

1 Introduced July 14, 2009, by Councilman
2 Hursey, seconded by Councilman Hicks, (by
3 request of Administration)

4 **Item No. 09-07-2815**

5 **ORDINANCE NO. 3544**

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7 An ordinance amending the Code of Ordinances of the City of Slidell,
8 Chapter 5 Amusements and Entertainments, to prohibit any person, association,
9 organization, or corporation to hold, operate, or conduct the specific game of chance
10 identified as electronic video bingo in the City of Slidell.

11 WHEREAS, Art. 12, Section 6C(1)(b) of the Louisiana Constitution provides,
12 in pertinent part, "No form of gaming, gambling, or wagering authorized by law on the
13 effective date hereof shall be licensed or permitted to be conducted in a parish in which it
14 was not heretofore being conducted, except licensed charitable gaming which may be
15 conducted in any parish provided it is conducted in compliance with the law . . ."; and
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19 WHEREAS, the "Charitable Raffles, Bingo and Keno Licensing Ordinance"
20 was enacted by Acts 1968, No. 609, Section 1, as Subdivision 1 A of Subpart B of Part V
21 of Chapter 1 of Title 14, containing R.S. 14:90.1 to 14:90.16. On authority of R.S. 24:253,
22 the provisions were transferred and redesignated R.S. 33:4861.1 to 33:4861.16. In 1983,
23 the Slidell City Council, acting on the authority of R.S. 33:4861.1-33:4861.17, determined
24 that "It shall be legal, and charitable raffles, bingo, pull-tab and keno games shall be
25 permitted within the City subject to the provisions of Revised Statutes 33:4861.1 through
26 33:4861.19 and, accordingly, adopted Ordinance Nos. 1638, 2117, 2219 and 2235, which
27 are codified in existing Section 5-21 of the City of Slidell Code of Ordinances"; and
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31 WHEREAS, subsequently, by Act 568, approved June 30, 1999, the
32 Legislature repealed the existing enabling legislation and reestablished that authority in
33 enacting Chapter 11 of Title 4 of the Louisiana Revised Statutes of 1950, to be comprised
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4 of R.S. 4:701 through 739. The enactment of Chapter 11 included the provision set forth in
5 Paragraph A of R.S. 4:724, which provides that "Electronic or video bingo machines,
6 hereafter termed 'electronic bingo machines', for public playing of bingo may be made
7 available at any location licensed under this chapter for charitable bingo, provided that all
8 requirements of this chapter not in conflict with the provisions of this Section are met." At
9 the time of enactment, Chapter 11 also included Paragraph A of R.S. 4:706, which
10 provides that "the Governing Authority of each municipality shall decide whether charitable
11 raffles, bingo, and keno as provided for in this Chapter shall be permitted with the
12 municipality." However, by Act 373, approved June 30, 2005, the Legislature enacted
13 Paragraph D of R.S. 4:706 to provide that "the term 'bingo' shall include 'electronic video
14 bingo,'" and
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22 WHEREAS, the City of Slidell authorized charitable bingo in 1983. As of
23 June 30, 2005, per R.S. 4:706D, the term "bingo" shall include electronic video bingo and,
24 pursuant to Paragraph A of R.S. 4:724, "Electronic or video bingo machines, hereafter
25 termed 'electronic bingo machines', for public playing of bingo may be made available at
26 any location licensed under this chapter for charitable bingo, provided that all requirements
27 of this Chapter not in conflict with the provisions of this Section are met." However in
28 paragraph I of that same Section, the Legislature expressly provided that "Nothing in this
29 Section shall be construed to restrict the authority of local governments to restrict or
30 prohibit the conducting of electronic video bingo." Furthermore, R.S. 4:707B provides, in
31 pertinent part, that the Governing Authority of any municipality *may*, consistent with the
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4 provisions of this Chapter, license charitable organizations defined in R.S. 4:703(1) to hold
5 and operate the following specific games of chance: (4) Electronic video bingo provided
6 for in R.S. 4:724 and as defined by rules of the office; and
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9 WHEREAS, in Title 4, Chapter 11, Charitable Raffles, Bingo and Keno
10 Licensing Law, the Legislature has expressly provided for the following requirements and
11 authority in pertinent part, with emphasis and parenthetical matter added:
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14 **Section 718F.** “Any license, permit, approval, or thing obtained or issued
15 pursuant to the provisions of this Chapter is expressly declared by the Legislature to
16 be a pure and absolute revocable privilege and not a right, property or otherwise,
17 under the Constitution of the United States or the State of Louisiana. The
18 Legislature declares that no holder of any license or permit (whether state or parish)
19 acquires any vested interest or right therein or thereunder”;
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23 **Section 724(I).** “Nothing in this Section shall be construed to restrict the
24 authority of local governments to restrict or prohibit the conducting of electronic
25 video bingo”;
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29 **Section 706(A) and (C)(1).** “The Governing Authority of each municipality
30 shall decide whether charitable raffles, bingo [which includes electronic video bingo
31 by definition], and keno as provided for in this chapter shall be permitted within the
32 municipality. If the local Governing Authority elects to license and regulate
33 charitable raffles, bingo, and keno within its jurisdiction [which includes electronic
34 video bingo by state definition], it may adopt rules, regulations, and ordinances for
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4 charitable organizations, as defined in R.S. 4:703(1), to hold and operate games of
5 chance authorized in R.S. 4:707 and to enforce any local provisions regarding same
6 games of chance”;

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9 **Section 708(A).** “Each applicant for such a license shall file with the . . .
10 clerk of a municipality a written application therefor in the form prescribed in said
11 rules and regulations, duly executed and verified, in which shall be stated (3) The
12 specific kind of game or games of chance intended to be held, operated, and
13 conducted by the applicant (specified in 707A(4) to include electronic video bingo)”;

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17 **Section 707(G).** “No local Governing Authority shall issue a license to any
18 organization unless that organization has first obtained a license from the office in
19 accordance with this Chapter”;

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22 **Section 713(A).** “. . .the Governing Authority of any municipality or parish
23 issuing any license under this Chapter shall regulate all games of chance held,
24 operated, or conducted under such license issued by it, to assure that they are fairly
25 held, operated, and conducted in accordance with the provisions of the license, the
26 provisions of this Chapter, and the rules promulgated and adopted pursuant to the
27 provisions of R.S. 4:705(10)(b)”;

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32 **Section 735(B).** “Any person, association, or corporation which commits any
33 of the following acts shall, upon conviction, be subject to a criminal penalty, and be
34 fined not more than five thousand dollars or imprisoned for one year, or both: (7)
35 Possessing any electronic video machine or component, parts, or supplies intended
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4 for use therewith except manufacturers, distributors, or lessors and organizations
5 licensed by . . . a municipality to conduct electronic video bingo who are in
6 possession of such machines under the provisions of R.S. 4:724 and R.S. 4:733
7 and the rules and regulations adopted pursuant to R.S. 4:724(F) and R.S.
8 4:733(H)";

9 WHEREAS, the State Legislature has declared, in Section 718F, that no
10 holder of any license acquires any vested interest or right therein or thereunder. The City
11 of Slidell has not heretofore issued any license to a charitable organization to hold and
12 operate the specific game of chance identified in R.S. 4:707(A)(4) as "electronic video
13 bingo as provided for in R.S. 4:724 and as defined by rules of the office." Based on the
14 legislative authority set forth immediately herein above, and all other applicable authority,
15 and in order to protect the public health, safety and welfare, the Slidell City Council finds
16 that it is necessary to prohibit the issuance of any license by the municipality to conduct
17 electronic video bingo in the City of Slidell.

18 NOW THEREFORE BE IT ORDAINED by the Slidell City Council as
19 Governing Authority that it does hereby amend the Code of Ordinances of the City of
20 Slidell, Chapter 5 Amusements and Entertainments, as follows:

21 **ARTICLE II. CHARITABLE RAFFLES, BINGO AND KENO**

22 **Section 5-21. Legalized for charitable purposes.**

23 Add an additional paragraph as follows:
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4 Based on the authority set forth in Title 4 of the Louisiana Revised Statutes,
5 Sections 718(F), 724(I), 706(B) and (C)(1), 713(A) and 735(B), and all other
6 applicable authority, it shall be prohibited in the City of Slidell for any person,
7 association, organization, or corporation to hold, operate or conduct the specific
8 game of chance identified in R.S. 4:707(A)(4) as electronic video bingo as provided
9 for in R.S. 4:724. It shall be prohibited for any office, agency, department or
10 employee of the City of Slidell to issue any license or permit to any person,
11 association, organization or corporation to hold, operate or conduct the specific
12 game of chance identified in R.S. 4:707(A)(4) as electronic video bingo as provided
13 for in R.S. 4:724.

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20 REPEAL: The amendments shall apply retroactively to the date of introduction of
21 this ordinance.

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23 SEVERABILITY: If any provision of this ordinance shall be held to be invalid, such
24 invalidity shall not affect other provisions herein which can be given effect without the
25 invalid provision and to this end the provisions of this Ordinances are hereby declared to
26 be severable.

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30 BE IT FURTHER ORDAINED that this ordinance shall become effective
31 upon adoption and the provisions of this ordinance, as adopted, shall be retroactively
32 applied to June 23, 2009.

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35 BE IT FINALLY ORDAINED that Ordinance No. 3540 is hereby repealed in
36 its entirety.
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ADOPTED this 11th day of August, 2009.

Rickey Hursey
Rickey Hursey
President of the Council
Councilman, District B

Ben O. Morris
Ben O. Morris
Mayor

Thomas P. Reeves
Thomas P. Reeves
Council Administrator

DELIVERED <i>8/11/09</i> <i>3:30pm</i> to the Mayor
RECEIVED <i>8/12/09</i> <i>2:12 p.m.</i> from the Mayor