


**Sherburne County
Charitable Gambling Ordinance
ORD-144**

The County Board of Commissioners of Sherburne County hereby ordains a Charitable Gambling Ordinance. Within 90 days of the publication of this ordinance, all persons or organizations licensed by the State of Minnesota to engage in lawful gambling shall, as a condition of conducting lawful gambling within the unincorporated areas of Sherburne County, apply to and be granted a permit to conduct lawful gambling from the Sherburne County Auditor/Treasurer. A licensed organization conducting lawful gambling within Sherburne County shall expend no less than fifty (50) percent of its net profits derived from lawful gambling conducted at premises located within Sherburne County on lawful purposes conducted or located within the Sherburne County Trade Area. Any applicant or permit holder shall reimburse the Sherburne County Auditor/Treasurer for all direct costs incurred in obtaining documents from the Minnesota Attorney General's Office or the Minnesota Gambling Control Board. This is a summary of the Ordinance. A full copy is available in the Office of the County Administrator.

This provision was passed by the Sherburne County Board of Commissioners on the 19th Day of February, 2007, and duly filed with the Sherburne County Auditor.



John C. Riebel, Sr., County Board Chair


Office of the County Recorder
Sherburne County, MN

Doc. No. 644841

Certified filed and/or recorded on

03-08-2007 at 09:30

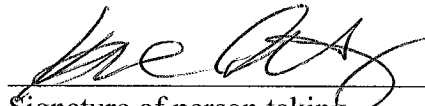
Michelle Ashe, County Recorder

By  Deputy Fee: \$



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This foregoing instrument was
acknowledged before
me this 20th day of February, 2007

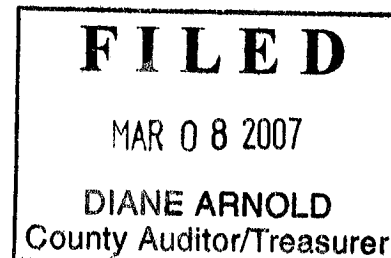


Signature of person taking
acknowledgement

Notarial Stamp of Seal



Drafted by the Sherburne County
Administrator's Office
Sherburne County Government Center



**An Ordinance for Charitable Gambling in
Sherburne County
ORD-144**

SECTION 1 - PURPOSE AND INTENT

This Ordinance is enacted to promote the health and general welfare throughout Sherburne County by providing for the expenditures of charitable gambling proceeds within the County of Sherburne for all lawful purposes that have been enumerated under Minnesota Statute Chapter 309, Minnesota Statutes Chapter 349, and any other applicable statute, rule or ordinance as exists or may be amended or succeeded.

SECTION 2 - TITLE

This Ordinance shall be known as, and may be cited and referred to as, the "Sherburne County Charitable Gambling Ordinance;" and, when referred to herein, it shall be known as "this Ordinance."

SECTION 3 - VALIDITY

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**SECTION 4 - JURISDICTION, SCOPE AND
INTERPRETATION**

Subsection 1: Jurisdiction

The jurisdiction of this Ordinance shall apply to all the areas of Sherburne County outside the incorporated limits of municipalities.

Subsection 2: Scope

From and after the effective date of this Ordinance, the operation of charitable gambling by licensed organizations, and the use of the proceeds therefrom, shall be governed by this Ordinance. This shall be for each permit that is issued as a new or renewed permit on or after the effective date of this Ordinance. The remainder of this Ordinance shall be effective on the date of publication.

Subsection 3: Interpretation

Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, rule or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance, rule or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance, rule or regulation shall be controlling.

SECTION 5 - CONSTRUCTION

Subsection 1: Rules of Language Construction

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words "shall" and "must" are mandatory and not discretionary.

Subsection 2: Definitions

The definitions as used in this ordinance shall be the same as set forth in Minnesota Statute Chapters 309 and 394 (as amended) or their successor statutes.

SECTION 6 - IMPLEMENTATION

Subsection 1: Permit

Within ninety (90) days of the enactment of this Ordinance, all persons or organizations licensed by the State of Minnesota to engage in lawful gambling shall, as a condition of conducting lawful gambling within the unincorporated areas of Sherburne County, apply to and be granted a permit to conduct lawful gambling from the Sherburne County Auditor/Treasurer. No licensed organization shall conduct any lawful gambling within Sherburne County without possessing a valid permit issued by the Sherburne County Auditor/Treasurer.

Subsection 2: Permit Application

The permit application shall be on a form promulgated by the Sherburne County Auditor/Treasurer. The permit application shall include, at a minimum, the contact person for the organization, the gambling manager of the organization, and the individual or firm that conducts annual financial audits or accountings on behalf of the organization to verify how the organization distributes its profits derived from lawful gambling. Additionally, each applicant for a new or renewed permit shall submit, as part of the application, a copy of the organization's current registration statement filed with the Minnesota Attorney General's Office. Additionally, any applicant for a renewed permit

must provide, as part of their permit renewal application, documentation demonstrating how the organization distributed its gross profits from all lawful gambling conducted within Sherburne County during the preceding twelve (12) months.

Subsection 3: Release of Information

Any applicant for a new or renewed permit, as part of the permit application, must sign a release of information authorization form authorizing the Sherburne County Auditor/Treasurer to access all documents and information pertaining to the organization possessed by the applicant, the Minnesota Attorney General's Office or the Minnesota Gambling Control Board, including but not limited to all annual reports filed pursuant to Minnesota Statutes Section 309.53. Any applicant or permit holder shall reimburse the Sherburne County Auditor/Treasurer for all direct costs incurred in obtaining documents from the Minnesota Attorney General's Office or the Minnesota Gambling Control Board. The applicant specifically acknowledges that, by applying for a permit, the applicant is subject to audit to verify the accuracy of all information submitted.

Subsection 4: Duration; Fees

Upon meeting all requirements of this Ordinance, completing all registration requirements, and compliance with all other requirements imposed upon the licensed organization by state statute, other ordinances, or state rules, the licensed organization shall be issued a County permit for the operation of lawful gambling within Sherburne County. No County permit shall be issued for longer than one year. Effective January 1, 2007, each permit holder shall pay the sum of \$5.00 for the county permit in 2007. Thereafter, the County Board may increase this fee upon public hearing as part of the County Fee Schedule; provided, however, such fee shall not exceed \$100.00.

SECTION 7 - EXPENDITURES

A licensed organization conducting lawful gambling within Sherburne County shall expend no less than fifty (50) percent of its net profits derived from lawful gambling conducted at premises located within Sherburne County on lawful purposes conducted or located within the Sherburne County Trade Area. For purposes of this Ordinance, the "Sherburne County Trade Area" is defined as the geographic limits of the County itself plus any land located within five-hundred (500) feet of the Sherburne county boarder. For purposes of this Ordinance, "net profits" is defined as total gross receipts less reasonable sums actually expended for prizes and expenses allowed under state law. The burden of showing that any expenditure from the net profits of lawful gambling was for a lawful purpose conducted or located within the Sherburne County Trade Area shall be upon the permit holder. This provision of this Ordinance shall be effective for all permits issued at the time of renewal or issuance of new permits, on or after the effective date of this Ordinance.

SECTION 8 - Violations, Penalties and Enforcement

Subsection 1: Violations and Penalties

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, be punished pursuant to law.

Subsection 2: Enforcement

This Ordinance shall be administered and enforced by the Sherburne County Sheriff, the Sherburne County Attorney, or the Sherburne County Auditor/Treasurer, who all are hereby designated as enforcing officers.

Subsection 3: Actions

In the event of a violation or a threatened violation of this Ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

Subsection 4: Mandamus Proceedings

Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

SECTION 9 - DATE OF EFFECT

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this ___ day of _____, 2007.

Chair, Sherburne County Board
Of Commissioners

Attest: _____
Sherburne County Administrator

Effective Date: _____