

CHAPTER 14. LICENSING; AMUSEMENTS AND ENTERTAINMENT

ARTICLE V. Charitable & Legalized Gambling

*State law reference--Legalized gambling, Minn. Stats. Ch. 349; Local Regulation of Gambling, Minn. Stats. § 349.213.

*State law reference--Local approval of licenses, Minn. Stats. § 349.213, subd. 2; local investigation fees, Minn. Stats. § 349.16, subd. 8.

Section 14-181. Purpose.

The purpose of this Article is to closely regulate and control the conduct of gambling and to ensure that profits derived from gambling activities in the City of Anoka provide, to the extent authorized by law, direct benefit to the citizens of Anoka.

Section 14-182. Definitions.

For the purpose of this Article, the following words and terms will have the meanings given them:

Board. Minnesota State Gambling Control Board.

Lawful gambling. The operation of gambling activities by an organization eligible for a license from the Board to conduct such activities.

Lawful purpose. Will have meanings as provided in Minnesota Statutes Chapter 349, as may be amended from time to time.

Main Physical Office Location. Will mean the physical site for the organization headquarters or the registered business office of the organization, which is located within the City and has been located within the City for at least two (2) years immediately preceding the application, and which is the physical site where the organization regularly holds its meetings and conducts its activities, other than lawful gambling and fundraising. Post Office box numbers do not qualify as the main physical office location.

Net profits, lawful purpose, and allowable expenses. Will have meanings as provided in Minnesota Statutes Chapter 349, as may be amended from time to time.

Premise Permits. The authorization given by the Board, after passage of a resolution of recommendation and support by the City Council, for a named organization to operate lawful gambling activities at a specified location in the City.

Trade Area. The cities of Anoka, Andover, Champlin, Coon Rapids and Ramsey.

Section 14-183. Statute incorporated.

The current provisions of Minn. Stats. Ch. 349 are adopted and made a part of this Article as if set out in full.

Section 14-184. Licensing Requirements.

(a) State License or Permit Required.

No organization shall directly or indirectly conduct gambling activities in the City without obtaining the necessary approval, license or permit from the Board.

Section 14-185. Process for Consideration.

A copy of the application to be submitted to the Board, which describes the gambling activity and states where the gambling activity will be conducted, shall be supplied to the City Clerk at least thirty (30) days prior to the start date of the requested activity. The application shall be verified by a duly authorized officer of the organization or the designated gambling manager.

Section 14-186. Organizations Eligible.

- (a) Organizations eligible to conduct gambling activities in the City shall be limited to fraternal, religious, veterans, or other non-profit organizations, which have been in existence for at least three (3) years.
- (b) Organizations must meet all qualifications for a gambling license issued by the Board.
- (c) Organizations may pay rent only up to the maximum rent allowed in leases to charitable organizations which is in compliance with what is set forth in Minnesota Statutes.
- (d) Organizations eligible to conduct gambling activities in the City shall be limited to organizations that have their main physical office located in the City of Anoka. Existing organizations and their premise permit locations that have been approved by the Anoka City Council prior to August 1, 2007 are exempt from this requirement as long as there is no lapse in their premise permit.
- (e) Organizations that are not eligible due to the main physical office location requirement, may be granted a waiver from the City Council, if within thirty (30) days from the date of submittal of their Premise Permit application to the City, no eligible organization meeting the physical office location requirement, has expressed to the City a desire to operate gambling activities at the premises applied for by the ineligible organization. The waiver would be granted only for the specific location set forth in the Premise Permit application and would remain in effect for the duration of the original Premise Permit license. Upon the need for renewal of a Premise Permit location, a non-eligible organization would follow the same process of approval as stated herein. The priority set by the City Council for granting approval of a premise permit application and its location shall be as follows:
 - 1. First priority given to organizations whose main office location is within the corporate limits of the City of Anoka.
 - 2. Second priority given to organizations whose main office location is located within the Anoka Area Chamber of Commerce limits and whose main office location is within a City that allows an Anoka based organization to hold a premise permit within their corporate limits, and who is eligible to be granted a waiver from the eligibility requirements by the Anoka City Council.
 - 3. Third priority is given to all other organizations that are eligible to be granted by waiver from the eligibility requirements by the Anoka City Council.

Section 14-187. Disapproval of Premises Permit Issuance.

- (a) The City shall recommend disapproval of an application for a premise(s) from the Board if:

- (1) The City's investigation indicates that the organization or gambling manager failed to comply with the terms or conditions of any gambling license or indicates a history of noncompliance with State or local law regulating gambling activities; or
- (2) The premises on which the gambling is to be conducted are unsuitable for that purpose or the proposed activity reasonably can be expected to disrupt other activities in the neighborhood.
- (3) The premises upon which the activity is to be conducted lies within a zoning district where such activity would be prohibited.
- (4) The organization does not meet the eligibility requirements as stated in this Article.

Section 14-188. Grounds for Revocation of Authority to Conduct Gambling Activities.

No organization shall have a vested right in conducting any gambling activities in the City and any authority granted for such activities may be revoked by Council at any time upon a showing that:

- (a) Any misrepresentation has been made to the City or the Board by the organization; or
- (b) The organization has violated any provision of this Article or applicable State law.
- (c) The organization failed to comply with any regulation as set forth in this Article.

Section 14-189. Process for Revocation of Authority to Conduct Gambling Activities.

- (a) Upon determination by the City that there is sufficient grounds for revocation of an organizations authority to conduct gambling activities, the City shall:
 - (1) Notify the organization, in writing, that a public hearing will be held by the City Council, to consider the revocation of the organization's authority to conduct gambling activities in the City.
 - a. Notification in writing must be sent to the organization at least ten (10) days prior to the date the public hearing is held.
 1. The notice shall state the date, time and location of the public hearing and the nature of the charges against the organization.
 - (2) The City Council shall revoke an organization's authority to conduct gambling activities in the City, through adoption of a Resolution declaring the revocation and listing the grounds for the revocation. The date of revocation shall be immediately upon adoption of said resolution. The City shall forward a copy of the resolution to the Board.

Section 14-190. Re-application after Revocation.

Any organization that has had their authority to conduct gambling activities in the City revoked by either the City of Anoka or the Board, shall be prohibited from conducting

any gambling activities in the City for one (1) full year from the effective date of the revocation.

Section 14-191. Reporting Requirements for Premise Permit Holders.

Each organization which holds a State issued Premise Permit and is licensed to conduct lawful gambling activities in the City shall report monthly to the City its gross receipts, expenses and profits from those activities and the distribution of those profits, itemized as to payee, purpose, amount and date of payment. This requirement may be satisfied by submission of copies of the monthly reports required by the Board.

Section 14-192. Expenditures For Lawful Purposes.

During any year that an eligible organization is licensed to conduct gambling events, not less than fifty percent (50%) of its lawful purpose expenditures will be for lawful purposes conducted or located within the trade area. A report of the expenditures for lawful purposes within the trade area shall be provided to the City each month after the date of the adoption of this requirement. Additional reports may be required as determined by the City.

Sections 14-193 thru 14-215. Reserved.