

SECTION 470
REGULATION OF LAWFUL GAMBLING

Adopted February 26, 1990

470.01 DECLARATION OF POLICY – PURPOSE

The City Council recognizes that though "lawful gambling", as set forth in Minnesota Laws, Sections 349.11 to 349.22 may not appeal to all members of society, it is an activity that is engaged in by a significant portion of the population and the financial profits thereof without the aid of Minnesota Statutes, Section 349.11 to 349.22, may or may not be used to the benefit of society. The City Council of the City of Tonka Bay further recognizes that most charitable organizations and their members provide a much needed and useful service to mankind and the City Council is especially appreciative of the goals and objectives of all of the charitable or non-profit organizations established or organized within the Tonka Bay community; the Council commends these organizations for their contribution to worthy causes within and without the Tonka Bay community and therefore, the Council supports the purposes for which Minnesota laws, Sections 349.11 to 349.22 were adopted. The ability to obtain a license under Minnesota Statutes, Section 349.11 to 349.22 to conduct lawful gambling in the City of Tonka Bay is a privilege granted by the State of Minnesota and the City of Tonka Bay and not a right guaranteed by the Constitution of the United States of America or the State of Minnesota. The City Council feels that there are many areas within the Tonka Bay community wherein the profits derived from lawful gambling within the City could well be spent to the benefit of the community; and therefore, would encourage such funds to be used within the Tonka Bay community.

470.02 PROVISIONS OF STATE LAW ADOPTED

Chapter 349 of Minnesota Statutes, as now exists or as are hereinafter amended, as well as the adopted rules of the Charitable Gambling Control Board, as now exist or as are hereinafter amended, are hereby adopted and made a part of this ordinance as if fully set out herein.

470.03 LICENSE REQUIRED

No person or organization shall conduct lawful gambling as defined by the laws of the State of Minnesota without the required state license issued through the Charitable Gambling Control Board and as approved by the City of Tonka Bay under the terms of this ordinance.

470.04 APPLICATION FOR LICENSE

Every application for a gambling license shall be verified and filed with the City Clerk and shall be in compliance with the statutes and the rules governing same adopted by the State of Minnesota and the Charitable Gambling Control Board. All applicants shall release, acquit and forever discharge the City of Tonka Bay, its agents, successors and assigns, from any and all actions, causes of action or claims and demands on account of or in any way growing out of any and all

known and unknown damages resulting from the granting or denial of the license and shall agree to indemnify and save and hold harmless said City of Tonka Bay.

470.05 INVESTIGATION FEE

Subd. 1 Requirement

Any person or organization applying for or renewing a state license to conduct lawful gambling within the City shall submit to a background investigation conducted by the City. At the time that it files its application for a license with the Charitable Gambling Control Board, the person or organization shall:

- a. complete an investigation form provided by the City.
- b. furnish any additional information required by the City.
- c. pay an investigation fee to the City at the time of application in the amount of one hundred dollars (\$100.0).

Subd. 2 Exception

No person or organization which is exempt from state license requirements is required to comply with these investigation requirements.

470.06 LIMITATION ON CERTAIN GAMBLING SITES

No more than one licensed organization may conduct lawful gambling on any premises at which there is a gambling site. All gambling operations conducted by a licensed organization shall be managed by an active member of said organization. All leases pertaining to lawful gambling shall state the hours of the day during which a licensee may conduct lawful gambling on said premises.

470.07 REPORTS

Each licensee shall quarterly, within thirty (30) days after the close of a quarter of a year, file a report with the City Clerk in such form as prescribed by the City of Tonka Bay.

470.08 SUSPENSION, REVOCATION, NON-RENEWAL OF LICENSES

If any person or organization shall fail to make the payments required by this ordinance, fail to provide the City Clerk with reports as required by this ordinance, or violate this ordinance in any other manner, such violation shall be grounds for the City to recommend to the Charitable Gambling Control Board that the gambling license for such organization be suspended, revoked, or not renewed.

470.09 AGE RESTRICTION

No person under the age of eighteen (18) years shall conduct, or participate in lawful gambling. "Participate" shall be defined to include but shall not be limited to playing the games of bingo, raffles, paddle wheels, tip boards or pull tabs.