

Chapter 17 GAMES OF CHANCE

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Section 17.010 Definitions

- (a) The definitions in North Dakota Century Code, section 53-06.1-01 and in the rules promulgated by the state attorney general pursuant thereto are adopted herein by reference thereto.
- (b) A "local license" is one authorized under North Dakota Century Code, section 53-06.1-03 or 53-06.1-05. (Ord. No. 877, § 1.)

Section 17.020 When playing or conducting games of chance lawful

Notwithstanding any other provision of this chapter, it shall not be unlawful to play or conduct games of chance pursuant to chapter 53-06.1 of the North Dakota Century Code, as that section may be amended from time to time, in accordance with that chapter and implementing rules and regulations of the attorney general and guidelines established by the city and set forth in this chapter. (Ord. No. 877, § 1.)

Section 17.030 Local license--Eligibility

An organization eligible to conduct games of chance under a local license, which conducts its principal activities within the city, may apply to the city commission for a local license to conduct games of chance within the city in the manner and subject to the restrictions set forth in this chapter. (Ord. No. 877, § 1.)

Section 17.040 Same--Application

- (a) An application for a local license shall be made on a form provided by the city auditor, shall be sworn to under oath by an officer of the organization making such application and shall contain the following information:
 - (1) The full legal name of the organization;
 - (2) The mailing address of the organization;
 - (3) An indication as to which of the following classes of exempt organizations describe the applicant:

- a. Veterans,
 - b. Charitable,
 - c. Educational,
 - d. Religious,
 - e. Fraternal,
 - f. Civic and service club,
 - g. Other public-spirited organization, or
 - h. College fraternity or sorority;
- (4) A brief recitation of the facts which establish that the organization applying for the local license is an eligible organization of the class indicated on the application;
 - (5) A statement as to whether the local license is to authorize bingo or a raffle and the time and place at which the games of chance will be conducted during the period of time in which the local license is in effect;
 - (6) A statement as to the length of time for which the local license is to be in effect;
 - (7) A description of the educational, charitable, patriotic, fraternal, religious or other public-spirited uses to which the entire net proceeds will be devoted;
 - (8) The office held in the organization by the person applying for a local license on behalf of the organization.
- (b) If the applicant for a local license is a college fraternity or sorority, the applicant shall file with the city auditor a signed acknowledgement by the administration of the college or university with which the applicant is affiliated to the effect that the applicant is a recognized fraternity or sorority. (Ord. No. 877, § 1.)

Section 17.050 Same--Fees

- (a) The city auditor shall collect a nonrefundable application fee for a local license, as follows:
 - (1) With respect to a college fraternity or sorority:
 - a. Ten dollars if the applicant requests a local license to operate games of chance during all or a portion of one calendar day; or
 - b. Twenty-five dollars if the applicant requests the local license for a period of time in excess of one calendar day.
 - (2) With respect to an applicant for a local license under North Dakota Century Code, section 53-06.1-03(1), ten dollars.
- (b) An applicant required to pay a fee under paragraph (a) (2) shall make a separate application and pay a separate fee for each month under which and for each location at which a bingo game will be conducted pursuant to the local license. The application forms can be consolidated into one form by specifying more than one month or more than one location thereon but in any event the fee shall be calculated and paid as though separate applications had been filed.
- (c) An applicant required to pay a fee under paragraph (a) (2) shall make a separate application for each raffle which will be conducted pursuant to the local license. For purposes of this subsection the raffle shall consist of the issuance and distribution of a group of tickets or chances which all relate to the winning of one particular prize or group of prizes, and the eventual selection of the winning ticket or tickets from such group.

- (d) The city commission, by resolution, may permit the payment of fees imposed herein by installments upon such terms and conditions as it sees fit. (Ord. No. 877, § 1; Ord. No. 942, § 1.)

Section 17.060 Same--Method of granting

- (a) The city auditor shall present any application for a local license to the next meeting of the city commission, whether a regularly scheduled meeting or a special meeting, whereupon the commission may approve or disapprove the same by way of a resolution passed by the majority or the members then present and voting. Alternatively, the commission, by majority vote of the members then present and voting, may postpone action thereon indefinitely or until a time and place certain, of which the applicant shall be notified. A postponement by the commission of action on the application may be made any number of times in the like manner.
- (b) The city commission shall have the power to issue a local license for a lesser period of time, or for fewer games of chance, than requested by the applicant, without requiring that the application be amended.
- (c) If the commission approves the issuance of a local license the city auditor shall, within three business days thereafter, issue a local license to the applicant. (Ord. No. 877, § 1.)

Section 17.070 Same--Form and contents

A local license shall be signed by the city auditor or his deputy or other delegate who shall also affix thereto the official seal of the city. The local license shall state the name of the licensee to whom issued, the address of the licensee, the games of chance authorized under such local license, the particular times and places where and when such games may be operated, and the date upon which the local license first becomes effective and the period of time during which the local license shall remain in effect following such date. No local license will be issued to a college fraternity or sorority hereunder with an initial effective date which is less than thirty days after the date when the application for such local license was filed with the city auditor. Further, the maximum period of time for which a local license may remain in effect is one year next following the initial effective date of the local license. (Ord. No. 877, § 1.)

Section 17.080 Same--Suspension or revocation

- (a) A failure to comply with any of these requirements or with any of the laws of the state or the rules and regulations of the Attorney General governing games of chance shall be cause for revocation or suspension of an eligible organization's permit to conduct games of chance at a particular site.
- (b) The board of city commissioners may revoke or suspend a permit granted pursuant to this article upon notice to the eligible organization and after hearing to consider revocation or suspension before the board of city commissioners. Such notice shall specify the time and place when and where the hearing shall be held and shall be served on the eligible organization in the same manner as provided by law for the service of the summons in a civil action or by certified mail. (Ord. No. 877, § 1.)

Section 17.090 Site approval

- (a) As part of its application for site approval for use with a state Class B license, an applicant shall submit duplicate copies of all documents filed or to be filed with the state attorney general with respect to the Class B state license which the applicant intends to use at the site for which approval is sought.
- (b) No organization may conduct more than six blackjack or twenty-one tables simultaneously at the same site within the city.
- (c) An applicant for site approval, by making such application, engages and agrees to comply with all rules, regulations and other restrictions imposed by this Section or by the commission enacting separate regulations. The commission hereby reserves the power to issue additional rules and regulations by way of resolution which shall be retroactively binding on the applicant.
- (d) The application fee for site approval shall be such amount as is determined from time to time by the Board of City Commissioners by Resolution and shall be on file in the office of the City Administrator in the annual fee schedule.
- (e) No grant of site approval to an organization with respect to all or a portion of a license period shall be construed as a commitment or representation that the organization will receive approval to use the same site or sites or any other site during the next or any subsequent license period. The city commission reserves the right, with respect to a request for renewal of a site approval by an organization holding a current site approval, to refuse to renew approval for any one or more of the currently approved sites and, furthermore, to refuse to grant any new site approvals in lieu of those for which renewal is denied.
- (f) Temporary site authorizations, for periods of five (5) day or less, may be issued by the City Administrator, provided all of the requirements of this section are met. The applicant may appeal a decision by the City Administrator to refuse to issue a permit to the City Commission during the first regular commission meeting following the refusal unless the appeal is filed following the deadline for the order of business, then the appeal will be heard during the next regular meeting. The appeal must be filed on a form provided by the City and signed by the Applicant. (Ord. No. 877, § 1; Ord. No. 1214, § 1.)

Section 17.100 License for blackjack dealer or blackjack pit boss

- (a) No person shall serve or act as a dealer or pit boss in a site authorized to conduct games of chance under the Class B provisions of the state charitable gambling laws for the game of blackjack (21) unless he shall first be licensed as a blackjack dealer in accordance with state law.
- (b) Such a person must further be fingerprinted in accordance with state law. The police department is available for the actual fingerprinting and the charges for same shall be three dollars for one set of fingerprints and five dollars for two sets.
- (c) Such a person must comply with all of the licensing and fingerprinting requirements as delegated by state law and state process. A person holding a valid dealer's license shall conspicuously display it about his person while actively serving as a blackjack dealer or blackjack pit boss.

- (d) Such a person shall comply with any and all other state law and regulations pertaining to conducting and assisting games of chance as authorized by state law. (Ord. No. 877, § 1; Ord. No. 915, § 1; Ord. No. 1048, § 1.)

Section 17.110 Miscellaneous provisions

- (a) If the city commission is requested to grant special permission to a local licensee to hold the entire proceeds of games of chance for a period in excess of three months, as provided for in North Dakota Century Code, section 53-06.1-06(7), then the grant or denial of permission shall be by resolution of majority of the members present and voting, which resolution shall be entered upon the minutes of the city commission and a copy of which shall be sent to the office of the attorney general of the state.
- (b) There is no limit to the number of local licenses which may become consecutively or concurrently issued to an organization but each license must be separately applied for in the manner prescribed in this chapter.
- (c) Applications for designation as a local "civic and service club" or as an "other public-spirited organization" shall conform as nearly as practical with the requirements imposed by this chapter for the issuance of a local license.
- (d) No one shall conduct or participate in a game of chance upon premises licensed under chapter 4 of this Code when, pursuant to that chapter, the consumption or dispensing of alcoholic beverages upon the premises is forbidden.
- (e) Pursuant to North Dakota Century Code, section 53-06.1-03, only one eligible organization at a time may be authorized to conduct games of chance at a specific location; except, that a raffle drawing may be conducted for special occasions when one of the following conditions is met:
 - (1) When the area for the raffle drawing is physically separated from the area where gaming is conducted by the regular licensee.
 - (2) When, upon request of the licensee, the license is suspended for that specific day by the attorney general.
- (f) Individuals under the age of twenty-one may not conduct, assist or play games of chance in licensed premises, as those licensed premises are defined and described in chapter 4 of this Code. Individuals eighteen years of age or older may conduct or assist in the conduct of any raffle or bingo operation except at licensed premises. There is no age restriction as to individuals playing raffles and bingo; except, that individuals under the age of twenty-one may not play any games of chance on those licensed premises as defined and described under chapter 4 of this Code.
- (g) No person, except a member or employee of an eligible organization or a member of an organized auxiliary to an eligible organization may assist in the holding, operation or conducting of any games of chance.
- (h) If an eligible organization withdraws its games of chance from an approved site without the commission's consent, no other organization may conduct games of chance at that location for a sixty day period. An organization withdrawing from one location must wait sixty days to operate in a new location. The organization must submit to the city auditor a final report for the previous location, including the final money balance and explanation for closing previous location.
- (i) If a liquor license for a site at which games of chance are conducted is sold or transferred, site approval for games of chance at that site shall be reauthorized for the remainder of

the period for which granted with the consent and approval of the buyer or grantee of the liquor license.

- (j) A copy of all information to be submitted to the state by applicant seeking a license to conduct games of chance within the city limits must also be provided to the city auditor at the time the application for site approval is submitted. (Ord. No. 877, § 1; Ord. No. 927, § 1; Ord. No. 942, § 2.)