporting, collection, and enforcement of the fees levied pursuant to this ordinance. The levy, collection and enforcement of the fee shall be administered by the City, or other legal entity as established by ordinance of the City of Fairfield.

(b) In addition to any other fee paid under this ordinance, each permit holder shall pay to the City 5 % of its gross bingo revenues less any amount paid in winnings on a monthly basis. Each permit holder shall provide to the City an accounting of its bingo revenues and winning payouts no later than the 5th day for the preceding month with payment of applicable fees. Failure to remit said accounting and payment by the 10th day of a given month shall be subject to a twenty percent (20%) penalty. In the event all fees and penalties are not paid by the 20th day of any given month, said operation permit shall be automatically revoked.

SECTION 10. CHARITABLE OR EDUCATIONAL PROCEEDS.

All Net Proceeds of Bingo shall be designated and expended for charitable or educational purposes.

SECTION 11. SALES AND OCCUPATIONAL TAXATION.

Any operator of a Bingo location shall be subject to city sales tax as the current tax law requires.

Any operator of a Bingo location is to withhold 1% of each employees gross wages to be paid to the City as occupational taxes on a monthly basis.

SECTION 12. GENERAL REGULATIONS AND PRIZES.

No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(a) No bingo licenses shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 24 months immediately prior to the issuance of the license;

(b) Bingo games shall be operated only on the premises owning or leased by the nonprofit organization operating the bingo game. If the premises is leased the rate of rental shall not be based on a percentage of receipts or profits resulting for the operation of bingo games;

(c) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a

bingo game, but this provision shall be interpreted to allow any items and matters allowed by Alabama Constitutional Amendment 386 and Alabama Attorney General Opinion 2008-135.

(d) A nonprofit organization shall not lend its name to allow its identity to be used by any other person or entity in the operation or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game;

(e) Prizes given by any nonprofit organization for the playing of bingo games in The City of Fairfield, Alabama shall be unlimited but, in no event, shall any prize exceed the amount displayed on any machine prior to the playing of any game and no prize shall be paid for a game in which there is a machine malfunction;

(f) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game. (Amendment 386; Proposed by Act 80-431, submitted at the Sept. 2, 1980, election, and proclaimed ratified Sept. 17, 1980, Proclamation Register No. 3, p. 180; as amended by Amendment 600; Proposed by Act 96-420, submitted at the November 5, 1996 election, and proclaimed ratified Dec. 5, 1996, Proclamation Register No. 8, p. 220), but this provision shall be interpreted to allow any items and matters allowed by Alabama Constitutional Amendment 386, amended by Alabama Constitutional Amendment 600, and Alabama Attorney General Opinion 2008-135.

(g) The Revenue Director shall not issue a Bingo License until the City of Fairfield Planning and Zoning Commission has made a determination in compliance with the requirements of the City of Fairfield Zoning Ordinance that the use is compatible with the permitted district use and is consistent with the provisions of the Zoning Ordinance of the City of Fairfield, Alabama as amended from time to time.

(h) Any payments, expenses, contracts and/or agreements allowed or implied to be allowed by Alabama Constitutional Amendment 386, amended by Alabama Constitutional Amendment 600, and Alabama Attorney General Opinion 2008-135 shall be allowed by this ordinance.

SECTION 13. RECORDS AND ACCOUNTING.

Each holder of a Bingo License shall keep and maintain the following records and accounts pertaining to each Bingo Session conducted by it for at least 3 years from the date of such session:

(a) An itemized list of all gross receipts for each Bingo Session, which shall include all receipts derived from the sale of Bingo cards, entrance fees, donations, or for any other source whatsoever pertaining to the operation of such session.

(b) An itemized List of all Bingo Expenses, costs and disbursements, other than prizes paid or given as a result of the operation of any Bingo Session, together with the name and address of each person to whom said Bingo Expenses, disbursements or consideration was paid or given, a receipt invoice for all items purchased and for all services rendered; and such other records as will adequately reflect the amount and nature of such expenses, costs and disbursements.

(c) All records, receipts, accounts and or lists required to be kept and maintained hereunder shall be open to inspection by the City Clerk during reasonable business hours. All locations at which Bingo Games are being held by a License Holder, or at which a License Holder intends to conduct Bingo Games, shall be open to the Chief of Police during all times at which Bingo Games are being conducted and during all other reasonable business hours.

SECTION 14. ENFORCEMENT AND SUPERVISION; RULES.

The City Clerk and/or that individual designated to perform the duties of the City Clerk, shall be charged with the duty to and shall enforce and supervise the administration and enforcement of all of the rules, regulations, and reporting required hereunder. In addition, thereto, the Chief of Police shall enforce all applicable criminal and civil laws of the State of Alabama and the City of Fairfield, Alabama to prevent and discourage any illegal activity.

SECTION 15. ESTABLISHMENT OF OPERATIONAL BOARD

Nonprofit Organizations operating a bingo facility are required to establish an Operational Board for the purpose of overseeing the operating procedures and activities of the facility.

SECTION 16. REVOCATION OF LICENSE; APPEAL.

The Chief of Police, for good cause shown, may revoke any license issued pursuant hereto if the License Holder violates any of the material provisions herein promulgated, provided, however, that no license may be revoked without complying with the following procedures: The Chief of Police must first deliver to any Person named in the license application pursuant to Section 5, subsections (c)(iv) and (c)(v) hereunder thirty (30) days written notice of its intention to revoke said license and the grounds therefore in specific detail to allow the License Holder to cure any alleged violations. In curing any alleged violation, the Chief of Police may require the License Holder to post bond for an amount which will ensue that additional violation will not occur. If the License Holder cures any alleged violation within the ninety-day notice period, no revocation shall be effective. In the event the Chief of Police does not in good faith, consider the violation cured within the thirty-day notice period, he shall give additional notice to the License Holder, in the manner set forth above, that it intends to proceed with revocation to the Fairfield City Council within ten (10) days of receipt of such notice. Upon such timely request for hearing, the City Council shall hold a hearing upon such revocation, subject to the rules and regulations for the conduct of meetings and hearing before such City Council, at its next regularly scheduled meeting, or specially called meeting for the purpose of such hearing. License Holder must be given 72 hours advanced notice of hearing. Upon such hearing the rendering of a decision adverse to the License Holder shall result in the immediate revocation of the subject license. Notwithstanding any provision contained herein, operations permit shall automatically be revoked under paragraph 9(b) & 9(c) as a result of failure to pay fees and no further notice shall be required and/or cure provisions shall apply.

SECTION 17. EFFECT OF REVOCATION.

A license Holder whose license is revoked as herein set out shall return such license to the Chief of Police on or before the effective date of such revocation and whether returned or not such license shall be inactive on the effective date and shall become void thirty (30) days after the effective date of revocation unless another Nonprofit Organization files in writing with the Revenue Officer an application to substitute it as the license holder at the same Location and Bingo Facility along with an application fee equivalent to that required in Section 5.A. The application for substitution shall contain all information concerning the applicant as is required in an application for a new permit and shall contain proof that the new Nonprofit Organization has a valid right to use the location and Bingo Facilities. The application shall be granted unless the original application for the permit would have been denied had the new Nonprofit Organization, as it exists on the date of the application to substitute, been disqualified from obtaining a Bingo License at the time the original license was issued. A License Holder who loses the right to use a license in consequence of a violation of any rule or regulation promulgated herein shall be ineligible to apply for or have issued to it another license hereunder for a period of 24 months after the effective date of such revocation. Nor shall any license be issued to any Person which is directed or controlled by Persons listed in the application for license filed pursuant to Section 5, subsection (c)(iv) hereof, in regard to the revoked license or to any organization which the membership is substantially the same as any organization whose license has been revoked hereunder, for a period of 24 months after the effective date of such revocation.

SECTION 18. INNOCENT LICENSE HOLDERS.

Should the rights in a license be adversely affected for any reason, the actions of any Person shall not affect in any way the rights of any Person who is a joint or co-licensee who did not participate in the conduct which was the reason for the adverse action. Any non-participating joint or co-licensee may continue with the entire operation without the affected Person.

SECTION 19. AMENDMENTS TO ORDINANCE.

If the City Council shall make any amendment to this Ordinance, such amendment shall not be applicable to any License Holder for the term of such license.

SECTION 20. DISPUTE RESOLUTION, CHALLENGES OR CLAIMS OF THIRD PERSONS; ADMINISTRATIVE REMEDIES.

A. Except as specifically provided otherwise in this ordinance, in the event that any person whatsoever believes that any party has failed to comply with or violated any obligations, responsibilities, rules or requirements of any constitution, statute, ordinance or regulatory rule of any authority in connection with the issuing or receiving of a bingo license under this ordinance, or in the event that any person whatsoever believes that any party has failed to comply with any obligations, responsibilities, rules or requirements of any constitution, statute, ordinance or regulatory rule of any authority in connection with the operation of a bingo operation pursuant to or under the authority of any bingo license issued by the City of Fairfield, Alabama, or in the event that any person whatsoever believes that any provision of any constitution, statute, ordinance

or regulatory rule of any authority required for the issuance of any bingo license under this ordinance violates or conflicts with any provision of any constitution, statute, ordinance or regulatory rule of any authority, or in the event that any person whatsoever believes that any bingo or license issued by the City of Fairfield, Alabama, is void or invalid for any reason, or in the event of any dispute hereunder or as a result of any action hereunder or any action or activity as a result or claimed result of this ordinance, including, but not limited to, a dispute over the proper interpretation of the any provision of any ordinance of the City of Fairfield, Alabama, pertaining to any terms, conditions or legality of any bingo ordinance, bingo license, or bingo operation of or in the City of Fairfield, Alabama, and provided that such person has standing to make a challenge because of such belief, the goal of this Ordinance is to resolve all disputes amicably and voluntarily whenever possible and if not possible to resolve such disputes under procedures contained herein. In pursuit of this goal, the following procedures will be invoked and must be strictly complied with:

B. Any person wishing to take any action mentioned in Subsection A. above shall file in writing with the City Clerk of the City of Fairfield detailed information concerning the relief sought including the standing of the challenging person, any particular provision or provisions challenged or involved, the factual basis for the relief sought, the law relied upon for the relief sought, all physical evidence to be used to support the claim, the name and address of all persons who will be used as witnesses concerning the relief sought, the facts to which such witnesses will testify and, if to be used as experts, the qualifications of such experts, the conclusions of such experts, and all facts and matters used in reaching any conclusions. On the day of filing with the clerk, the challenging party shall mail a copy of such challenge request for relief by certified mail to any Person named in the license application pursuant to Section 5, subsections (c)(iv) and (\$300.00) upon filing.

(i) Any person receiving notice of the claim may file a written response at any time.

(ii) The Clerk shall refer the matter to the Chief of Police within ten (10) days of filing. The chief of Police shall conduct an investigation and may question any person in connection with any such claims. The Chief of Police shall make and file with the clerk within sixty (60) days after the filing of the claim a written decision as to whether the claim shall be denied or considered further if defects are not cured. A copy of the written decision shall be sent to the claimant, the City of Fairfield and any Person named in the license application pursuant to Section 5, subsections (c)(iv) and (c)(v). Should the Chief of Police fail to file a written decision with the clerk within sixty (60) days of the filing of the claim, the claim shall be denied on the sixtieth day after the filing of the claim. Should the decision of the Chief of Police be that the claim shall be considered further, the City of Fairfield and any Person named in the license application pursuant to Section 5, subsections (c)(iv) and (c)(v) shall have thirty (30) days after written notice of the decision and the grounds therefore in specific detail to allow the curing of any alleged defects. If any alleged violations are deemed cured within thirty (30) days by the Chief of Police, the Chief of Police shall then deny the claim. In the event the Chief of Police does not in good faith, consider any defects cured within the ninety-day notice period, the recommendation to proceed further shall be made.

(iii) Any person whose claim is denied by action or inaction of the Chief of Police may file written notice of appeal with the City Clerk within fourteen (14) days of the denial along

with a sufficient bond with sufficient sureties for any costs to be incurred by the City in connection with the appeal. A copy of the notice of appeal shall be served on any person named in the license application pursuant to Section 5, subsections (c)(iv) and (c)(v).

(iv) Should the Chief of Police make a written finding that the claim should be considered further or should the claimant file a timely notice of appeal, the City Council of the City of Fairfield may within thirty (30) days thereof appoint a Committee to conduct an investigation, conduct a hearing and make recommendations to the City Council. The Committee shall report its recommendation in writing within forty five (45) days of the appeal or of the recommendation of the Chief of Police as applicable and shall send a copy to the claimant and to any person named in the license application pursuant to Section 5, subsections (c)(iv) and (c)(v). Should the City fail to appoint a committee within the allotted time or should any committee appointed fail to report its written recommendation within the allotted time, the recommendation of the Chief of Police shall be the recommendation under this sub- provision (iv).

(v) Upon the recommendation from sub-provision (iv) directly above, the City Council shall conduct a hearing within thirty days of the recommendation giving the claimant and any person named in the license application pursuant to Section 5, subsections (c)(iv) and (c)(v) at least ten (10) days written notice of the hearing. The claimant shall not present any matter, witness or evidence not contained in his original claim filed with the clerk under Section 20.B. above. The city council may accept or reject any recommendation made. The City Council shall make a preliminary decision concerning the relief sought but shall allow thirty (30) days for the City Council to correct, if possible, any defect in this ordinance or any portion thereof which prevents any license in question from being valid. Any preliminary decision shall also instruct any person named in the license application pursuant to Section 5, subsections (c)(iv) and (c)(v) what steps, if any, it can take to cure any defects which affect the validity of any license and shall allow thirty (30) days to sure such defects. Within fifteen (15) days after the expiration of thirty days of the preliminary order the City council shall enter a final written order taking into consideration the preliminary decision and any corrections made after its entry. The final order shall specifically state with specificity finding as to the attempts made to cure any defects and the sufficiency or insufficiency of the attempts to cure. Any party may appeal such final order to the Circuit Court of Jefferson County within fourteen (14) days of the date of the final order. Pending appeal to the Circuit Court hereunder, any license shall remain in full force and effect. If the Circuit Court shall order the license revoked, the Circuit Court shall at the request of License Holder stay the revocation and shall set a reasonable bond pending any and all appeals. Only when all appeals are exhausted may the stay be lifted and the license be affected.

(vi) Each step required in this Section must be strictly adhered to and shall be deemed jurisdiction. Failure to exhaust all administrative remedies hereunder shall be fatal to the claim of any person.

SECTION 21. VIOLATION, OFFENSE.

Any Person, association, corporation, or organization who or which shall violate any of the provisions of this Ordinance or of the Constitution of the State of Alabama relating to the conduct

of Bingo in the City of Fairfield or any terms of any license issued under this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be subject to any or all of the following:

- (i) Be fined not more than five hundred dollars (\$500.00);
- (ii) Forfeiture of any license issued under this Ordinance;
- (iii) Be ineligible to serve as an officer of a licensee or to participate in conducting Bingo for a period of 2 years.

SECTION 22. SEVERABILITY.

The provisions hereto are severable. If any part hereof shall be declared invalid or unconstitutional, such declaration shall not affect any parts hereof which shall remain. To the extent possible the contents of all provisions and sub-provisions in this ordinance are severable and, to the extent possible, if any part of the content of any provision or sub-provision shall be declared invalid or unconstitutional, such declaration shall not affect any parts thereof which shall remain.


SECTION 23. PRIOR ORDINANCES REPEALED.

The City Council of the City of Fairfield does hereby with the adoption of this Ordinance repeal and supersede any previous ordinances in reference to Bingo.

SECTION 24. COMPLIANCE WITH CONSTITUTIONAL AMENDMENT 386 AMENDED BY CONSTITUTIONAL AMENDMENT 600

In the event the any term or provision of this ordinance shall conflict with the provisions of the controlling Constitutional Amendments 386 and 600, said conflicting term or provision shall be modified or amended so as to ensure that this ordinance shall comply with said Constitutional Amendments.

Issued this the 4 day of December 2024.



Eddie Penny, Mayor

ATTEST:



City Clerk