

ORDINANCE # 600-003
AN ORDINANCE RELATING TO LAWFUL GAMBLING WITHIN THE CITY OF HEWITT

The City Council of the City of Hewitt, does ordain as follows:

SECTION 1: ADOPTION BY REFERENCE: The provisions of Minnesota Statute Chapter 349, as 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 made part of this Ordinance, as if sit out in full. All future amendments to Minnesota Statutes Chapter 349 are hereby adopted by reference or referenced as if they had been in existence at the time of adoption of this Ordinance.

SECTION 2: 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 for lawful purpose.

SECTION 3: This shall be construed to regulate all forms of lawful gambling within the City except:

1. bingo conducted within a nursing home or a senior citizens center if the prize for a single game does not exceed \$10 and the total prizes awarded at a single bingo occasion do not exceed \$200; nor more than two bingo occasions are held by the organization or at the facility more than two time in any one week; only member of the organization or residents of the nursing home are allowed to play in a bingo game; no compensation is paid for any persons conducting the bingo game; and a manager is appointed to supervise the bingo.
2. raffles, if the value of all prizes awarded by the organization in a calendar year does not exceed \$750.00

SECTION 4: Lawful gambling is permitted within the City of Hewitt if the City Council, by resolution adopted by a majority vote of its members, authorizes lawful gambling to occur, provided it is conducted in accordance Minnesota Statutes 609.75 to 609.73, inclusive, as may be amended from time to time, and this Ordinance.

SECTION 5: Lawful gambling authorized by Minnesota Statutes 349.11 to 349.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this Ordinance and state laws.

SECTION 6: APPLICATION AND LOCAL APPROVAL OR PREMISES PERMITS

6.01: Any organization seeking to obtain a premises permit or bingo hall license or renewal of a premises permit or bingo hall license from the Minnesota Gambling Control Board (hereinafter "Board") shall file with the City Clerk and executed, complete duplicate application, together with all exhibits and documents accompanying the application as filed not later than three days after they have been filed with the Board.

6.02: Upon receipt of application for issuance or renewal of a premises permit or bingo hall license, the City Clerk shall transmit the application to the Todd County Sheriff for review and recommendation.

6.03: The Sheriff shall investigate the matter an make a review and recommendation to the City Council, as soon as possible, but no later than 45 days following receipt of the application by the City.

6.04: Organizations or bingo halls applying for a state-issued premises permit or bingo hall license shall pay the City an investigation fee, as set forth in the Master Fee Schedule. This fee shall be used for the purposes of investigation.

6.05: The applicant shall be notified in writing of the date on which the Council will consider the

recommendation received from the Sheriff.

6.06: Council shall consider the recommendation no later than forty-five (45) days after the recommendation has been received from the Sheriff.

6.07: The Council shall, by resolution, approve or disapprove the application within thirty-five (35) days of the date of consideration.

6.08: Council shall disapprove an application for issuance or renewal of a premises permit for any of the following reasons;

1. Violation of the gambling organization of any state law or city ordinance relating to gambling within the last three years;
2. Violation of the on-sale establishment or organization leasing its premises for gambling of any state law or city ordinance related to gambling or relating to the operation of the establishment;
3. Lawful gambling would be conducted at a premises other than those for which an on-sale liquor license has been issued;
4. More than one licensed organization would be permitted to conduct lawful gambling activities at one premises;
5. Failure of the applicant to pay any investigation fee provided for in Section 6.04; or
6. Operation of gambling at the site would be detrimental to health, safety or welfare of the community.

SECTION 7: LOCAL PERMITS

7.01: No organization shall conduct lawful gambling excluded or exempted from state licensure requirements by Minnesota Statutes 349.166, as may be amended from time to time, without a valid local permit. This shall not apply to lawful gambling exempted from local regulation by Minnesota Statute 116.05.

7.02: Applications for issuance or renewal of a local permit shall be on a form prescribed by the City and shall contain the following information:

1. Name and address of organization requesting permit;
2. Name and address of the officers and person accounting for receipts, expenses and profits for the event;
3. Dates of gambling occasion for which permit is requested;
4. Address of premises where event will occur;
5. Copy of rental or leasing agreement, if any, connected with event, including rental amount to be charged to organization; and
6. Estimated value of prizes to be awarded.

7.03: The fee for a local permit shall be that as set forth in the Master Fee Schedule, as may be amended from time to time.

7.04: Upon receipt of application, the City Clerk shall transmit the application to the Todd County Sheriffs Department for investigation.

7.05: The Sheriff shall investigate the matter and make recommendations to the City as soon as possible, but no later than forty-five (45) days following the receipt of the application by the City.

7.06: The applicant shall be notified, in writing, the date of the Regular City Council Meeting of which the Council will consider the application and recommendations. Council shall consider the application within forty-five (45) days of the receipt of recommendations from the Sheriff.

7.07: The Council shall approve or disapprove, by resolution, the application.

SECTION 8: A permit may be revoked or suspended for any violation of State Law or Local Ordinance related to gambling. A permit shall not be revoked until notice and an opportunity for a hearing has been afforded to the permitted person.

SECTION 9: All permits issued under this State Law or Ordinance shall be prominently displayed during the permit period at the premises where gambling is conducted.

SECTION 10: An organization holding a State or Local issued license or permit shall notify the City, in writing, of any material change, within ten (10) days of the date of the material change.

SECTION 11: Each organization licensed to conduct lawful gambling within the City of Hewitt pursuant to Minnesota Statute 349.16, as may be amended from time to time, shall contribute ten percent (10%) of its net profits derived from lawful gambling within the City to a fund administered and regulated by the City, without cost to the fund.

SECTION 12: Each organization conducting lawful gambling within the City shall file with the City Clerk on copy of all records and reports required to be filed with the Board. Such records and reports shall be filed with the City Clerk the on or before the day they are required to be filed with the Board.

SECTION 13: This shall take effect and be in full force on and after its passage and publication as prescribe by law.

Passed by at least a 4/5ths majority vote of the City Council of the City of Hewitt, County of Todd and State of Minnesota, on this — day of April, 2009.

By: Juanita Mitchell, Mayor

Attest: Miriam A. Collom, City Clerk/Treasurer