CHAPTER 110: GAMBLING OPERATIONS

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§ 110.01 ADOPTION OF STATE LAW BY REFERENCE.

(A) The provisions of M.S. Ch. 349, as it may be amended from time to time, with reference to the definitions of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this chapter as if set out in full. It is the intention of the council that all future amendments of M.S. Ch. 349, are hereby adopted by reference or referenced as if they had been in existence at the time this chapter was adopted.

(B) The Council is authorized by the provisions of M.S. § 349.213. as it may be amended from time to time, to impose, and has imposed in this chapter, additional restrictions on gambling within its limits beyond those contained in M.S. Ch. 349, as it may be amended from time to time.
(Ord. 349, passed 12-18-96; Am. Ord. passed 11-10-04)

§ 110.02 PURPOSE.

The purpose of this chapter is to regulate lawful gambling within the city, to prevent its commercialization, to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.
(Ord. passed 11-10-04)

§ 110.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the contex clearly indicates or requires a different meaning.

BOARD. The State of Minnesota Gambling Control Board.

CITY. The City of Byron.

COUNCIL. The City Council of the City of Byron.

LICENSED ORGANIZATION. An organization licensed by the Board.

TRADE AREA. The City of Byron, Salem Township, Kalmar Township, Mantorville Township and Canisteo Township.
(Ord. passed 11-10-04)

§ 110.04 APPLICATION PROCEDURE.

Application for a license shall be made on a form prescribed by the City Council. The application form shall be accompanied by an annual license fee of $1 for a paddle wheel, $1 for a tipboard and $1 for a raffle. The application may request a waiver of a fidelity bond.
(Ord. 349, passed 12-18-96; Am. Ord. passed 11-10-04)

§ 110.05 EXEMPTION.

This chapter shall not apply to a civic celebration recognized by resolution or other similar official action of the local City Council, provided that bingo is conducted for no more than 12 consecutive days in any calendar year or by an organization which conducts less than five bingo occasions in any calendar year.
(Ord. 349, passed 12-18-96; Am. Ord. passed 11-10-04)

§ 110.06 APPLICABILITY.

This chapter shall be construed to regulate all forms of lawful gambling within the city except:

(A) Bingo conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if:

(1) The prizes for a single bingo game do not exceed $10;

(2) Total prizes awarded at single bingo occasion do not exceed $200;

(3) No more than two bingo occasions are held by the organization or at the facility each week;

(4) Only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game;

(5) No compensation is paid for any persons who conduct the bingo; and

(6) A manager is appointed to supervise the bingo.

(B) Raffles if the value of all prizes awarded by the organization in a calendar year does not exceed $750.
(Ord. passed 11-10-04)

§ 110.07 LAWFUL GAMBLING PERMITTED.

Lawful gambling is permitted within the city provided it is conducted in accordance with M.S. § 609.763, inclusive, as they may be amended from time to time and M.S. §§ 349.11 through 349.23, inclusive, as they may be amended from time to time, and this chapter.
(Ord. passed 11-10-04)

§ 110.08 COUNCIL APPROVAL.

Lawful gambling authorized by M.S. §§ 349.11 through 349.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by Council, subject to the provisions of this chapter and state law.
(Ord. passed 11-10-04)

§ 110.09 APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS.

(A) Any organization seeking to obtain a premises permit or bingo hall license or renewal of a premises permit or bingo hall license from the Board shall file with the City Clerk an executed, complete duplicate application together with all exhibits and documents accompanying the application as filed with the Board. The application and accompanying exhibits and documents shall be filed with the city not later than three days after they have been filed with the Board.

(B) Upon receipt of an application for issuance or renewal of a premises permit or bingo hall license, the City Clerk shall transmit the application to the law enforcement agency for review and recommendation.

(C) The law enforcement agency shall investigate the matter and make a review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city. Staff will then consider the application within 45 days of the date the application was submitted to the City Clerk.

(D) Organizations or bingo halls applying for a state-issued premises permit or bingo hall license shall pay the city a $100 investigation fee. This fee shall be refunded if the application is withdrawn before the investigation is commenced.

(E) The applicant shall be notified of the date on which the Council will consider the recommendation.

(F) The Council shall, by resolution, approve or disapprove the application within 60 days of receipt of the application.

(G) The Council shall disapprove an application for issuance or renewal of a premises permit for any of the following reasons:

(1) Violation by the gambling organization of any state statute, state rule or city ordinance relating to gambling within the last three years;

(2) Failure of the applicant to pay the investigation fee provided by division (D) within the prescribed time limit.

(3) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.
(Ord. passed 11-10-04)

§ 110.10 LICENSE AND PERMIT DISPLAY.

All permits issued under state law shall be prominently displayed during the permit year at the premises where gambling is conducted.
(Ord. passed 11-10-04)

§ 110.11 NOTIFICATION OF MATERIAL CHANGES TO APPLICATION.

An organization holding a state-issued premises permit shall notify the city in writing whenever any material change in the information submitted in the application occurs within ten days of the change.
(Ord. passed 11-10-04)

§ 110.12 CONTRIBUTION OF NET PROFITS TO FUND ADMINISTERED BY CITY.

(A) Each organization licensed to conduct lawful gambling within the city pursuant to M.S. § 349.16, as it may be amended from time to time, shall contribute 10% of its net profits derived from lawful gambling in the city to a fund administered and regulated by the city without cost to the fund. The city shall disburse the funds for lawful purposes as defined by M.S. § 349.12, subd. 25, as it may be amended from time to time.

(B) Payment under this section shall be made on the last day of each month.
(Ord. passed 11-10-04)

§ 110.13 DESIGNATED TRADE AREA.

(A) Each organization licensed to conduct gambling within the city shall expend 85% of its lawful purpose expenditures on lawful purposes conducted within the city's trade area.

(B) This subsection applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premise within the city's jurisdiction.
(Ord. passed 11-10-04)

§ 110.14 RECORDS AND REPORTING.

(A) Organizations conducting lawful gambling shall file with the City Clerk one copy of all records and reports required to be filed with the Board, pursuant to M.S. Ch. 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.

(B) Organizations licensed by the Board shall file a report with the city proving compliance with the trade area spending requirements imposed by § 110.13. Such report shall be made on a form prescribed by the city and shall be submitted annually and in advance of application for renewal.
(Ord. passed 11-10-04)

§ 110.15 HOURS OF OPERATION.

Lawful gambling shall not be conducted between 2:00 a.m. and 8:00 a.m. on any day of the week.
(Ord. passed 11-10-04)

§ 110.16 SEVERABILITY.

If any provision of this subchapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.
(Ord. passed 11-10-04)

§ 110.99 PENALTY.

Any person who violates the following shall be guilty of a misdemeanor and shall be subject to a fine of not more than $1,000 or imprisonment for a term not to exceed 90 days or both, plus in either case the costs of prosecution:

(A) Any provision of this chapter;

(B) M.S. §§ 609.75 through 609.763, inclusive, as they may be amended from time to time; or

(C) M.S. §§ 349.11 through 349.21, as they may be amended from time to time or any rules promulgated under those sections, as they may be amended from time to time.
(Ord. 349, passed 12-18-96; Am. Ord. passed 11-10-04)