

CITY OF MONTROSE  
WRIGHT COUNTY, MINNESOTA

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING CHAPTER 73 OF THE MONTROSE CITY CODE  
RELATING TO LAWFUL GAMBLING

THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:

Section 1. Chapter 73 of the Montrose City Code is hereby deleted in its entirety and replaced with the following:

**73.01. ADOPTION OF STATE LAW BY REFERENCE**

A) The provisions of Minnesota Statutes, Chapter 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 chapter as if set out in full. It is the intention of the Council that all future amendments of Minnesota Statutes, Chapter 349, are hereby adopted by reference or referenced as if they had been in existence at the time this chapter was adopted.

**73.02. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW**

A) The Council is authorized by the provisions of Minnesota Statutes, section 349.213, as it may be amended from time to time, to impose, and has imposed in this chapter, additional restrictions on gambling within its limits beyond those contained in Minnesota Statutes, Chapter 349, as it may be amended from time to time.

**73.03. PURPOSE**

A) The purpose of this chapter is to regulate lawful gambling within the City of Montrose, to prevent its commercialization, to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

**73.04. DEFINITIONS**

A) In addition to the definitions contained in Minnesota Statutes, section 349.12, as it may be amended from time to time, the following terms are defined for purposes of this chapter:

- 1) BOARD. The State of Minnesota Gambling Control Board.
- 2) CITY. The City of Montrose.
- 3) COUNCIL. The City Council of the City of Montrose.

- 4) LICENSED ORGANIZATION. An organization licensed by the Board.
- 5) TRADE AREA. The cities of Montrose and Waverly and the townships of Woodland and Marysville.

### **73.05. APPLICABILITY**

- A) This chapter shall be construed to regulate all forms of lawful gambling within the City.
- B) The City does not require a local permit for lawful gambling categorized under Minnesota Statutes, section 349.166, subdivision 1 and Minnesota Statutes, section 349.166, subdivision 2, as they may be amended from time to time.

### **73.06. LAWFUL GAMBLING PERMITTED**

A) Lawful gambling is permitted within the City provided it is conducted in accordance with Minnesota Statutes, sections 609.75-.763, inclusive, as they may be amended from time to time; Minnesota Statutes, sections 349.11-.23, inclusive, as they may be amended from time to time; and this chapter.

### **73.07. COUNCIL APPROVAL**

A) Lawful gambling authorized by Minnesota Statutes, sections 349.11-.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this chapter and state law.

### **73.08. APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS**

A) Any organization seeking to obtain a premises permit from the Board shall file with the City Clerk/Treasurer an executed, complete duplicate application, together with all exhibits and documents accompanying the application as will be filed with the Board.

B) The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

C) The Council shall by resolution approve or disapprove the application within 60 days of receipt of the application.

D) The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:

- 1) Violation by the gambling organization of any state statute, state rule, or city code provision relating to gambling within the last three (3) years.

- 2) Violation by the on-sale establishment or organization leasing its premises for gambling of any state statute, state rule, or City code provisions relating to the operation of the establishment, including, but not limited to, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.
- 3) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise, the Council shall pass a resolution approving the application.

### **73.09. LICENSE AND PERMIT DISPLAY**

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

### **73.10. NOTIFICATION OF MATERIAL CHANGES TO APPLICATION**

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

### **73.11. DESIGNATED TRADE AREA**

A) Each organization licensed to conduct gambling within the City shall expend eighty percent (80%) of its lawful purpose expenditures on lawful purposes conducted within the City's trade area.

B) This section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the City's jurisdiction.

### **73.12. RECORDS AND REPORTING**

A) Organizations conducting lawful gambling shall file with the City Clerk/Treasurer one copy of all records and reports required to be filed with the Board, pursuant to Minnesota Statutes, Chapter 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.

B) Organizations licensed by the Board shall file a report with the City proving compliance with the trade area spending requirements imposed by Section 73.11. Such report shall be made on a form prescribed by the City and shall be submitted annually.

### **73.13. PENALTY**

A) Any person who violates any provision of this chapter; Minnesota Statutes, sections 609.75-609.763, inclusive, as they may be amended from time to time; or Minnesota Statutes, sections 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.

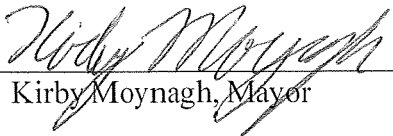
**73.14. SEVERABILITY**

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

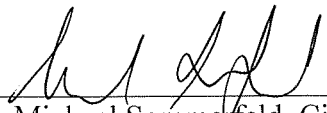
Section 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 14<sup>th</sup> day of March, 2022 by the City Council of the City of Montrose.

CITY OF MONTROSE

By:   
Kirby Moynagh, Mayor

ATTEST:

By:   
Michael Sommerfeld, City Clerk