

CHAPTER 3**POLICE REGULATIONS****315. GAMBLING**

Section 315.01 Incorporation of State Law. Except as specifically set forth in this ordinance, the provisions of Minnesota Statutes, Chapter 349, and Minnesota Statutes, sections 609.75, 609.755, 609.76, 609.761, 609.762 and 609.763, as amended, are hereby adopted by reference and are incorporated in and made a part of this ordinance as though fully set forth.

Section 315.03 Definitions. For purposes of this ordinance, the terms defined in Minnesota Statutes, section 349.12, shall have the meanings given to them. In addition, the term “trade area” means the geographical limits of the city of Medina and of the cities of Loretto, Plymouth, Corcoran, Independence, Orono, Greenfield and Maple Plain.

Section 315.05 License Required.

Subd. 1. No person, otherwise exempt from licensing by the board under Minnesota Statutes, section 349.166 shall conduct lawful gambling within the City without first obtaining a license therefor under this ordinance. No license shall be issued under this section unless the licensee meets all of the following requirements:

- (1) The licensee is a religious, fraternal, veterans or other non-profit organization and will conduct the lawful gambling on premises owned or leased by the organization;
- (2) The organization’s headquarters or business office is located within the City’s trade area and has been so located for at least two years prior to the date of application; and
- (3) The organization has at least 15 active members, as defined by Minnesota Statutes, section 349.12, subd. 2, who are residents of the City’s trade area.

Subd. 2. Application for a license under this section shall be made on the forms provided by the city clerk.

Subd. 3. The fee for a license issued under this section shall be as determined by the city council by ordinance.

Section 315.07 Approval of Premises Permits.

Subd. 1. No organization which has applied for a premises permit from the board may conduct lawful gambling within the City without first obtaining approval from the city council.

Subd. 2. Application for approval of a premises permit shall be made on forms prepared by the city clerk for such purpose.

Subd. 3. Organizations applying for a state issued premises permit shall pay the City an

investigation fee determined by the city council by ordinance. If approved by the city council and the board, a licensed organization will be responsible for paying an annual investigation fee to the City for conducting lawful gambling within the City.

Subd. 4. The city council shall, by resolution, approve or disapprove the premises permit application within 60 days of receipt of the application by the City.

Section 315.09 Conditions Governing Approval. The following conditions shall govern approval by the City of applications for premises permits:

Subd. 1. Approval shall be granted only if the applicant and all of its owners, managers, employees, agents or interested parties are free of convictions for offenses which relate directly to such person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the activity;

Subd. 2. No approval shall be granted to an applicant which has, within one year prior to the day of the application, been denied licensure by the board or approval by the City, had a permit or approval regarding lawful gambling revoked, canceled or suspended or whose owners, managers, or interested parties have had a license, permit or approval similarly denied, revoked or suspended;

Subd. 3. Approval shall be granted only to applicants who have fully and truthfully answered all of the information requested in the application, who have paid all fees and have cooperated fully and truthfully with the City in the review of the application;

Subd. 4. Approval shall be issued only to fraternal, religious, veterans or other nonprofit organizations which have been in existence for at least three years prior to the time of application and have at least 15 active members who are residents of the City's trade area;

Subd. 5. Approval shall not be granted if the granting of such approval would be inconsistent with the comprehensive development plans of the City, or would otherwise have a detrimental effect upon other persons or properties in the vicinity;

Subd. 6. The chief of police or designee has authority to conduct a criminal history and driver's license check on the applicant and all of its owners, managers, employees, agents or interested parties, through the State of Minnesota, Bureau of Criminal Apprehension. Failure by the applicant or any of its owners, managers, employees, agents or interested parties, to consent to the background check will result in denial of the license.

Section 315.11 Restrictions and Regulations. The following restrictions and regulations shall be observed in consideration of granting approval of a premises permit or for a license for lawful gambling otherwise exempt from regulation by the board:

Subd. 1. The licensee, the gambling manager and other persons in its employ, agency or persons with an interest in such business shall comply with all applicable ordinances, regulations and laws of the City, the State of Minnesota and of the United States.

Subd. 2. The applicant shall designate one person to be gambling manager who shall be responsible for the conduct of the business. Such person shall remain responsible for the conduct of the gambling devices, raffles, and their operation until any other suitable person has been designated in writing as the gambling manager, an investigation fee and application for a change of manager has been filed and the proposed successor to the gambling manager shall have been approved. The licensee shall promptly notify the chief of police in writing of any such change indicating the address and name of the new gambling manager and the effective date of such change.

Subd. 3. The operation or conduct of gambling devices is not permitted between 2:00 a.m. and 8:00 a.m. of any day.

Subd. 4. The licensee, gambling manager or their agents, shall permit and allow inspection of the premises and the operation of the gambling devices and raffles by any and all appropriate city officials, at reasonable times.

Subd. 5. Violation of the terms and provisions of this ordinance may be cause for the revocation, suspension or cancellation of other licenses issued by the City to the licensee.

Subd. 6. Upon demand by any peace officer, any person employed in or by any licensee shall furnish identification and correct address.

Subd. 7. No natural person under 18 years of age shall be employed in the operation of gambling devices or raffles except that persons under 18 years of age may sell raffle tickets or chances.

Section 315.13 Revocation, Cancellation or Suspension of License, Permit or Approval. Any license, permit or approval granted under this ordinance may be revoked, suspended, or canceled by the City upon a showing that the licensee, its owners, gambling manager, employees, agents or any of its interested parties have engaged in any of the following conduct:

Subd. 1. Fraud, deception or misrepresentation in connection with the securing of a license;

Subd. 2. Violation of Minnesota Statutes Chapter 152 relating to drugs and controlled substances or Minnesota Statutes, Chapter 340A relating to liquor or City ordinances regarding the same;

Subd. 3. Conduct inimical to the interest of the public health, safety, welfare or morals;

Subd. 4. Engaging in any conduct or being convicted of any crime involving moral turpitude or permitting or allowing others to so engage in said conduct or failing to prevent such conductor;

Subd. 5. Failure to fully comply with any of the requirements of this ordinance or the failure to comply with any requirements of the laws or ordinances of the City, State of Minnesota

or the United States.

Section 315.15 Distribution of Proceeds.

Subd. 1. Any organization granted approval for a premises permit under section 315.07 of this ordinance shall make not less than 50 percent of its lawful purpose expenditures for lawful purposes conducted or located within the City's trade area.

Subd. 2. Each organization licensed to conduct lawful gambling within the City pursuant to Minn. Stat. § 349.16, as it may be amended from time to time, shall contribute ten percent (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 charitable contributions as defined by Minn. Stat. § 349.12, subd. 7a, as it may be amended from time to time.

(1) Payment under this section shall be made on the last day of each month.

(2) The City's use of such funds shall be determined at the time of adoption of the City's annual budget or when the budget is amended.

Section 315.17. Reporting Requirements. Every organization licensed to conduct lawful gambling under this ordinance or for which the City has granted approval of a premises permit shall file with the city clerk all records and reports which must be filed with the board. The records and reports must be filed with the city clerk at the same time they are filed with the board.

Section 315.19. Separability. Every section, provision or part of this ordinance is declared separable from every other section, provision or part to the extent that if any section, provision or part of the ordinance shall be held invalid, such holdings shall not invalidate any other section, provision or part thereof.

Section 315.21. Penalties. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

Amendment History of this Section

Amended October 20, 1998 (Ord 303). Large-scale revision of this Section occurred, and most subsections amended.

Amended August 16, 2005 (Ord. 389). Subsection 315.09 amended giving the Chief of Police authority to conduct background checks before the issuance of a license.

***Amended August 4, 2010 (Ord. 486).** Most Subsections amended to require eligible organization's headquarters or business office to be located within the City's trade area, remove distinct bingo hall license requirements, update annual fee and annual investigation fee language, and change hours of operations from 12:00 a.m. closing time to a 2:00 a.m. closing time.*

***Amended June 1, 2021 (Ord. 673).** Amended Section 315.15 adding requirement for each licensed lawful gambling organization to contribute ten percent of its net profits derived from lawful gambling in the City to a City administered fund.*