

TITLE 10: LOCAL LAWS
DIVISION 1: FIRST SENATORIAL DISTRICT (ROTA)

§ 1407. Exclusive Franchise License — Indemnity of Government.

(a) Cockfighting — Construction of Cockpit — Lease Back. The board shall issue a cockfighting franchise license to the highest, responsible bidder.

(1) Due to the financial burden of erecting a cockpit facility, the exclusive franchise to operate a cockpit shall be for an initial 3 year period so that the initial licensee has ample time to recover the cost of building the facility required by this chapter. All subsequent cockfighting licenses shall be bidden out and limited to one year.

(2) Within one year of award of a franchise license, the winning bidder of the initial franchise license shall construct a structure for cockfighting. The design shall be approved by the board and the Rota Public Works Department, in direct consultation with the mayor. The board shall have exclusive authority to determine an appropriate location on public land for a cockpit. The cockpit shall be a structure costing not less than \$5,000. During the construction period (not to exceed one year), the licensee is authorized to operate a temporary cockfight facility at a location(s) approved by the board.

(3) Providing that, pursuant to N.M.I. Const. art. XI, § 5(b) and PL 10-57, § 2674(d), public land for a cockpit site is transferred to the Municipality of Rota, the franchise licensee shall construct the cockpit building on this public land. If public land is not available, the licensee may construct the cockpit on private land, provided, however, that this location must have the approval of the board.

(4) The franchise licensee shall hold the title to the cockpit building as long as a valid license is held and until such time (not to exceed 15 years) as the licensee's gross revenues from cockfighting activities and related operations and sales equal the cost of the cockpit construction. For this purpose, and the purpose of setting the rent for lease back, the licensee shall make available to the board all tax returns and information necessary to determine gross revenues. Within 15 years or upon revocation of the license or at such time as the licensee has recovered costs of construction, whichever event occurs first, the licensee shall convey title of the cockpit building to the Municipality of Rota. This provision shall be self-executing. In turn, the municipality will lease the cockpit facility to the licensee or subsequent licensees at a rent of five percent of gross revenues per annum or upon such terms as the parties may mutually agree. At all times, licensee shall be responsible for maintenance and utilities. The Office of the Mayor shall be responsible for the administration of the lease.

(b) *Bingo and Batu*. The board shall issue one-year, bingo and one-year, batu franchise licenses to the highest, responsible bidder for those licenses.

(c) *Indemnity*. All licensees — cockfighting, bingo, and batu — shall indemnify and hold harmless the board, its members, the Commonwealth government, the Municipality of Rota and their officers, agents and employees from all

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liability and claims for damages made by third parties arising from or as a result of the licensees gaming activities and related operations.

Source: Rota LL 7-2, § 2; repealed and reenacted by Rota LL 11-3, § 1 (1407), modified; (a)(1) and(a)(2) amended by RLL 17-8 § 4 (August 28, 2010), modified.

Commission Comment: The Commission changed capitalization for conformity pursuant to 1 CMC § 3806(f).