

# **City Code Chapter 5**

## **Amusements**

**Article 1. General Conditions, § 5-1--5-15**

**Article 2. Bowling Alleys, §§ 5-16--5-51**

**Article 3. Public Dances and Dance Halls, §§ 5-52--5-70**

**Article 4. Bingo, §§ 5-71--5-129**

Division 1. General, §§ 5-71--5-90

Division 2. License, §§ 5-91--5-110

Division 3. Conduct of Game, §§ 5-111--5-129

**Article 5. Gambling, §§ 5-130--5-141**

### **Article 1. General Conditions**

#### **Sec. 5-1. Bond, Liability Insurance Required for Amusement Rides.**

A bond or certificate of insurance shall be on file with the City before any person shall conduct, operate, manage or sponsor any ferris wheel, merry-go-round or other amusement ride operated for hire or for the purpose of promoting or advertising any trade or business. The bond or certificate of insurance shall indemnify the public against damages sustained by reason of the operation of the ride. The bond or certificate of insurance shall apply to all persons, whether or not a license or permit is required by any other provision of this Code, State law or City ordinance, rule, or regulation. The amount of the bond or insurance shall be prescribed by resolution. (Code 1966; Code of 1988; Code of 2001)

**Secs. 5-2--5-15. Reserved.**

## **Article 2. Bowling Alleys**

### **Sec. 5-16. Application.**

The provisions of this Article shall apply to any place where one or more bowling alleys are operated or maintained whether such place is a social club or a business enterprise operated for profit. This Article shall not apply to a bowling alley operated for private family use. (Code 1966; Code of 1988; Code of 2001)

### **Sec. 5-17. Hours of Operation.**

No bowling alley shall be open or operated between 1:00 a.m. and 7:00 a.m. (Code 1966; Code of 1988; Code of 2001)

### **Sec. 5-18. Gambling.**

No operator of a bowling alley or employee of such operator shall permit any form of gambling on the premises of a bowling alley. (Code 1966; Code of 1988; Code of 2001)

### **Sec. 5-19. Disorderly Conduct.**

No operator of a bowling alley or employee of such operator shall permit any disorderly conduct or the use of profane, obscene, or indecent language at a bowling alley. (Code 1966; Code of 1988; Code of 2001)

### **Sec. 5-20. Narcotics.**

No operator of a bowling alley or employee of such operator shall sell or possess, or knowingly allow any person in the bowling alley to sell or possess narcotics. The sale or possession of narcotics shall not be allowed at a bowling alley. (Code 1966; Code of 1988; Code of 2001)

### **Secs. 5-21--5-51. Reserved.**

### **Article 3. Public Dances and Dance Halls**

#### **Sec. 5-52. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) **Public Dancing Place.** Any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be obtained by the public by payment, directly or indirectly, of an admission fee or price for dancing.

(2) **Public Dance.** Any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, or a fee for a membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly. (Code of 1966; Ord. No. 433, 8-29-78; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001)

#### **Sec. 5-53. Permit Required.**

No person shall give, hold, or conduct a public dance without a permit from the City. Permits may be issued for one or more public dances in a period of time not exceeding one year. A permit shall be required for any dance which involves the blocking or barricading of a public street for the purposes of dancing on or around the streets, whether or not an admission fee is charged. (Code of 1966; Ord. No. 433, 8-29-78; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001)

#### **Sec. 5-54. Application and Issuance of a Permit.**

(1) Application shall be made on forms provided by the City. The applicant shall provide the information requested by the City under oath.

(2) Permit applications may be denied or granted by the City Council.

(3) The permit shall be posted in a public place in the dance hall named in the permit during the time dances are conducted. The permit shall specify the name and address of the permittee and the time and place for which it is issued. (Code of 1966; Ord. No. 433, 8-29-78; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001)

#### **Sec. 5-55. Fees.**

The permit fees shall be established by ordinance. In the case of a street dance, a performance bond shall be furnished to ensure satisfactory cleanup of the area. The amount of the bond shall be specified by resolution. (Code of 1966; Ord. No. 433, 8-29-78; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001, Ord. 751, 11-13-2007)

#### **Sec. 5-56. Ineligible Persons and Public Dancing Places.**

(1) No permit shall be issued to a person who is not of good moral character and reputation, has been convicted within five years of a felony or gross misdemeanor or violation of a law or ordinance regulating public dances, or is the keeper of any disorderly house of any kind.

(2) No permit may be issued to any place:

A. Having private apartments or private rooms furnished or used for any other than legitimate purposes which adjoin such dancing place or which may be reached by stairs, elevator, or passageway, or

B. Which the City Council determines is not properly ventilated and equipped with necessary toilets, washrooms, and lighting, or to any place which is likely to become a public nuisance or detrimental to public morals. (Code of 1966; Ord. No. 433, 8-29-78; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001)

**Sec. 5-57. Conduct at Dances.**

(1) No person shall dance, nor shall any person to whom a permit is issued allow any person to dance in any public dance hall, any indecent or immoral dances or any dance which is characterized by immodest motion of the body. No person shall in any public dance hall act or speak in a rude, boisterous, obscene or indecent manner, and no person to whom a permit has been issued shall permit any person to so act or speak in the dance hall.

(2) Every public dancing place shall be brightly illuminated while in public use and dancing therein while the lights are extinguished, dimmed, or turned low, so as to give imperfect illumination is prohibited.

(3) No person to whom a permit has been issued shall allow in any public dancing place any intoxicated person, any prostitute, any person of known immorality, or any unmarried person under the age of sixteen years who is not accompanied by a parent or guardian, nor any unmarried person between the ages of sixteen and eighteen unless such person is accompanied by a parent or guardian or presents a written consent of a parent or guardian to the Officer in charge of the dance. Such written consent shall be retained by the Officer.

(4) The person to whom a permit is issued shall retain a licensed Peace Officer designated by the City to be present at every public dance to be given or held under the permit during the entire time the public dance is being held.

(5) No public dance may be held or conducted between the hours of one o'clock a.m. and twelve o'clock a.m. on Sunday or between the hours of one o'clock a.m. and six o'clock a.m. on other days. The City Council may further restrict the hours of such dances at the time of issuance of a permit. (Code of 1966; Ord. No. 433, 8-29-78; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001)

**Secs. 5-58–5-70. Reserved.**

## Article 4. Bingo

### **Repealed Ordinance No. 786 January 12, 2010**

The City of New Brighton will follow the charitable gambling regulations that are set forth by the State of Minnesota.

## Article 5. Gambling

### **Sec. 5-71. Authority and Purpose.**

This article is adopted by the City pursuant to its authority under Minnesota Statutes Section 349.213 and such other authority as may apply. The purpose of this article is to regulate lawful gambling within the City, to prevent its commercialization, to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

### **Sec. 5-72. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

- (1) **Board.** The State of Minnesota Gambling Control Board.
- (2) **Licensed Organization.** An organization that is licensed by the Board.
- (3) **Local Permit.** A permit issued by the City.
- (4) **Trade Area.** The cities of New Brighton, Columbia Heights, Saint Anthony, Roseville, Fridley, Mounds View, and Arden Hills.

### **Sec. 5-73. Adoption of State Law by Reference.**

Except as otherwise herein limited and qualified, Minnesota Statutes Chapter 349, 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 the City by reference and are made a part of this article as if set out in full. It is the intent of the City 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 article was adopted.

### **Sec. 5-74. City May be More Restrictive than State Law.**

The City Council is authorized by the provisions of Minnesota Statutes Section 349.213 to impose and has imposed in this article, additional restrictions on gambling within its limits beyond those contained in Minnesota Statutes Chapter 349.

**Sec. 5-75. Applicability.**

This article shall be construed to regulate all forms of lawful gambling within the City, with the exception of the following:

- (1) Bingo conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if 1) the prizes for a single bingo game do not exceed \$10; 2) total prizes awarded at a single bingo occasion do not exceed \$200; 3) no more than two bingo occasions are held by the organization or at the facility each week; 4) only members of the organization or residents of the nursing home or housing project are allowed to play in a bingo game; 5) no compensation is paid for any persons who conduct the bingo; and 5) a manager is appointed to supervise the bingo;
- (2) Bingo conducted by an organization in conjunction with a county fair, state fair, or a civic celebration for no more than 12 consecutive days;
- (3) Bingo conducted by an organization on four or fewer days in a calendar year; and
- (4) Raffles conducted by an organization that does not award raffle prizes with a total value in excess of \$1,500 in a calendar year or \$5,000 if the organization is a 501(c)(3) organization.

**Sec. 5-76. Lawful Gambling Permitted.**

Lawful gambling is permitted within the City provided it is conducted in accordance with Minnesota Statutes Sections 609.75 – .763 and 349.11 – 349.23 and this article. Lawful gambling shall not be conducted unless all requirements set forth in this article and state statutes have been met.

**Sec. 5-77. Local Permits.**

- (1) No organization shall conduct lawful gambling excluded or exempted from state licensure requirements by Minnesota Statutes Section 349.166 without a valid local permit. This section shall not apply to lawful gambling exempted from local regulation by Section 5-75 of this article.
- (2) Applications for issuance or renewal of a local permit shall be on a form prescribed by the City. The application shall contain the following information:
  - (A) Name and address of the organization requesting the permit;
  - (B) Name and address of the officers and person accounting for receipts, expenses, and profits for the event;
  - (C) Dates of gambling occasion for which permit is requested;
  - (D) Address of premises where event will occur; and
  - (E) Estimated value of prizes to be awarded.

- (3) The fee for a local permit shall be \$100.00. The fee shall be submitted with the application for a local permit. This fee shall be refunded if the application is withdrawn before the investigation is commenced. No fee will be assessed for an off-site permit issued pursuant to Minnesota Statutes Section 349.165, subdivision 5.
- (4) Upon receipt of an application for issuance or renewal of a local permit, the City Clerk shall transmit the notification to the Director of Public Safety for review and recommendation.
- (5) The Director of Public Safety shall investigate the matter and make 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.
- (6) The applicant shall be notified in writing of the date on which the City Council will consider the recommendation.
- (7) The City Council shall receive the Director of Public Safety's report and consider the application within 45 days of the date the application was submitted to the City Clerk.
- (8) The City Council shall deny an application for issuance or renewal of a local permit for any of the following reasons:
  - (A) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three years;
  - (B) Violation by the on-sale establishment, or organization leasing its premises for gambling, of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to the operation of the establishment, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice and protection of public safety within the last three years;
  - (C) Failure of the applicant to pay the local permit fee provided by this section within the prescribed time limit, if required; or
  - (D) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise the City Council shall approve the application.

**Sec. 5-78. Revocation and Suspension of a Local Permit.**

- (1) A local permit may be revoked, or temporarily suspended by the City Council for a violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling.

- (2) A local permit shall not be revoked or suspended until notice and an opportunity for a hearing have first been given by the City to the permitted person. The notice shall be personally served or sent by certified mail. If the person refuses to accept notice, notice of the violation shall be served by posting it on the premises. The notice shall state the provision reasonably believed to be violated. The notice shall also state that the permitted person may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permitted person requests a hearing, the City Council shall hold a hearing on the matter at least one week after the date on which the request is made. If, as a result of the hearing, the City Council finds that a violation exists, then it may suspend or revoke the permit.

**Sec. 5-79. Notification of Material Changes to Local Permit Application.**

An organization holding a local permit shall notify the City within 10 days in writing whenever any material change is made in the information submitted on the application.

**Sec. 5-80. Designated Trade Area.**

- (1) Each organization licensed to conduct lawful gambling within the City shall expend 5 – 40 percent of its lawful purpose expenditures on lawful purposes conducted within the City’s trade area.
- (2) This Section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the City’s jurisdiction.
- (3) The requirements of this Section shall not apply to organizations that were licensed by and have obtained a premises permit from the State Gambling Control Board to conduct lawful gambling at a premises within the City as of November 22, 2016. If the organization’s license or premise permit lapses, is terminated, suspended or revoked, it shall then be subject to the requirements of this Section for any lawful gambling that it conducts within the City, regardless of whether the lawful gambling is being conducted on the premises in which it was previously being conducted or a different premises.

**Sec. 5-81. Application and Local Approval of Premises Permits.**

- (1) **Permit Required.** Licensed lawful gambling shall not be conducted on a premises unless the organization conducting the lawful gambling has obtained a premises permit from the Board and has obtained all other permits and permissions as required by law, including but not limited to, a resolution from the City Council approving the permit. The resolution must have been adopted by the City Council within 90 days of the date of the application for the new permit.
- (B) **Local Notice.** An organization that obtains a premises permit from the Board shall provide the City with a copy of the permit within 10 days of its receipt of the permit.

**Sec. 5-82. Records and Reporting.**

- (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 Minnesota Statutes Chapter 349, and rules adopted pursuant thereto. The records and reports shall be filed on or before the day they are required to be filed with the Board.
- (2) Organizations licensed by the Board shall file a report with the City proving compliance with the trade area spending requirements imposed by Section 5-80 of this article. Such report shall be made on a form prescribed by the City and shall be submitted annually and in advance of application for renewal.

**Sec. 5-83. Permit Display.**

All local permits and premises permits shall be prominently displayed at the premises where gambling is conducted. (Ordinance 847; 11-22-2016)

**Editor's Notes**  
**City Code-Chapter 5**  
**Amusements**

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered “(1)” followed by “(2)”, etc.

The next division of a Section is numbered with an “A” followed by “B”, etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Margaret A. Egan  
Finance Director/City Clerk  
April 20, 2000