

ORDINANCE NO. 298

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 144 AND SUPERSEDING THOSE PORTIONS OF ALL OTHER ORDINANCES REGULATING GAMBLING LICENSES WITHIN THE CITY OF ARLINGTON, MINNESOTA

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT.

This ordinance repeals Ordinance No. 144 and supersedes those portions of all other ordinances regulating gambling licenses that are not in conformance with this ordinance.

SECTION 2. ADOPTION OF STATE LAW BY REFERENCE.

The provisions of M.S. Ch. § 349, as they may be amended from time to time, with reference to the definition 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 ordinance 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 ordinance was adopted.

SECTION 3. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW

The Council is authorized by the provisions of M.S. Ch. § 349.213, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on gambling within its limits beyond those contained in M.S. Ch. § 349, as it may be amended from time to time.

SECTION 4. PURPOSE

The purpose of this ordinance 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. The City Council of the City of Arlington, Minnesota, hereby ordains that gambling license applications shall be approved by the City only for fraternal, religious, veterans or other non-profit organizations. Preference shall be given to any local non-profit organizations, being defined as organizations which have their headquarters and the majority of their membership located permanently within the City of Arlington trade area. However, the application of a non-profit organization which is not locally based may be approved if no local organization has applied for the license location, or if a local organization has applied, but the City Council in its sole discretion determines that the public interest would be better served to grant the application of the non-local organization.

SECTION 5. DEFINITIONS

In addition to the definitions contained in M.S. Ch. § 349.12, as it may be amended from time to time, the following term(s) are defined for purposes of this Chapter:

BOARD: Minnesota Gambling Control Board.

LICENSED ORGANIZATION: An organization licensed by the Board.

TRADE AREA: The area within a ten-mile radius of the center of the City of Arlington; said center being defined as the junction of Main Street and 1st Avenue.

SECTION 6. APPLICABILITY

This ordinance shall be construed to regulate all forms of lawful gambling within the City except:

- (A) Bingo conducted within a nursing home or senior citizen housing project or by a senior citizen organization if: the prizes for a single bingo game do not exceed \$10; total prizes awarded at a single bingo occasion do not exceed \$200; no more than two bingo occasions are held by the organization or at the facility each week; only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game; no compensation is paid for any persons who conduct the bingo; and 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.

SECTION 7. LAWFUL GAMBLING PERMITTED

Lawful gambling is permitted within the City if the Council, by resolution adopted by a majority of its members authorizes lawful gambling to occur, provided it is conducted in accordance with M.S. Ch. § 609.75 to 609.763, inclusive, as they may be amended from time to time; M.S. Ch. § 349.11 to 349.23, inclusive, as they may be amended from time to time, and this ordinance.

SECTION 8. LICENSE AND PERMIT DISPLAY

All permits issued under state law or this ordinance shall be prominently displayed during the permit year at the premises where gambling is conducted. Penalty, see Section 13.

SECTION 9. CONTRIBUTION OF NET PROFITS TO CITY

Under the provisions of M.S. Ch. § 349.213, the City ordains that any licensed organization conducting lawful gambling within the City of Arlington shall devote a minimum of 20 percent of its lawful purpose expenditures within the City of Arlington trade area, said trade area as defined in Section 5 above. The term lawful purpose expenditures shall have the definition as set out in M.S. Ch. §349.12.

SECTION 10. RECORDS AND REPORTING

The City reserves the right, as granted by state law, to require that the books and reports which licensed organizations conducting lawful gambling are required to keep and submit to the State be also made available to the City of Arlington for city review, for the purpose of determining whether the organization is in compliance with this ordinance.

Organizations conducting lawful gambling shall file a report with the City of Arlington on an annual basis (deadline of March 31st for the previous year of gambling operations) that describes its revenue sources and disbursements, including contributions (name of organization/project and dollar amount).

SECTION 11. HOURS OF OPERATION

- (A) Lawful gambling shall not be conducted between 1:45 a.m. and 8:00 a.m. Tuesday through Saturday, between 1:45 a.m. and 10:30 a.m. on Sunday, and between the hours of 11:45 p.m. Sunday to 8:00 a.m. Monday. Penalty, see Section 13.

SECTION 12. SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 13. PENALTY

Any person, organization, or entity who violates:

- (A) Any provision of this ordinance;
- (B) M.S. Ch. § 609.75 to 609.763, inclusive, as they may be amended from time to time; or
- (C) M.S. Ch. § 349.11 to 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;

Is subject to the penalties set out in Minnesota Statutes 349.22 and 609.763. Any violator shall also be considered to be guilty of a misdemeanor under this ordinance, punishable by the standard fine and/or jail term as set out under Minnesota Statute 609.03 for misdemeanors. Any violator is also subject to revocation or non-renewal of their gambling license

SECTION 14. EFFECTIVE DATE.

This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the 4th day of May, 2015.

For City of Arlington:

/s/ Richard Nagel
By Richard Nagel
It's Mayor

/s/ Liza M. Donabauer
By Liza M. Donabauer
It's Administrator

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