

Blaine, Minnesota, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 22 -
BUSINESSES >> ARTICLE VIII. LEGALIZED GAMBLING >>

ARTICLE VIII. LEGALIZED GAMBLING ^[6]

Sec. 22-381. Definitions.

Sec. 22-382. Violations.

Sec. 22-383. Lawful gambling.

Sec. 22-384. Additional regulations.

Sec. 22-385. Adoption of state law by reference.

Sec. 22-386. Investigation fee.

Secs. 22-387—22-420. Reserved.

Sec. 22-381. 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:

Gambling means any activity or device prohibited by Minn. Stat. §§ 609.75, 609.755 and 609.76, and shall further include any activity, event, or contrivance that simulates any such activity or device when in or on any commercial establishment or property, except as otherwise allowed pursuant to city ordinances or state statutes, or rules adopted pursuant to authority contained therein. Prohibited gambling and gambling simulations include, but are not limited to, sports bookmaking, poker, blackjack, slot machines, and other similar activities, events and contrivances normally associated with gambling and gambling locations.

The terms used in this article which are defined in Minn. Stat. §§ 349.11—349.60, inclusive, and are defined in rules adopted pursuant to the authority contained in such statutes shall have the meanings set forth in such statutes and rules.

(Code 1980, § 4-90; Ord. No. 88-1108, 1-5-1989; Ord. No. 04-2004, 2-5-2004)

Cross reference— Definitions generally, § 1-2.

State law reference— Applicable definitions, Minn. Stat. §§ 349.12, 349.30.

Sec. 22-382. Violations.

Any person who has violated a provision of this article or the statutes or rules adopted by reference in this article shall be guilty of a misdemeanor.

(Code 1980, § 4-95; Ord. No. 88-1108, 1-5-1989; Ord. No. 04-2002, 2-5-2004)

Sec. 22-383. Lawful gambling.

There shall be no gambling in the City of Blaine except bingo, raffle games, and pull-tabs, duly licensed or otherwise allowed pursuant to the provision of this article, Minn. Stat. §§ 349.11—349.60, inclusive, and rules adopted pursuant to the authority contained in said statutes, and the state lottery authorized pursuant to Minn. Stat. §§ 349A.01—349A.15 inclusive.

- (1) No permit shall be required for the conduct of gambling exempt from licensing under Minn. Stat. § 349.166.
- (2) Nothing in article VII of chapter 22 of the Blaine Code shall be deemed to be an automatic approval of a premises permit or bingo license applied for with the gambling control board. A licensed organization may not conduct lawful gambling in the City of Blaine unless a premises permit or bingo license is approved by city council resolution. A premises permit shall be valid for a period of two years, unless revoked pursuant to this article or state statute.

(Code 1980, § 4-91; Ord. No. 88-1108, 1-5-1989; Ord. No. 91-1262, 9-5-1991; Ord. No. 04-2004, 2-5-2004)

Sec. 22-384. Additional regulations.

In addition to the requirements of Minn. Stat. §§ 349.11—349.60, inclusive, and rules adopted pursuant to the authority contained in the said statutes, lawful gambling shall be subject to the regulations set forth in the following paragraphs:

- (1) It is unlawful to make side bets or other wagers in connection with the conduct of lawful gambling.
- (2) A duly licensed pull-tab distribution, bingo or raffle game must be under the supervision of a gambling manager licensed under Minn. Stat. § 349.167. In order to qualify as a gambling manager, an individual must have been a member of the organization for at least two years.
- (3) No person who is under the age of 21 years shall operate or assist in operating a pull-tab distribution or bingo or raffle game in Blaine.
- (4) No organization may maintain more than four lawful gambling locations in the City at one time, except that an organization operating lawful gambling activities at more than four locations as of January 1, 2004, may continue to operate at those same locations pursuant to the following conditions:
 - a. The organization complies with all other state and local lawful gambling laws and ordinances.
 - b. Each location continues to qualify as a lawful gambling premises.
 - c. No lawful gambling activity is moved to a new location unless the organization is in conformance with the four-location limitation.
 - d. When a premises permit has lapsed or been revoked at a location for any reason, the organization may not commence operations at that location unless the organization is in conformance with the four-location limitation.
- (5) No premises permit or bingo hall license will be approved for:
 - a. Any organization to conduct lawful gambling on any premises other than a church, the premises of a fraternal, veterans or other nonprofit organization, or the premises of an on-sale intoxicating liquor licensee licensed pursuant to the applicable sections of the Blaine Code.
 - b. Any organization or local subdivision thereof unless all of the following requirements are met:
 1. The activities of the organization or its local subdivision directly or primarily benefit citizens of Blaine.
 2. The organization or the local subdivision must have had a principal business or operations location in the City of Blaine for a continuous period of at least two years immediately preceding the permit request

- and maintain such a location as long as the organization operates lawful gambling activities in the city. The organization must have been in continuous existence holding meetings for at least two years prior to the approval of the license.
3. The organization or the local subdivision may be granted a waiver of operational requirement if the city council determines the organization has significant community involvement and such a waiver would have to be granted per location up to the four-location limit.
- c. The simultaneous conducting of lawful gambling by more than one organization on authorized premises.
- (6) It is unlawful to sell, give or otherwise transfer in the City of Blaine, any raffle ticket, paddle ticket or any other opportunity to participate in any gambling event not approved by the City of Blaine pursuant to the provisions of the Minnesota Statutes and rules adopted by reference herein.
 - (7) Copies of the reports, which must be filed with the gambling control board, as required by Minn. Stat. § 349.19, shall be filed simultaneously with the city clerk.
 - (8) A licensed organization conducting lawful gambling within the city shall expend all of its expenditures for lawful purposes on lawful purposes conducted or located within the city's trade area. The city's "trade area" is defined as and is specially limited to the Cities of Blaine, Circle Pines, Coon Rapids, Ham Lake, Lexington, Lino Lakes, Mounds View, Shoreview and Spring Lake Park.
 - (9) Effective July 1, 1993, a licensed organization conducting lawful gambling within the city shall contribute ten percent of its net profits derived from lawful gambling to a fund administered and regulated by the city without cost to the fund, for disbursement by the city of the receipts for lawful purposes as defined in Minn. Stat. § 349.12. For the purposes of this requirement, "net profits" are defined as gross profit less sums actually expended for allowable expenses as reported to the Minnesota Department of Revenue. Such contributions shall be made to the city within 15 days of the end of each calendar quarter.
 - (10) A premises permit or bingo hall license approved by the city may be suspended or revoked for violations of this chapter, or Minn. Stat. ch. 349, or for failure to meet the qualifications set out in this chapter, or Minn. Stat. ch. 349, or for the failure to comply, for any reason, with any provision, guaranty or claim made in the applicant's original license application to either the city or the State of Minnesota.
 - (11) No license or permit approved by the city, including any bingo hall license, grants the licensee a property right or entitlement to a license or permit. The city may refuse to issue, renew or may revoke the license or permit for any reason and will not incur liability for any damages including, but not limited to, direct, consequential or incidental damages, deprivation of property, loss of income, loss of profits, or loss of livelihood.

(Code 1980, § 4-92; Ord. No. 88-1108, 1-5-1989; Ord. No. 91-1262, 9-5-1991; Ord. No. 93-1388, 6-3-1993; Ord. No. 04-2004, 2-5-2004)

Sec. 22-385. Adoption of state law by reference.

Minn. Stat. §§ 391.11—349.60, inclusive, and rules adopted pursuant to the authority contained therein are hereby adopted by reference and are incorporated in this article as completely as if set forth in full.

(Code 1980, § 4-93; Ord. No. 88-1108, 1-5-1989; Ord. No. 04-2000, 2-5-2004)

State law reference— Adoption by reference, Minn. Stat. § 471.62.

Sec. 22-386. Investigation fee.

Organizations applying for or renewing a license to conduct charitable gambling in the City of Blaine shall pay an investigation fee established by council. Said fee shall be paid along with the submission of its application to the city clerk. The investigation fee shall reimburse the city for its costs incident to a background investigation of the organization.

(Code 1980, § 4-94; Ord. No. 88-1108, 1-5-1989; Ord. No. 98-1695, § 2, 2-5-1998; Ord. No. 04-2004, 2-5-2004)

Secs. 22-387—22-420. Reserved.

FOOTNOTE(S):

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State Law reference— Lawful gambling and gambling devices, Minn. Stat. ch. 349; local regulation of gambling, Minn. Stat. § 349.213. ([Back](#))