

CHAPTER 112: LAWFUL GAMBLING

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§ 112.01 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.

§ 112.02 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.

§ 112.03 PURPOSE

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

§ 112.04 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 Plato.

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

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

TRADE AREA, as used in this ordinance, means the Glencoe/Silver Lake Consolidated School District.

§ 112.05 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.

Lawful gambling is permitted at no more than two (2) premises within the City.

No more than two (2) licensed organizations would be permitted to conduct lawful gambling activities at one (1) premises.

§ 112.06 COUNCIL APPROVAL

Lawful gambling authorized by Minn. Stat. §§ 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 ordinance and state law.

§ 112.07 APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS

(A) License may be issued only to nonprofit organizations with a principal office, headquarters, or meeting place within the established trade area of the City of Plato, unless specifically approved by the City Council.

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

(C) Upon receipt of an application for issuance of a premises permit, the City Council may direct the City clerk to transmit the application to the McLeod County Sheriff's Office for review and recommendation.

(D) The County Sheriff shall investigate the matter and make the review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the City.

(E) Organizations applying for a state-issued premises permit may be required to pay the City a \$100.00 investigation fee. This fee shall be refunded if the application is withdrawn before the investigation is commenced. If approved by the City Council and the Board, a licensed organization may be responsible for an annual investigative fee for conducting lawful gambling within the City.

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

(G) The Council shall receive the County Sheriff's report and consider the application within 45 days of the date the application was submitted to the City clerk.

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

(I) The Council may 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 ordinance relating to gambling within the last three (3) years.

(2) Lawful gambling would be conducted at more than two (2) premises within the City.

(3) An organization would be permitted to conduct lawful gambling activities at more than one (1) premises in the City.

(4) More than two (2) licensed organizations would be permitted to conduct lawful gambling activities at one (1) premises.

(5) Failure of the applicant to pay the investigation fee provided by Subdivision E within the prescribed time limit, if required.

(6) 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.

§ 112.08 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.

§ 112.09 NOTIFICATION OF MATERIAL CHANGES TO APPLICATION

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.

§ 112.10 CONTRIBUTION OF NET PROFITS TO FUND ADMINISTERED BY CITY

(A) 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 from pull tabs/electronic games
Five percent (5%) of its net profits from raffles/individual games

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.

(B) Payment under this section shall be made annually by June 30.

(C) The City's use of such funds shall be determined at the time of adoption of the City's annual budget or at the City Council's discretion.

(D) The requirement provided in this section shall be included as part of the twenty-five percent (25%) requirement as set forth in Section 112.11 of this code.

§ 112.11 DESIGNATED TRADE AREA

(A) Each organization licensed to conduct gambling within the City shall expend a minimum of twenty-five percent (25%) 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.

(C) Annually, each organization must file with the City the report required to be filed with the State Gambling Board for the purpose of documenting compliance with this section. The report shall be filed within thirty (30) days from the date the report is required to be filed with the state or thirty (30) days next following the end of the fiscal year of the organization, whichever is sooner. The report shall identify the name of the entity to whom all payments have been made, the location of the entity when the payment was made, and the amount of the donation or expenditure.

§ 112.12 RECORDS AND REPORTING

(A) 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.

(B) Organizations licensed by the Board shall file a report with the City proving compliance with the trade area spending requirements imposed by Section 112.12. Such report shall be made on a form prescribed by the City and shall be submitted annually.

§ 112.13 HOURS OF OPERATION

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

§ 112.14 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.

§ 112.15 SEVERABILITY

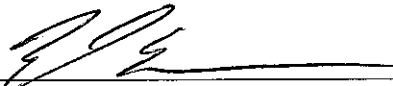
If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

§ 112.16 EFFECTIVE DATE

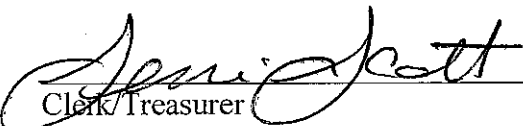
This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time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

Adopted by the City Council of the City of Plato on the 12th day of May, 2025

CITY OF PLATO

By: 
Mayor

ATTEST:


Clerk/Treasurer

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