

Sec. 26-144. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the state **gambling** control board.

Lawful gambling means the operation of **gambling** activities by an organization eligible for a license from the board to conduct such activities.

Net profits, **lawful purpose**, and *allowable expense* will have the meanings provided in Minn. Stats. § 349.12 as may be amended from time to time.

Organization means as defined by Minn. Stats. § 349.12 and which organization is licensed to conduct **lawful gambling** by the board.

Premises permit means a resolution adopted by the city council authorizing the named organization to operate **lawful gambling** activities at a specified location in the city.

Trade area includes the Cities of Ramsey, Anoka, Andover, Elk River, Dayton and Nowthen.

(Code 1978, § 7.61.02; Ord. No. 07-09, § 2, 6-28-2007; Ord. No. 08-28, § 2, 10-28-2008)

State law reference— Definitions, Minn. Stats. § 349.12.

Sec. 26-145. - Violations.

Anyone who violates the provisions of this article shall be guilty of a misdemeanor. This article does not preclude civil and criminal penalties under applicable laws. Failure to file timely reports and payments as required by this article may result in a recommendation to the board that the organization's premises permit should be revoked.

(Code 1978, § 7.61.11; Ord. No. 07-09, § 3, 6-28-2007)

Sec. 26-146. - Purpose.

The purpose of this article is to regulate and control the location of **lawful gambling** activities and to ensure that profits derived from **gambling** activities in the city provide, to the extent authorized by law, direct benefits to the citizens of the city.

(Code 1978, § 7.61.01; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007)

Sec. 26-147. - Notice; approval or disapproval.

The applicant for a **lawful gambling** premises permit ("premises permit") within the city shall apply to the council in writing in the manner required by law for a premises permit at least 60 days before issuing or renewing the premises permit. Each application for a premises permit shall be approved or disapproved by the council.

(Code 1978, § 7.61.03; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007)

State law reference— Premises permits, Minn. Stats. § 349.165; local approval of premises permits, Minn. Stats. § 349.213m, subd. 2; local investigation fees for premises permits, Minn. Stats. § 349.16, subd. 8.

Sec. 26-148. - Location.

(a)

Lawful gambling under license issued by the state **gambling** control board ("board") may be conducted only at locations that comply with applicable zoning, building, fire and health codes of the city. All applications must be for a specific location with the exception of Class D (raffle only) licenses.

(b)

The following locations are considered unsuitable for **gambling** operations and any request for a premises permit at such a location will be rejected without clear and convincing evidence that such a location will not pose undue enforcement difficulties, lessen property values of adjoining properties, or expose **gambling** to persons under 18 years of age:

(1)

Areas zoned for agriculture or residential use;

(2)

Locations where the predominant clientele is under the age of 18 years.

(Code 1978, § 7.61.04; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007)

Sec. 26-149. - Conditions.

The conduct of **lawful gambling** under license issued by the board shall be subject to the following conditions in the city:

(1)

Lease agreement. A copy of any lease agreement between a nonprofit organization and a **gambling** location owner or operator shall be filed with the city administrator together with the premises permit application.

(2)

Refusal of permit. The council may refuse to issue a premises permit for a location in which **gambling** violations have previously occurred, and the council may refuse to issue a **lawful gambling** premises permit to a nonprofit organization which has previously violated terms of this Code and/or Minn. Stats. ch. 349.

(3)

Number of devices. The maximum number of **gambling** devices at any one location in the city shall be limited to two of any one type of device. The maximum number of each **gambling** device may be operated by any one or more than one organization holding a premises permit at any one location.

(4)

Location of organization. The physical site for the organization's place of doing business shall be located within the corporate limits of either the City of Ramsey or the City of Anoka. In addition, the organization's place of doing business all have been located within either the City of Ramsey or the City of Anoka for at least two years immediately preceding the premises permit application. During the term of the premises permit, the organization's place of business shall continuously be located within the corporate limits of either the City of Ramsey or the City of Anoka.

(5)

Resident requirement. For organizations located within the City of Anoka, at least 50 percent of said organization's membership or participants shall be residents of the City of Ramsey. Said residency requirement shall be documented upon issuance and renewal of the premises permit by the organization presenting its

certified roster or membership list to the City of Ramsey for its review 30 days prior to expiration of the premises permit.

(6)

Grandfathering provision. Those organizations that hold a premises permit issued prior to July 29, 2007, will be considered "grandfathered in" as concerns the location of organization requirements identified in subsection (1) of this section. The city reserves the right to delete this subsection (6) and terminate this grandfathering provision.

(Code 1978, § 7.61.05; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007; Ord. No. 08-28, § 2, 10-28-2008)

Sec. 26-150. - Investigation.

Every organization that files an application for issuance or renewal of a premises permit shall deliver the application to the city clerk. The city clerk shall investigate each application and report any findings and recommendations to the council.

(Code 1978, § 7.61.06; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007)

Sec. 26-151. - Filing of records; inspections; access to records.

(a)

Every organization holding a premises permit to conduct **lawful gambling** in the city shall file with the city clerk copies of all records and reports required to be filed with the board pursuant to Minn. Stats. ch. 349 and the rules and regulations promulgated thereunder. In addition, an organization that operates **lawful gambling** activities in other communities must provide separate documentation showing the gross receipts, expenses, profits, and expenditures of profits from its city operation alone. The records and reports shall be filed in the office of the city clerk on or before the day they are required to be filed with the board.

(b)

Every **gambling** event in the city conducted by an organization under Minn. Stats. ch. 349 shall be open to inspection by officers of the city police department.

(c)

The city clerk or employees of the police department, at the direction of the city clerk, may inspect at any reasonable time, without notice or search warrant, all records of an organization holding a premises permit in the city, including **gambling** account and other bank records required by the board to be maintained and preserved.

(Code 1978, § 7.61.07; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007)

Sec. 26-152. - Fee.

The city will charge all new applicants the maximum investigation fee permitted by Minn. Stats. ch. 349 in order to cover costs incurred investigating the application. Any unused portion of this fee will be refunded to the applicant. This fee does not apply to applications for renewal of premises permits or additional sites for an organization currently holding a premises permit in the city.

(Code 1978, § 7.61.08; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007)

State law reference— Investigation fee authorized, Minn. Stats. § 349.16, subd. 8.

Sec. 26-153. - Use of lawful gambling net profits.

Any organization that holds a premises permit shall be required to contribute five percent of its net profits from **lawful gambling** to a fund administered and regulated by the city without cost to such fund. In no event shall the required percent be greater than that amount allowed by Minn.

Stats. ch. 349. Disbursements from this fund shall be for **lawful** purposes as determined by ordinance.

(Code 1978, § 7.61.09; Ord. No. 94-05, 7-27-1994)

State law reference— Authority to so require, Minn. Stats. § 349.213, subd. 1(a).

Sec. 26-154. - Expenditures for **lawful purposes within city's trade area.**

(a)

Any organization holding a premises permit to conduct **lawful gambling** within the city shall be required to expend 75 percent of its **lawful** purpose expenditures on **lawful** purposes conducted or located within the city's trade area and to the benefit of the city's trade area.

(b)

A detailed quarterly report of the expenditures for **lawful** purposes within the trade area shall be provided to the finance officer on or before January 15, April 15, July 15 and October 15 of each year after the date of the adoption of the ordinance from which this article is derived. Any organization that fails to submit a detailed quarterly **lawful** purpose expenditure report of how the required 75 percent was expended will be brought before city council to discuss possible future revocation of their premises permit.

(c)

In the event the city is unable to determine with a reasonable degree of certainty that the required 75 percent of the **lawful** purpose expenditures of the organization holding a premises permit to conduct **lawful gambling** within the city's trade area is being expended on **lawful** purposes, the city administrator may require such other financial information as is reasonably necessary for the city to make this determination.

(Code 1978, § 7.61.10; Ord. No. 94-05, 7-27-1994; Ord. No. 07-09, § 2, 6-28-2007)

State law reference— Authority to so require, Minn. Stats. § 349.213, subd. 1(b).

Secs. 26-155—26-176. - Reserved.

FOOTNOTE(S):

⁽¹⁶⁾ **State Law reference—** **Lawful gambling**, Minn. Stats. ch. 349; local authority relative to **lawful gambling**, Minn. Stats. § 349.213. [\(Back\)](#)