

CHAPTER SIXTEEN

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ARTICLE 1 - Games Of Chance

16.0101 Statement Of Intent

This Chapter is based on Section 53-06.1 of the North Dakota Century Code and subsequent amendments, and is intended to enact certain provisions therefrom that pertain to cities. Insofar as this Chapter is inconsistent with Section 53-06.1 of the North Dakota Century Code, state law shall prevail.

16.0102 Definitions

The definitions used in this Chapter shall conform to Section 53-06.1-01 of the North Dakota Century Code and any amendments thereto.

ARTICLE 2 - Organizations Eligible to Conduct Games of Chance

16.0201 Qualifications and Use of Net Proceeds

Non-profit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those terms are defined by this Chapter, are eligible to conduct games of chance under the conditions of this Chapter. The entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious, or other-public spirited uses as defined by this Chapter. Notwithstanding any other provision of this Chapter, any eligible organization, which is not required to be licensed by the Attorney General, may use the net proceeds of such games of chance to directly benefit the eligible organizations.

16.0202 Waiver of Two Year Existence Requirement

An organization that has not been in existence within this State for two years becomes an eligible organization for purposes of this Section upon approval by the New England City Council, if the organization will conduct games of chance only within the City.

16.0203 City Authorization of Certain Games of Chance

1. Any eligible organization not required to be licensed by the Attorney General of the State of North Dakota, if its principal activities are conducted within the City of New England, shall apply to the City Council to obtain authorization for the conduct of games of chance. Applications for the conduct of games of chance subject to authorization by the City must be made on forms provided by the Attorney General. Fees for such permission or authorization shall be in the amount of ten (\$10) dollars for each authorization.

2. The following organizations may obtain local authorization from the City Council for the following described games of chance:
 - a. Any non-profit organization recognized as public-spirited by the governing body of the City of New England may obtain local authorization to conduct raffles or bingo in which the primary prize does not exceed one-thousand (\$1,000) dollars, and the aggregate does not exceed six-thousand (\$6,000) dollars annually, or to conduct sports pools in which the total wagers do not exceed five-hundred (\$500) dollars for each pool.
 - b. A nonprofit organization that conducts a City festival or celebration, or a centennial committee organized by the City for the purpose of celebrating a North Dakota centennial, may obtain local authorization to conduct raffles in which the primary prize does not exceed one-thousand (\$1,000) dollars and the aggregate does not exceed two-thousand (\$2,000) dollars. For purposes of this subdivision, a "city festival or celebration" means an event:
 - (1) A celebration of local heritage, anniversary of a local establishment of the City, or other significant local event recognized as public-spirited by the governing body of the City; and
 - (2) Supported by significant community participation.
 - c. For purposes of this subsection, the determination of what is a public-spirited "organization" is within the sole discretion of the governing body of the City.
3. Any educational organization from within the City of New England shall apply in writing to the City Council for permission to conduct raffles, sports pools or bingo at least thirty (30) days prior to each occasion. The application shall state the time, place and educational, charitable, patriotic, fraternal, religious or other public-spirited uses to which the proceeds will be devoted. The governing body may at its own discretion and upon application, grant permission for raffles, sports pools and bingo to be held at specifically designated times and places for specific uses covering a one year period. The governing body shall charge a ten (\$10) dollar fee for each authorization. The governing body, may at its own discretion choose to authorize raffles, sports pools and bingo pursuant to this Chapter by resolution.

ARTICLE 3 - Examination Of Books And Records

16.0301 Books and Records Examined

The governing body of the City, with respect to eligible organizations authorized by the City, shall have the power to examine or cause to be examined the books and records of any eligible organization licensed or authorized to conduct games of chance under this Chapter to the extent that such books and records relate to any transactions connected with the holding, operating, or conducting of any game of chance.

ARTICLE 4 - Enforcement

16.0401 Violations – Fees

Each person or organization operating games of chance pursuant to authorization or permit granted by the City shall comply with all the conditions and requirements of this Chapter and Section 53-06.1 of the North Dakota Century Code.

Any person who knowingly makes a false statement in any application form for an authorizing resolution or in any statement annexed thereto, or fails to keep sufficient books and records to substantiate the receipts or expenses, or uses resulting from the games of chance conducted under this Ordinance, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any games of chance, or who violates any of the provisions of this Ordinance, or of any term of an authorization shall be guilty of an offense and subject to a fine in the maximum amount of one thousand, five-hundred (\$1500) dollars, imprisonment for a period not to exceed thirty (30) days, or both. Any organization so doing shall be subject to a fine not to exceed one thousand (\$1000) dollars. If convicted, such organization or person shall forfeit any authorizing resolution issued to it pursuant to this Ordinance and shall be ineligible to reapply for a license or authorization for two years thereafter.

