

ORDINANCE NUMBER 2014-02

**AN ORDINANCE ESTABLISHING TITLE XI, CHAPTER 118, GAMBLING,
UNDER THE CITY CODE REGULATING LAWFUL GAMBLING IN THE
CITY; AMENDING SECTION 111.015 OF THE ALCOHOL SALES
REGULATIONS RELATING TO GAMBLING**

The City Council of the City of Harris City hereby ordains as follows:

That Title XI, Chapter 118 of the City Code is hereby established to read in its entirety as follows:

TITLE IX: BUSINESS REGULATIONS

CHAPTER 118: GAMBLING

118.01 PURPOSE.

To ensure that charitable gambling in the city is conducted by organizations licensed or exempt from licensing under Minnesota Statutes and that the proceeds from such gambling are used primarily for the betterment of the residents and businesses of the community. These restrictions shall be no less restrictive than Minnesota Statutes or regulations and shall apply to all forms of lawful gambling.

118.02 ADOPTION OF STATE STATUTES AND RULES.

The provisions of Minn. Stats. §§ 349.11--349.23, and rules adopted pursuant to the authority contained in such statutes, are hereby adopted by reference and are incorporated in this article as completely as if set out in full.

118.03 PERMIT APPROVAL REQUIRED.

It is unlawful for any organization to conduct lawful gambling in the city without a permit approved annually by the city council.

118.04 APPLICATIONS.

(A) Applications to conduct lawful gambling shall be considered and approved by the council at regular meetings.

(B) Only applications submitted by eligible organizations will be considered for approval by the council.

(C) An investigative fee may be required in accordance with MN Statute 349.16 Subd 8. The fee shall be in the amount set forth in the current city fee schedule.

118.05 REGULATIONS AND RESTRICTIONS.

In addition to regulations imposed by the state, all information and reports required to be submitted to the state shall also be submitted to the city, both with the application and on an annual basis.

118.06 CITY FUND CONTRIBUTION.

Pursuant to Minn. Stat. § 349.213, Subd 1(f)(2), organizations conducting lawful gambling within the city must contribute ten percent of their net profits derived from lawful gambling conducted at premises within the city to a fund administered and regulated by the city without costs to such fund, for disbursement by the city of the receipts for lawful purposes, or police, fire, and other emergency or public safety related services, equipment and training, excluding pension obligations, pursuant to Minn. Stat. §349.12 subd. 7a, as it may be amended from time to time. For purposes of this subsection, net profits are gross profits less amounts expended for allowable expenses and paid in taxes assessed on lawful gambling. Payment under this section shall be made on the last day of each month.

118.07 PERMIT DENIAL OR REVOCATION.

The council may, for any reasonable cause, refuse to grant any application or revoke any permit. No permit shall be granted to a person of questionable moral character or business reputation. Before revocation of any permit, the council shall give notice to the permit holder and grant such permit holder opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing.

118.08 PENALTY.

Any person who violates a provision of this article or the statutes or rules adopted by reference in this article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Section 10.99 of the City Code.

The City Council of the City of Harris City hereby ordains as follows:

That Title XI, Section 111.015 of the City Code is hereby vacated and amended in its entirety to read as follows:

111.015 GAMBLING PROHIBITED.

(A) It is unlawful for any licensee to keep, possess, or operate or permit the keeping, possession, or operation on licensed premises of dice or any other gambling device or permit raffles to be conducted, except as are licensed by the state gambling control board and then only except as it complies with the established policy of the city.

(B) Pull-tab sales by a nonprofit organization may be conducted in an area leased by an organization from the bar or service area. Pull-tab sales shall be made by a member or employee of the gambling licensed organization only or by employees of the alcohol license holder on behalf of the gambling licensed organization.

This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Harris.

Diane Miller
Mayor

ATTEST:

Joanne Dargay
City Clerk

Title and Summary Published in the _____ this _____ day
of _____, 2014.

APPROVED