

**CITY OF AURORA  
ORDINANCE NO. 69**

**AN ORDINANCE AUTHORIZING AND REGULATING THE CONDUCT OF LAWFUL GAMBLING  
WITHIN THE CITY OF AURORA, MINNESOTA**

**THE CITY COUNCIL OF THE CITY OF AURORA DOES ORDAIN:**

**SECTION 1. ADOPTION OF STATE LAW BY REFERENCE**

The provisions of Minn. Stat. ch. 349, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this ordinance as if set out in full. It is the intention of the Council that all future amendments of Minn. Stat. ch. 349, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted.

**SECTION 2. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW**

The Council is authorized by the provisions of Minn. Stat. § 349.213, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on gambling within its limits beyond those contained in Minn. Stat. ch. 349, as it may be amended from time to time.

**SECTION 3. PURPOSE**

The purpose of this ordinance is to regulate lawful gambling within the City of Aurora, to prevent its commercialization, to insure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

**SECTION 4. DEFINITIONS**

In addition to the definitions contained in Minn. Stat. § 349.12, as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

*BOARD*, as used in this ordinance, means the State of Minnesota Gambling Control Board.

*CITY*, as used in this ordinance, means the City of Aurora.

*COUNCIL*, as used in this ordinance, means the City Council of the City of Aurora.

*LICENSED ORGANIZATION*, as used in this ordinance, means an organization licensed by the Board.

**SECTION 5. TRADE AREA**

For the purpose of this ordinance, the trade area shall be defined as the City of Aurora, and each township contiguous to the City.

**SECTION 6. LAWFUL GAMBLING PERMITTED**

Lawful gambling is permitted within the city provided it is conducted in accordance with Minn. Stat. §§ 609.75-.763, inclusive, as they may be amended from time to time; Minn. Stat. §§ 349.11-.23, inclusive, as they may be amended from time to time; and this ordinance.

#### **SECTION 7. LICENSE AND PERMIT DISPLAY**

All permits issued under state law or this ordinance shall be prominently displayed during the permit year at the premises where gambling is conducted.

#### **SECTION 8. NOTIFICATION OF MATERIAL CHANGES TO APPLICATION**

An organization holding a state-issued premises permit or a local permit shall notify the city within ten (10) days in writing whenever any material change is made in the information submitted on the application.

#### **SECTION 9. CONTRIBUTION OF NET PROFITS TO FUND ADMINISTERED BY CITY**

**Subd. 1.** 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.

**Subd. 2.** Payment under this section shall be made to the City on quarterly basis.

**Subd. 3.** 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.

**Subd. 4.** No organization shall receive any reimbursement from the City of Aurora for any contributions made pursuant to this ordinance.

**Subd. 5.** Contributions to the City cannot be used for pension or retirement funds by Minn. Stat. § 349.12, subd. 7a, as it may be amended from time to time.

**Subd. 6.** No organization may contribute funds to the City for the purpose of the City giving the funds to a third party recipient designated by the organization. Such designations are unlawful and shall be disregarded.

#### **SECTION 10. RECORDS AND REPORTING**

**Subd. 1.** Organizations conducting lawful gambling shall file with the city clerk one copy of all records and reports required to be filed with the Board, pursuant to Minn. Stat. ch. 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.

#### **SECTION 11. HOURS OF OPERATION**

Lawful gambling shall not be conducted between 1 a.m. and 8 a.m. on any day of the week.

#### **SECTION 12. PENALTY**

Any person who violates any provision of this ordinance; Minn. Stat. §§ 609.75-609.763, inclusive, as they may be amended from time to time; or Minn. Stat. §§ 349.11-349.21, as they may be amended from time to time; or any rules promulgated under those sections, as they may be amended from time to time, shall be guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, plus in either case the costs of prosecution. In addition, violations shall be reported to the Board and recommendation shall be made for suspension, revocation, or cancellation of an organization's license.

#### **SECTION 13. SEVERABILITY**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

#### **SECTION 14. EFFECTIVE DATE**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the Council this 3<sup>rd</sup> day of June, 2014.

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Mary Hess, Mayor

ATTEST:

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Britt See-Benes  
Administrator/Clerk Treasurer

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