

ORDINANCE

At a meeting of the Winona County Board of Commissioners held on June 10, 1980, Lee Luebbe moved and Charles Smith seconded that the following ordinance be enacted by the County of Winona:

The County Board of Winona County ordains:

The operation of gambling devices and the conduct of raffles as defined by Minnesota Statutes 349.26 is permitted by license in unincorporated areas of the County of Winona by those organizations authorized by Minnesota Statutes 349.26.

The issuance of a gambling device license or a raffle license and the operation of a gambling device or a raffle pursuant to said license shall be pursuant to the provisions of Minnesota Statutes 349.26 which is hereby incorporated by reference.

An organization desiring a license shall file an application with the Winona County Auditor on a form supplied by the Winona County Auditor. The application shall bear a certification by the signor or signors that the information contained therein is true and correct.

No license shall be issued until a license fee is paid, said fee to be determined by the Winona County Board.

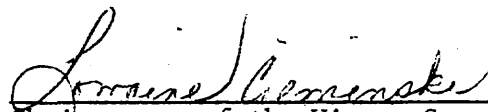
No license shall be issued to an organization whose license has been revoked for a period of 6 months after revocation. No license shall be issued to an organization if that organization, an officer or a gambling manager thereof has been convicted of a violation of Minnesota Statutes 349.26.

Organizations which are issued a license will not have to provide the County of Winona with a fidelity bond.

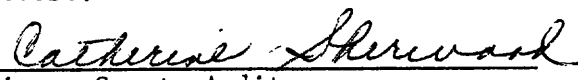
The term of each license issued shall be for one year.

This ordinance shall be effective upon the date of passage.

Dated June 10, 1980.


Chairperson of the Winona County
Board of Commissioners

Attest:


Winona County Auditor

YES

Smith X
 Luebbe X
 Kobler X
 Papenfuss X
 Cieminski X

NO

Smith _____
 Luebbe _____
 Kobler _____
 Papenfuss _____
 Cieminski _____

ABSTAINING

Smith _____
 Luebbe _____
 Kobler _____
 Papenfuss _____
 Cieminski _____

STATE OF MINNESOTA } S. S.
 COUNTY OF WINONA }
 OFFICE OF COUNTY RECORDER

I hereby certify that the within instrument was filed in this office at Winona for record on the 6 day of August, D. 1980 at 3:00 o'clock P.M., and was microfilmed

Robert J. Bambenek

County Recorder

By Jessie B. Hill Deputy

349.26 GAMBLING DEVICES. Subdivision 1. For the purposes of this section the terms defined in this section have the meanings given them.

Subd. 2. "Gambling devices" mean those gambling devices known as "paddle-wheels" or "tipboards", or apparatus used in conducting raffles.

Subd. 3. "Paddlewheel" means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.

Subd. 4. "Tipboard" means a board, placard or other device measuring at least 12 inches square, marked off in a grid or similar pattern, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

Subd. 5. "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing.

Subd. 6. "Profit" means the gross receipts from the operation of gambling devices and the conduct of raffles, less reasonable sums expended for prizes, local licensing fees, taxes and maintenance costs for the devices.

Subd. 7. Nothing in this section shall be construed to authorize any use, possession or operation of:

- (a) Any gambling device which is activated by the insertion of a coin or token; or
- (b) Any gambling game or device in which the winning numbers, tickets or chances are in any way determined by the outcome of any athletic contest or sporting event.

Subd. 8. Any county or city may establish a system for the licensing of organizations to operate gambling devices and to conduct raffles. The system may include a fee for each license in an amount to be determined by the local governing body. Licenses issued pursuant to this section shall be valid for one year, and may be suspended or revoked for any violation of this section. A local governing body shall act on a license application within 180 days from the date of application, but shall not issue a license until at least 30 days after the date of the application. Nothing in this section shall be construed to prohibit a county or city from adopting rules or ordinances for the operation of gambling devices or the conduct of raffles that are more restrictive than state law, including rules or ordinances prohibiting the operation of such devices.

Subd. 9. Licenses shall be issued only to a fraternal, religious, veterans or other nonprofit organization covered by section 290.05, subdivision 1, clause (i) or (k), which organization has been in existence for at least three years and has at least 30 active members, as defined in section 349.12, subdivision 2.

Subd. 10. Profits from the operation of gambling devices or the conduct of raffles shall be used solely for lawful purposes as defined in section 349.12, subdivision 6, and as authorized at a regular meeting of the organization.

Subd. 11. All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager designated by the organization. The gambling manager shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall give a fidelity bond in the sum of \$10,000 in favor of the organization conditioned on the faithful performance of his duties, and the bond and the waiver thereof shall be subject to the same provisions as those applying to the bond required of a bingo manager pursuant to section 349.17, subdivision 7. A person may act as both gambling manager and bingo manager for a single organization, but a gambling manager for a single organization shall not act as either a gambling manager or bingo manager for any other organization. A gambling manager for an organization shall be an active member of the organization, as defined in section 349.12, subdivision 2.

Subd. 12. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not an active member of an organization, or its auxiliary, or the spouse or surviving spouse of an active member may participate in the organization's operation of a gambling device or conduct of a raffle.

Subd. 13. Each organization licensed to operate gambling devices shall keep records of its gross receipts, expenses and profits for each single gathering or occasion at which gambling devices are operated or a raffle is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount and date of payment.

Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, including bingo gross re-

ceipts, and placed in a separate account. Each organization shall have separate records of its gambling operations. The person who accounts for gross receipts, expenses and profits from the operation of gambling devices or the conduct of raffles shall not be the same person who accounts for other revenues of the organization, except that such person may be the same person who accounts for bingo gross receipts, expenses and profits.

Each organization licensed to operate gambling devices or to conduct raffles shall report monthly to its membership, and to the licensing local unit of government, its gross receipts, expenses and profits from gambling devices or raffles, and the distribution of profits itemized as required in this subdivision.

Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of gambling devices and the conduct of raffles for public inspection at reasonable times and places.

Subd. 14. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this section may be sold off the premises. Leases, unless authorized in another location by the local unit of government, shall be for a period of not less than one year and shall be in writing. No lease shall provide that rental payments be based on a percentage of receipts or profits from gambling devices or raffles. Copies of all leases shall be provided to the licensing local unit of government.

Subd. 15. Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed \$500. Total prizes resulting from any single spin of a paddlewheel, or from any single tipboard, shall not exceed \$100. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels and tipboards and the conduct of raffles shall not exceed \$15,000. Merchandise prizes shall be valued at fair market retail value.

Subd. 16. Violation of any provision of this section is a misdemeanor. This subdivision shall not preclude civil or criminal action under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of this section.

[1978 c 507 s 3]