

**ORDINANCE NO. 96-192**  
**AS AMENDED**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, that Ordinance No. 93-114 (the Bingo Ordinance), adopted March 11, 1993, is hereby amended to read as follows:

**Section 1. DEFINITIONS.** As used in this ordinance, unless the context requires otherwise, the following terms shall have the following meanings:

A. **"Bingo"** shall mean and include a specific game of chance, commonly known as bingo, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random by the operator of said game and which are placed by the persons playing or participating in said game on cards or sheets of paper which contain or set out numbered spaces upon which said designated numbers or symbols may be placed by the persons playing or participating in said game.

B. **"Authorized organization"** shall mean and include any bona fide non-profit religious or charitable organization or bona fide educational, fraternal, civic or service organization or a bona fide organization of veterans, which by its charter, certificate of incorporation or constitution, operates without profit to its members, provided that the principal location of each such organization (defined as being where a majority of the organization's assets are located) shall have existed within the corporate limits of the City of Huntsville and have been duly qualified as an organization under Section 501(c) of the United States Internal Revenue Code for a period of twenty-three (23) months immediately prior to applying for a license under this ordinance.

C. **"License"** shall mean a license issued pursuant to the provisions of this ordinance.

D. **"Bingo session"** shall mean a series of consecutive games which are continuous except for a break of no more than 15 minutes during the course thereof.

**Section 2. AUTHORITY.** It shall be lawful for any authorized organization, upon obtaining a license as hereinafter provided, to conduct the game of bingo within the corporate limits of the City of Huntsville subject to the provisions of this ordinance and subject to Amendment No. 387 to the Constitution of 1901 of the State of Alabama. It shall be unlawful for any person, firm, association, corporation, or organization, including any non-profit organization, its officers, employees, or agents, whether for charitable or educational purposes or otherwise, to operate any bingo game or games for prizes or money within the corporate limits of the City of Huntsville, Alabama, without first having obtained a license therefore as hereinafter provided.

**Section 3. GENERAL RESTRICTIONS.** Any game or games of bingo licensed hereunder shall be subject to the following restrictions in addition to such other restrictions as may be provided herein or contained in the Constitution of the State of Alabama.

A. No person, firm, association, corporation or organization shall conduct any game of bingo except under a license issued pursuant to this ordinance.

B. No person, firm, association, corporation or organization shall conduct any game of bingo except

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at the time and place approved by the City of Huntsville Bingo Review Committee.

C. No person, firm, association, corporation or organization shall hold, operate or conduct any game or games of bingo under any license except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of bingo under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary.

D. No person under the age of nineteen (19) shall be permitted to play any game or games of bingo, nor shall any person under the age of nineteen (19) be permitted to conduct or assist in the conduct of any game or games of bingo.

E. No person under the age of nineteen (19) shall be allowed in the room where a bingo game is being played during any bingo session.

F. No bingo license shall be issued to any non-profit organization, unless such organization shall have been in existence within the corporate limits of the City of Huntsville and have been duly qualified as an organization under Section 501(c) of the United States Internal Revenue Code for at least twenty-three (23) months immediately prior to the issuance of the license.

G. Bingo games shall be operated only on the premises owned or leased by the non-profit organization operating the bingo game. If the premises is leased, the rate of rental shall not be based, in whole or in part, on a percentage of receipts or profits resulting from the operation of bingo games. Rental shall not be paid from the proceeds of bingo games.

H. No person, firm, association, corporation or 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 non-profit organization, nor shall any person, firm, association, corporation, or organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

I. A non-profit organization shall not lend its name or allow its identity to be used by any other person or entity in the operation or advertising of a bingo game in which said non-profit organization is not directly and solely operating said bingo game.

J. The total value of prizes given by any non-profit organization for the playing of bingo games shall not exceed \$1,000 in cash or gifts of equivalent value during any bingo session and \$2,000 in cash or gifts of equivalent value during any calendar week.

K. Bingo sessions which are held on the same day shall not have an intermission of more than thirty (30) minutes between sessions, and at the beginning of the first session, bingo cards good for all the games listed on the program of play for both sessions may be purchased by the players. Additional cards for

games listed on the program of play can be sold at a reduced price during the intermission.

L. No more than two bingo sessions, as defined herein, shall be held by a licensed, non-profit organization in any one calendar week.

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M. No person, firm, association, corporation, or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees (unless authorized by this ordinance) as remuneration for services rendered in the operation of any bingo game.

N. The entire net proceeds of any game of bingo, as determined under Section 9 of this ordinance, shall be devoted exclusively to charitable and educational purposes. None of the said proceeds shall be expended for fraternal or social purposes.

O. No more than one (1) organization licensed hereunder shall conduct bingo games at the same premises on the same day. No more than three (3) organizations shall be licensed to conduct bingo games at the same premises.

P. Each non-profit organization, as a condition precedent to receiving a bingo license under this ordinance, shall have at least fifty (50) active members who reside within the corporate limits of the City of Huntsville, shall have at least four general membership meetings annually where minutes of the meeting are kept, shall elect officers at least annually, and all classes of members shall be eligible for election to all offices by popular ballot of the entire membership. In addition, each applicant for a license shall provide substantial evidence that it has habitually and continually sponsored charitable or educational projects within the corporate limits of the City of Huntsville where funds were raised for such projects by participation of the membership for a period of twenty-three (23) months immediately preceding the application.

Q. The unauthorized conduct of a bingo game or any willful violation of any provision of this ordinance shall constitute and be punishable as a misdemeanor.

R. An accurate accounting record shall be maintained for each bingo session showing the gross amount of money taken in from a fee, sale of game packs, sale of game sheets and other bingo paraphernalia during each bingo session; the total number of winners for each bingo game and the amount received by each winner of a game; the total amount that was given away during each bingo session and the net amount of each bingo session to be deposited in the organization's bingo checking account. The net amount shall be deposited in the bingo checking account within four (4) days after the bingo session. If bingo sessions are held on the same day as provided in this ordinance, then the accounting records can be for both sessions. The above accounting records and a copy of each deposit slip shall be attached to the Bingo Financial Statements that are required to be submitted to the Clerk-Treasurer of the City of Huntsville.

S. Prior to each bingo session there shall be maintained by the Bingo Chairman, and posted in view of the general public at each entrance, a list of all members working at that bingo session, showing at least their name and position of responsibility, and the Bingo Chairman or the person in charge shall wear a name tag showing his/her name.

T. At the beginning of each bingo session a program of play shall be provided to each player and anyone else who requests a copy of same, showing the number, order, and type of bingo games to be played, along with the amount of the winning prize or "pot" for each bingo game. All the rules for the game of bingo,

including how, and when the winning prize will be divided or "split," shall be listed on the program of play, also. No game shall be played by whatever title or name that is not listed on the program of play. If bingo sessions are played on the same day as provided in this ordinance, the program of play for both sessions may be provided at the beginning of the first session for both sessions.

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U. At the beginning of each bingo game, the person calling the game shall announce the amount of the prize for that bingo game. At the end of each bingo game, the person calling the same shall announce the number of winners for that bingo game and how much each winner received.

V. No bingo caller shall be allowed to call bingo games for more than one organization, unless such caller is a member of each organization for which he or she is calling games.

W. No person who is a member of more than one organization shall be allowed to be a Bingo Chairman for more than one organization at the same time.

X. The Clerk-Treasurer of the City of Huntsville shall be notified in writing within thirty (30) calendar days by any organization licensed under this ordinance after any change in the organization's Bingo Chairman.

Y. All organizations licensed under this ordinance to play bingo shall be required to maintain a separate checking account for bingo operations, into which all bingo funds are deposited and from which all bingo disbursement checks are written. The bingo checking account is in addition to any other checking or savings accounts maintained by the organization.

Z. No game of Instant Bingo, more commonly referred to as "Pull Tabs," (where a single or banded ticket or card, with its face covered to conceal one or more numbers or symbols where one or more cards or tickets in each set has been designated in advance as a winner, and where participants at a designated time of play remove the front cover of the card to determine if that card has the required designated numbers or symbols to be declared a winner) shall not be played within the corporate limits of the City of Huntsville.

AA. In addition to any person directly responsible for a violation of this ordinance, the elected or appointed officials, officers, or directors of social, fraternal, civic, religious, or other non-profit charitable organizations conducting bingo operations shall also be responsible for violations of this ordinance.

BB. No member of any organization granted a bingo license under this ordinance who manages, calls or helps conduct any bingo game during a session shall be allowed to play bingo at any bingo game during such session.

CC. No person who has been convicted of any gambling offense, or of any crime involving moral turpitude, under the laws of Alabama, the laws of the United States, the laws of any other state, or the ordinances of any municipality, shall be involved in the operation of any licensed bingo game within the corporate limits of the City of Huntsville. No organization licensed to conduct bingo games under the provisions of this ordinance shall conduct any bingo game at a building, hall, or facility which is owned or under the control of any person who has been convicted of any gambling offense or any crime involving moral turpitude under the laws of Alabama, the laws of the United States, the law of any other state, or the ordinances of any municipality.

DD. No person, firm, association, corporation or organization licensed to operate bingo games shall permit any other person, firm, association, corporation or organization to sell concessions or to undertake any other type of fund raising activity of any kind whatsoever on the day or days of any bingo session at the location of the bingo game.

EE. All payments of any kind made by any person, firm, association, corporation or organization from the proceeds of any bingo game, except for cash prizes awarded during any bingo game, must be made by check from the organization's bingo checking account. Copies of all canceled checks (both sides of each check), all deposit slips and monthly bank statements must be attached to and submitted with any financial statement required by this ordinance.

**Section 4. APPLICATION FOR LICENSE.**

A. Each applicant shall file with the Clerk-Treasurer of the City of Huntsville a written application in a form prescribed by the Clerk-Treasurer duly executed and verified. The application form may be modified as required by the Bingo Review Committee.

B. Each new applicant shall pay a one hundred (\$100) dollar non-refundable bingo application filing fee with Clerk-Treasurer of the City of Huntsville together with a completed bingo license application.

C. In each application there shall be designated an active member or members of the applicant organization under whom the game or games of bingo are to be conducted, and there shall be appended to the application a statement executed by the member or members so designated that he, she or they will be responsible for the conduct of such bingo games in accordance with the terms of the license and the provisions of this ordinance and the Constitution of the State of Alabama. There shall be appended to the application a copy of a deed, lease, and/or sub-lease, if applicable, executed in the name of the licensee, for the premises upon which the bingo games are to be conducted. Each bingo license application shall include the following information, items, or attachments:

1. Date of application.
2. Legal name of the firm, association, corporation of organization.
3. Actual or trade name of the firm, association, corporation, or organization.
4. Current mailing address and telephone number of the firm, association, corporation, or organization and the address for the last two years, if different from the current address.
5. Location address where bingo games are to be conducted.
6. Day or days of the week bingo games are to be played.
7. Time of day at which bingo games are to be played.
8. Date the firm, association, corporation, or organization was established in the City of Huntsville.
9. Name, date of birth, current address and telephone number of each current officer or director of the firm, association, corporation or organization.
10. Name, date of birth, current address, and telephone number of the organization's Bingo Committee members.

11. Date the firm, association, corporation, or organization was incorporated.
12. Copy of certificate of incorporation.
13. Copy of organization or association's charter. If the organization is affiliated with any state, national, or international organization, the organization must submit a copy of the authorization or evidence of affiliation issued by the state, national, or international organization.
14. Copy of the organization's by-laws.

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15. Date the organization was approved as an organization under Section 501(c) of the United States Internal Revenue Code.
16. Copy of the organization's 501(c) exemption.
17. Copy of the current active membership roster, including, but not limited to, the name, address, and telephone number of all members, [which must number](#) at least fifty (50), a [majority of which](#) shall reside within the corporate limits of the City of Huntsville.
18. Name, address, and telephone number of the owner of the real estate where bingo games will be conducted.
19. A copy of the deed to the property upon which bingo games will be conducted.
20. A copy of any lease or sub-lease pertaining to the property upon which bingo games will be conducted.
21. A copy of the organization's financial statements for the previous two years.
22. A copy of the sign permit issued by the City of Huntsville's Inspection Division if the organization is going to display a sign.
23. A list of all charitable or educational donations, including the dollar amount or value thereof, made during the past twenty-three (23) months.
24. A completed City of Huntsville Annual Privilege License Tax Application.
25. A statement shall be attached to the bingo application as to the specific purpose to which the entire net proceeds of such bingo games are to be devoted.
26. A statement that all persons signing the application have received and read a copy of the current City of Huntsville Bingo Ordinance.
27. A \$100 dollar bingo application fee.

D. No person, firm, association, or corporation which holds a Bingo License from Madison County, Alabama to operate a game of bingo outside the corporate limits of the City of Huntsville shall be allowed to operate a game of bingo within the corporate limits of the City of Huntsville. Any person, firm, association, or corporation which has had a license revoked or denied by the Madison County Commission, shall not be allowed to apply to operate a game of bingo within the corporate limits of the City of Huntsville [for a period of two years from the date of such revocation or denial, whichever is applicable.](#)

As a prerequisite for the renewal of any license issued hereunder, the licensee must submit to the City Clerk-Treasurer a statement containing the information required in paragraphs numbered 9 and 10 of this section. In addition, the licensee must submit a prior year's annual (January 1 through December 31) Bingo Financial Statement, in a format approved by the Clerk-Treasurer of the City of Huntsville, to be used by the Bingo Review Committee, to determine the renewal eligibility of each licensee. The Financial Statement is due on or before January 31. If any of the information required in this section for the original application for any bingo license has changed as of the date of any application for a license renewal, then such information shall be submitted in connection with a renewal application.

**Section 5. ISSUANCE AND DURATION OF LICENSE.**

A. The Clerk-Treasurer of the City of Huntsville shall cause to be investigated the qualifications of each applicant and the merits of each application with due expedition after the filing of the application. The Clerk-Treasurer shall deliver to the Review Committee the application together with the supporting documents and a detailed report of the results of his investigation to determine that the applicant is duly qualified to be licensed to

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conduct bingo under this ordinance; that the member or members of the applicant designated in the application to conduct bingo are bona fide active members of the applicant and are persons of good moral character and have not violated any provision of this ordinance or been convicted of a felony or, if convicted, have received a full pardon; that such games are to be conducted in accordance with the provisions of this ordinance, and that the proceeds thereof are to be disposed of as provided by this ordinance, and if the Committee is satisfied that no commission, salary, compensation, reward or fee whatsoever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games, the Committee shall authorize the issuance of a license to the applicant for the conduct of bingo upon payment of a license fee of five hundred (\$500) dollars for each license year. Provided further that where the application indicates that bingo will be conducted for a period of time limited to one calendar week, then the license fee shall be \$25, and the license shall be limited to the period of time designated in the application. As provided by Section 40-9-13, Code of Alabama (1975), as amended, Shrine Charitable Amusement & Fund Raising Events, Cahaba Shrine Temple, and the Huntsville Shrine Club are exempt from the section of this ordinance requiring the payment of a Privilege License Fee, but are subject to all other provisions of this ordinance.

B. Any person, firm, association, corporation, or organization granted a new bingo license shall be allowed to start playing bingo upon issuance of the license by the Clerk-Treasurer.

C. If during any licensing year any of the information contained in the application changes, the bingo licensee must, within thirty (30) calendar days after the change occurs, submit to the Clerk-Treasurer of the City of Huntsville a statement in writing containing the changes. The statement shall be signed, sworn to, and notarized in the same manner as the original application as provided for in this ordinance. The failure of an organization to submit the statement in writing containing the change or changes within the thirty (30) calendar days after the change occurs shall be cause for revocation by the Bingo Committee of the bingo license of the firm, association, corporation, or organization.

D. There is hereby created for the purpose of assisting the City Clerk-Treasurer of the City of Huntsville of the City of Huntsville a committee known and designated as the Bingo Review Committee, which shall be composed of seven members to be appointed as follows: five members shall be appointed by the City Council for a term of two years and may be affiliated with a licensed organization; one member shall be the Administrative Assistant to the Mayor; and one member shall be an employee of the Police Department designated by the Chief of Police. Vacancies will be filled in the same manner as the original appointments. The City Clerk-Treasurer or his designated representative shall serve as an advisor to the Committee. The Committee shall assist the City Clerk-Treasurer in the consideration and special investigation of the applications herein required to be reviewed. The committee may require any applicant to submit additional evidence that the said applicant has habitually and continually sponsored charitable or educational projects within the community as herein required, and may require, as a condition precedent to consideration of said application, that verified information concerning said projects be furnished by applicant. The Committee shall

review and investigate applicants assigned to it by the City Clerk-Treasurer. The Committee shall elect a chairman and a secretary and adopt its own procedural rules. The chairman and the secretary shall be subject to reelection annually. The Committee, in reviewing an application assigned to it by the City Clerk-Treasurer, shall consider all relevant findings compiled by the City Clerk-Treasurer. The Committee may conduct a full financial analysis and investigation of the application. The committee shall make a determination of whether or not the organization for which a bingo license is sought is bona fide not-profit, and whether or not the proceeds are to be applied in accordance with this section. In addition, the Committee shall review all statements of receipts and expenses filed, and report any violations to the City Clerk-Treasurer. The Committee shall hold such regular meetings as may be determined by the Committee. The chairman or any two

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members of the Committee may call a special meeting at any time, provided, however, that notice of the time and place of any special meeting must be given to all members. The City Clerk-Treasurer shall issue a license approved by the Committee within ten (10) days from the date of such approval.

**Section 6. HEARING.** No application for a license hereunder shall be denied by the Committee until after a hearing, held on due notice of the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application. In the event the application for a license is denied by the Committee, the applicant may appeal to the City Council by filing a notice of appeal to the City Clerk-Treasurer within ten days from the date of said denial. The City Council shall set a hearing on the appeal within a reasonable time. The decision of the City Council shall be final.

**Section 7. FORM OF LICENSE.** Each license shall be in such form as shall be prescribed by the City Clerk-Treasurer and shall contain a statement of the name and addresses of the member or members of the licensee under whom the games will be conducted, the place where and the date or dates and time or times when such games are to be conducted and the specific purposes to which the entire net proceeds of such games are to be devoted.

**Section 8. CONTROL: SUSPENSION/REVOCAION OF LICENSE.** The City Clerk-Treasurer shall exercise rigid control and close supervision over all games of bingo conducted under such license, and shall have the power and authority to suspend any such license, and after notice and hearing, to revoke the same for violation of any provision of such license, or of this ordinance.

**Section 9. EXPENSES.** No item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of bingo under any license, except those reasonable expenses that are necessarily expended for bingo supplies and equipment, prizes, bookkeeping or accounting services, janitorial services, security services, trash pick-up (dumpster) services, and utilities, if any, and license fees. The fees for accounting services, janitorial services, security services, trash pick-up and utilities shall be paid out of bingo proceeds only at a pro-rata share of the total monthly bill or charges for such expenses, reflecting the percentage resulting from dividing the number of days the facility was open (for any reason) into the number of bingo games were conducted at the facility. Rent, mortgage loans, or other amounts paid or incurred for the use or ownership of the premises upon which bingo games are conducted shall not be paid out of or deducted from the proceeds of any bingo game or games. All allowable expenses shall be paid for by check

from the organization's bingo checking account.

**Section 10. ADVERTISING GAMES.** No game of chance to be conducted under any license issued under this ordinance shall be advertised, as to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one sign not exceeding sixty square feet in area may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, provided that any such sign must be permitted by the City of Huntsville Inspection Division and must comply with the City of Huntsville's Zoning Ordinance.

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**Section 11. STATEMENT OF RECEIPTS, EXPENSES, ETCETERA.** Within thirty-one days after the conclusion of any annual period (January 1 through December 31), and within fifteen days after the expiration of any weekly license, the authorized organization which conducted a bingo game or games, and its members who were in charge thereof, shall each furnish to the City Clerk-Treasurer a statement, in a format approved and provided by the City Clerk-Treasurer, subscribed by the member in charge and affirmed by him/her as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made, with a description of the merchandise purchased or the services rendered therefor; a list of prizes offered and given, with the respective values thereof; the net proceeds derived from such game or games, and the use to which such proceeds have been or are to be applied; and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement. A copy of all bingo checking account monthly bank statements shall be attached to the financial statement required by this ordinance.

**Section 12. EXAMINATION OF BOOKS AND RECORDS; EXAMINATION OF MANAGERS; ETCETERA; DISCLOSURE OF INFORMATION.** The City Clerk-Treasurer or any officer designated by him shall have power to examine or cause to be examined the books and records of any licensed organization so far as they may relate to bingo including the maintenance, control and disposition of net proceeds derived from bingo or from the use of its premises for bingo, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game under any such license or the use of its premises for bingo, as the case may be. [Failure to cooperate with the City Clerk-Treasurer in the exercise of his or her authority under this section shall constitute a violation of this ordinance.](#)

**Section 13. OFFENSE; FORFEITURE OF LICENSE; INELIGIBILITY TO APPLY FOR LICENSE.** Any person, association, corporation, or organization who or which shall:

- A. fail to submit to the Clerk-Treasurer of the City of Huntsville a prior year's financial statement, and annual financial statements thereafter as required by this ordinance for the renewal of a bingo license;
- B. make any false statement in any application for any license authorized to be issued under this ordinance;

- C. fail to keep a separate bingo checking account, and such books and records as shall fully and truly record all transactions connected with the conducting of bingo;
- D. falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of bingo or to the disposition of the proceeds thereof;
- E. fail to list a member working a bingo session pursuant to Section 3. S. Of this ordinance;
- F. divert or pay any portion of the net proceeds of any game of bingo to any person, association or corporation, except in furtherance of one or more of the lawful purposes defined herein;
- G. allow anyone under the age of nineteen (19) to play a game or games of bingo or allow anyone

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under the age of nineteen (19) to conduct or assist in the conduct of any game or games of bingo; or

- H. 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 Huntsville or of any term of any license issued under this ordinance;

shall be guilty of a misdemeanor and shall forfeit any license issued under this ordinance and be ineligible to apply for a City of Huntsville bingo license [for a period of two years thereafter.](#)

**ADOPTED** this the 11th day of July, 1996.

/s/  
President of the City Council of  
Huntsville, Alabama

**APPROVED** this the 11th day of July, 1996.

/s/  
Mayor of the City of  
Huntsville, Alabama

**NOTICE**

This Ordinance was updated as of 6/30/99 with the following changes:

Ordinance #    Changes

98-739            Changed the wording in Section 3.O. from two (2) to three (3).

99-223            Changed Sections 4, 5, 9, 11, 12, & 13.

99-516            Changed Section 4.C.17.