

CHAPTER VI. LIQUOR, BEER AND WINE

Part 1. Intoxicating Liquor Licensing

601.01 Provisions of State Law Adopted.

The provisions of Minnesota Statutes Chapter 340A, relating to definition of terms, licensing, consumption, sales, condition of bonds and licenses, hours of sale, prohibited activities, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor and 3.2 percent malt liquor are adopted and made a part of this ordinance as if set out in full.

601.02 License Required.

Subd. 1. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the City any intoxicating liquor without license to do so as provided in this ordinance. Liquor licenses shall be of six kinds: "On-sale", "On-Sale Wine", "Off-Sale", "Special Club", "Bottle Club" and "Sunday Sales".

Subd. 2. On-Sale Licenses. "On-Sale" licenses shall be issued only to hotels, clubs, restaurants and exclusive liquor stores and shall permit "on-sale" of liquor only.

Subd. 3. On-Sale Wine Licenses. "On-Sale Wine" licenses shall be issued only to restaurants meeting the qualifications of Minn. Stat. § 340A.404, Subd. 5, and shall permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

Subd. 4. Off-Sale Licenses. "Off-Sale" licenses shall be used only to drug stores and exclusive liquor stores and shall permit "off-sales" or liquor only.

Subd. 5. Special Club Licenses. "Special Club" licenses shall be used only to incorporated clubs which have been in existence for 15 years or more.

Subd. 6. Bottle Club Licenses. "Bottle Club" licenses shall be issued only to those applicants within the City of Lilydale who conform to the provisions of Minn. Stat. § 340A.414 and § 340A.504, Subd. 5.

Subd. 7. Sunday Sales. A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant or club which has facilities for serving at least 30 guests at one time and which has an "On-Sale" license. A special Sunday license is not needed for sales by wine licensees.

601.03 Application for License.

Subd. 1. Form. Every application for a license to sell liquor shall state the name of the applicant, his age, representations as to his character, with such references as the Council may require, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the Council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the Liquor Control Director and shall be verified and filed with the City Clerk. No person shall make a false statement in an application.

Subd. 2. Bond. Repealed.

Subd. 3. Liability Insurance. Prior to the issuance of a liquor license, the applicant shall file with the city clerk a certificate meeting at least the minimum requirements of Minn. Stat. § 340A.409, Subd. 1.

Subd. 4. Approval of Security. The security offered under Subd. 3 shall be approved by the City Council and, in the case of applicants for "On-Sale Wine" licenses and "Off-Sale" licenses by the State Liquor Control Director. Surety bonds and liability insurance policies shall be approved as to form by the City Clerk-Treasurer or City Attorney. Operation of a licensed business without having on file with the City at all times all documents required by Section 601.03, Subd. 3 is a cause for immediate revocation of the liquor license.

601.04. License Fees.

Subd. 1. Fees. The amount of annual fees for all liquor licenses shall be in the amount set by the Council.

Subd. 2. Payment. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the license fee. All fees shall be paid into the general fund. If an application for a license is rejected, the Treasurer shall refund the amount paid.

601.05. General Provisions.

All transfers of liquor licenses shall be conducted in accordance with Section 501.04 of this Code.

601.06. Restriction of Hours of Consumption and Display of Intoxicating Liquor and 3.2 Percent Malt Liquor.

No person shall consume or display intoxicating liquor or 3.2 percent malt liquor on any premises of a business establishment or in any public place between the hours of 2:00 a.m. and 8:00 a.m. in the City of Lilydale. Any person who is convicted of violating this section is guilty of a misdemeanor.

601.07. Conditions of License.

Subd. 1. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subd. 2. Licensee's Responsibility. Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

Subd. 3. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the City to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 4. Display During Prohibited Hours. No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

Subd. 5. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

601.08 Restrictions on Purchase and Consumption.

Subd. 1. Liquor in Unlicensed Places. No person shall mix or prepare liquor for consumption in any public place of business unless it has a license to sell liquor "On-Sale" or a permit from the Liquor Control Director under Minn. Stat. § 340A.414, and no person shall consume liquor in any such place.

Subd. 2. Consumption in Public Places. No person shall consume liquor on a public highway, public park, or other public place.

601.09 License Revocation or Suspension; Civil Penalty.

Licenses issued under this Chapter may be revoked or suspended, and civil penalties may be issued in accordance with Minn. Stat. § 340A.415.

601.10 Renewal.

Renewal or reissuance of a liquor license to any person holding the same who is a person responsible for nuisances under Lilydale City Code Sections 801.04 and received notice of such violations shall be in the discretion of the City Council. Payment of assessed fees pursuant to Lilydale Code Section 801.04 shall not otherwise entitle a licensee to renewal or reissuance of a liquor license.

A liquor license shall not be renewed or reissued to any person holding the same who has not, pursuant to said license, lawfully conducted a liquor sale business during the eighteen consecutive months preceding a normal liquor license renewal or reissuance date. A month shall mean a calendar month occurring after the effective date of this ordinance. Notwithstanding the foregoing, the license may be renewed or reissued to such licensee if the licensee, prior to such renewal or reissuance date, can show the City Council that this failure to so conduct a liquor sale business pursuant to the liquor license was due to damage or destruction to the premises in which the business had previously been conducted and that he is acting in good faith and with due diligence to resolve insurance and other disputes and repair or reconstruct the premises with the intent of again conducting a liquor sale business as soon as the repair and reconstruction is completed.

Conducting a liquor sale business pursuant to a liquor license means dealing in, keeping for sale and selling intoxicating liquor either on-sale or off-sale consistent with the liquor license issued and ordinances and statutes governing that license on a regular basis at a particular location within the City.

This ordinance is not intended to, and shall not in any way, restrict the City's right to revoke, suspend, renew, reissue or refuse to renew or reissue any liquor license for any lawful reason whatsoever, including any reason that may be the subject of this ordinance, whether before or after the eighteen month period set forth above and is also not intended to, and shall not in any way, give liquor license holders any rights, including rights to renewal or reissuance of liquor licenses, which they did not have prior to its enactment.

Part 2. Beer

602.01 Definition of Terms.

Subd. 1. Beer. As used in this ordinance, "beer" or "non-intoxication malt liquor" means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

Subd. 2. Beer Store. "Beer store" means an establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

602.02 License Required.

Subd. 1. Licenses. No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the City without first having received a license as hereinafter provided. Licenses shall be of three kinds: (1) Regular "on-sale"; (2) temporary "on-sale"; (3) "off-sale".

Subd. 2. Regular "On-Sale". Regular "on-sale" licenses shall be granted only to bona fide clubs, beer stores, exclusive "on-sale" liquor stores, restaurants and hotels where food is prepared and served for consumption on the premises. "On-sale" licenses shall permit the sale of beer for consumption on the premises only.

Subd. 3. Temporary "On-Sale". Temporary "on-sale" licenses shall be granted only to bona fide clubs and charitable, religious, and non-profit organizations for the sale of beer for consumption on the premises only.

Subd. 4. "Off-Sale". "Off-sale" licenses shall permit the sale of beer at retail, in the original package for consumption off the premises only.

602.03 License Applications.

Every application for a license to sell beer shall be made to the City Clerk on a form supplied by the City and containing such information as the Clerk or the City Council may require. It shall be unlawful to make any false statement in an application.

602.04 License Fees.

Subd. 1. Payment Required. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the Treasurer shall refund the amount paid.

Subd. 2. Expiration; Pro Rata Fees. Every license except a temporary license shall expire on the last day of December in each year. Each license except a temporary license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license.

Subd. 3. Fees. The annual fees for licenses hereunder shall be as set by the Council.

602.05 Granting of License.

Subd. 1. Investigation and Hearing. The City Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the Council shall grant or refuse the application in its discretion.

Subd. 2. Transfers. Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the Council.

602.06 Persons Ineligible for License.

No license shall be granted to or held by any person who: (1) is under twenty-one (21) years of age; or (2) is a manufacturer of beer or is interested in the control of any place where beer is manufactured.

602.07 Places Ineligible for License.

Subd. 1. Conviction of Revocation. No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance, or of the state beer or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation,

602.08 Conditions of License.

Subd. 1. General Conditions. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance of the City or state law.

Subd. 2. Sales to Minors or Intoxicated Persons. No beer shall be sold or served to any intoxicated person or to any person under 19 years of age.

Subd. 3. Sales by Minors. No beer shall be sold by any person under 19 years of age.

Subd. 4. Consumption by Minors. No minor shall be permitted to consume beer on the licensed premises unless accompanied by his parent or legal guardian.

Subd. 5. Employment of Minors. No minor under 19 shall be employed

on the premises of a beer store.

Subd. 6. Gambling. No gambling or any gambling device shall be permitted on any licensed premises,

Subd. 7. Liquor Dealers' Stamp. No licensee shall sell beer while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he is licensed under the laws of Minnesota to sell intoxicating liquors.

Subd. 8. Sales of Intoxicating Liquor. No licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption or display permit shall sell or permit the consumption and display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors **for** the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this ordinance.

Subd. 9. Searches and Seizures. Any peace officer may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors found on the licensed premises in violation of Subdivision 8.

Subd. 10. Licensee Responsibility. Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.

602.09 Restrictions on Purchase and Consumption.

Subd. 1. Age Misrepresentation. No minor shall misrepresent his age for the purpose of obtaining beer,

Subd. 2. Inducing Purchase. No person shall induce a minor to **purchase** or procure beer.

Subd. 3. Procurement. No person other than the parent or legal guardian shall procure beer for any minor.

Subd. 4. Possession. No minor shall have beer in his possession with the intent to consume it at a place other than the household of his parent or guardian.

Subd. 5. Consumption. No minor shall consume beer unless in the company of his parent or guardian.

Subd. 6. Consumption Prohibited Where. No beer shall be consumed in any theater, recreation hall or center, dance hall, ballpark, or other place of public gathering used for the purpose of entertainment, amusement or playing of games.

Subd. 7. Liquor Consumption and Display. No person shall consume or display any intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquors or who does not hold a consumption and display permit.

602.10 Revocation.

The violation of any provision or condition of this ordinance by a beer licensee or his agent is ground for revocation or suspension of the license. The license of any person who holds a federal retail liquor dealers special tax stamp without a license to sell intoxicating liquors at such place shall be revoked without notice and without hearing. In all other cases, a license granted under this ordinance may be revoked or suspended by the Council in accordance with Section 501.07 of this Code.

Part 3. Lawful Gambling

603.01. Adoption of State Law by Reference. The provisions of Minnesota Statutes, Chapter 349, as they may be amended from time to time, 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 reference and are made a part of this Ordinance as if set out in full. It is the intention of the 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 Ordinance was adopted.

603.02. City May be More Restrictive Than State Law. The Council is authorized by the provisions of Minnesota Statutes, Section 349.213, as it may be amended from time to time, to impose, and has imposed in this Ordinance, additional restrictions on gambling within its limits beyond those contained in Minnesota Statutes, Chapter 349, as it maybe amended from time to time.

3. **Purpose.** The purpose of this Ordinance is to regulate lawful gambling within the City of Lilydale, to prevent its commercialization, to insure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

4. **Definitions.** In addition to the definitions contained in Minnesota Statutes, Section 349.12, as it may be amended from time to time, the following terms are defined for purposes of this Ordinance:

Board, as used in this Ordinance, means the State of Minnesota Gambling Control Board.

City, as used in this Ordinance, means the City of Lilydale.

Council, as used in this Ordinance, means the City Council of the City of Lilydale.

Licensed Organization, as used in this Ordinance, means an organization licensed by the Board.

Local Permit, as used in this Ordinance, means a permit issued by the City.

Trade Area, as used in this Ordinance, means the limits of Independent School District No. 197.

5. **Applicability.** This Ordinance shall be construed to regulate all forms of lawful gambling within the City.

6. **Lawful Gambling Permitted.** Lawful gambling is permitted within the City provided it is conducted in accordance with Minnesota Statutes, Sections 609.75-609.763, inclusive, as they may be amended from time to time; Minnesota Statutes, Sections 349.11-349.23, inclusive, as they may be amended from time to time; and this Ordinance.

7. **Council Approval.** Lawful gambling authorized by Minnesota Statutes, Sections 349.11- 349.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this Ordinance and state law.

8. Application and Local Approval of Premises Permits.

Subd. 1. Any Licensed Organization seeking to obtain a premises permit or renewal of a premises permit from the Board shall file with the City Clerk an executed, complete duplicate application, together with all exhibits and documents accompanying the application as filed with the Board. The application and accompanying exhibits and documents shall be filed not later than three (3) days after they have been filed with the Board.

Subd. 2. Upon receipt of an application for issuance or renewal of a premises permit, the City Clerk shall transmit the application to the Chief of Police for review and recommendation.

Subd. 3. The Chief of Police shall investigate the matter and make its review and recommendation to the City Council as soon as possible, but in no event later than forty-five (45) days following receipt of the notification by the City.

Subd. 4. Licensed Organizations applying for a state issued premises permit shall pay the City a \$100.00 investigation fee. This fee shall be refunded if the application is withdrawn before the investigation is commenced, or if the City imposes a tax pursuant to Section 603.13 for the year in which the investigation fee was paid.

Subd. 5. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 6. The Council shall receive the Police Chiefs report and consider the application within forty-five (45) days of the date the application was submitted to the City Clerk.

Subd. 7. The Council shall, by resolution, approve or disapprove the application within sixty (60) days of receipt of the application.

Subd. 8. The Council shall disapprove an application for issuance or renewal of a premises permit for any of the following reasons:

(i) Violation by the applicant of any state statute, state rule, or City ordinance relating to gambling within the last three (3) years.

(ii) Violation by the on-sale establishment, or Licensed 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 alcoholic beverages, gambling, controlled substances, suppression

of vice and protection of public safety within the last three (3) years.

(iii) Lawful gambling would be conducted at premises other than those for which an on-sale liquor license has been issued.

(iv) A Licensed Organization would be permitted to conduct lawful gambling activities at more than one (1) premises in the City.

(v) More than one (1) Licensed Organization would be permitted to conduct lawful gambling activities at one (1) premises.

(vi) Failure of the applicant to pay the investigation fee provided by Subdivision 4 within the prescribed time limit.

(vii) Operation of gambling at the site would be detrimental to health, safety and welfare of the community.

(viii) The applicant is not a Licensed Organization. Otherwise, the Council shall pass a resolution approving the application.

603.09. Local Permits.

Subd. 1. No Licensed Organization shall conduct lawful gambling excluded or exempted from state licensure requirements by Minnesota Statutes, Section 349.166, as it may be amended from time to time, without a valid local permit.

Subd. 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:

(i) Name and address of the Licensed Organization requesting the permit.

(ii) Name and address of the officers and person accounting for receipts, expenses, and profits for the event.

(iii) Dates of gambling occasion for which

permit is requested, (iv) Address of premises

where event will occur.

(v) Copy of rental or leasing arrangement, if any, connected with

the event including rental to be charged to Licensed Organization.
(vi) Estimated value of prizes to be awarded.

Subd. 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, or if the City imposes a tax pursuant to Section 603.13 for the calendar year in which the local permit fee was paid.

Subd. 4. Upon receipt of an application for issuance or renewal of a local permit, the City Clerk shall transmit the notification to the Chief of Police for its review and recommendation.

Subd. 5. The Chief of Police shall investigate the matter and make review and recommendation to the City Council as soon as possible, but in no event later than forty-five (45) days following receipt of the notification by the City.

Subd. 6. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 7. The Council shall receive the public safety department's report and consider the application within forty-five (45) days of the date the application was submitted to the City Clerk.

Subd. 8. The Council shall disapprove an application for issuance or renewal of a premises permit for any of the following reasons:

(i) Violation by the applicant of any state statute, state rule or City ordinance relating to gambling within the last three (3) years.

(ii) Violation by the on-sale establishment, or Licensed 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 alcoholic beverages, gambling, controlled substances, suppression of vice and protection of public safety within the last three (3) years.

(iii) The Licensed Organization has not been in existence for at least three (3) consecutive years prior to the date of application.

(iv) The Licensed Organization does not have at least fifteen (15) active members.

(v) Exempted or excluded lawful gambling will not take place at a premises the Licensed Organization owns or rents.

(vi) Exempted or excluded lawful gambling will not be limited to a premises for which an on-sale liquor license has been issued.

(vii) A Licensed Organization will have a permit to conduct exempted or excluded lawful gambling activities on more than one (1) premises in the City.

(viii) More than one (1) Licensed, qualified Organization will be conducting exempted or excluded lawful gambling activities at any one (1) premises.

(ix) Failure of the applicant to pay the permit fee provided by Subdivision 3 within the prescribed time limit.

(x) Operation of gambling at the site would be detrimental to health, safety and welfare of the community.

(xi) The applicant is not a Licensed

Organization. Otherwise, the Council

shall approve the application.

Subd. 9. Local permits shall be valid for one (1) year after the date of issuance unless suspended or revoked.

603.10. Revocation and Suspension of Local Permit.

Subd. 1. A local permit may be revoked, or temporarily suspended for a violation by the gambling Licensed Organization of any state statute, state rule, or city ordinance relating to gambling.

Subd. 2. A license shall not be revoked or suspended until notice and an opportunity for a hearing have first been given to the permitted person. The notice shall be personally served and 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 Council shall hold a hearing on the matter at least one (1) week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or revoke the permit.

11. License and Permit Display. All permits issued under state law or this Ordinance shall be prominently displayed during the permit year at the premises

where gambling is conducted.

12. Notification of Material Changes to Application. An organization holding a state issued premises permit or a local permit shall notify the City in writing whenever any material change in the information submitted in the application occurs within ten (10) days of the change.

603.13. Local Gambling Tax.

Subd. 1. By a resolution or ordinance adopted by the City Council in December of each calendar year a local gambling tax of three percent (3%) may be imposed by on the gross receipts of a Licensed Organization from all lawful gambling in that year, less prizes actually paid out by the Licensed Organization in that year.

Subd. 2. The tax shall be paid by the licensed organization on a calendar year basis but shall be based on copies of the monthly gambling activity summaries of the licensed organization, copies of which shall be filed with the City Clerk-Treasurer for every calendar month. The reports shall be exact duplicates of the monthly reports filed with the Board, without deletions or additions, and must contain the signatures of organization officials as required on the report form.

Subd. 3. The tax return and payment of the tax due must be postmarked, or, if hand-delivered, received in the office of the City Clerk, on or before the last business day of February following the calendar year for which the tax was imposed.

Subd. 4. An incomplete tax return will not be considered timely filed unless corrected and returned by the due date for filing.

Subd. 5. Interest shall be charged at a rate of eight percent (8%) on all overdue taxes owed by the organization under this Section.

603.14. Contribution of Net Profits to Fund Administered by City.

Subd. 1. Each organization licensed to conduct lawful gambling within the City pursuant to Minnesota Statutes, Section 349.16, as it may be amended from time to time, shall contribute ten percent (10%) of its net profits derived from lawful gambling in the City to a fund administered and regulated by the City without cost to the fund. The City shall disburse the funds for lawful purposes as defined by Minnesota Statutes, Section 349.12, Subd. 25, as it may be amended from time to time.

Subd. 2. Payment under this Section shall be made on the last day of each month.

Subd. 3. The City's use of such funds shall be determined at the time of adoption of the City's annual budget or when the budget is amended.

603.15. Designated Trade Area.

Subd. 1. Each organization licensed to conduct gambling within the City shall expend one hundred percent (100%) of its lawful purpose expenditures on lawful purposes conducted within the City's Trade Area.

Subd. 2. This Section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premise within the City's jurisdiction.

603.16. Records and Reporting.

Subd. 1. Organizations conducting lawful gambling shall file with the City Clerk one (1) copy of all records and reports required to be filed with the Board pursuant to Minnesota Statutes, Chapter 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.

Subd. 2. Organizations licensed by the Board shall file a report with the City proving compliance with the trade area spending requirements imposed by Section 603.15. Such report shall be made on a form prescribed by the City and shall be submitted annually and in advance of application for renewal.

603.17. Hours of Operation. Lawful gambling shall not be conducted between 2:00 a.m. and 8:00 a.m. on any day of the week.

18. Penalty. Any person who violates (1) any provision of this Ordinance; (2) Minnesota Statutes Sections 609.75-609.763, inclusive, as they may be amended from time to time; or, (3) Minnesota Statutes Sections 349.11-349.21, as they may be amended from time to time or any rules promulgated under those Sections, as they may be amended from time to time; shall be guilty of a misdemeanor and shall be subject to a fine of not more than One Thousand and no/100 (\$1,000.00) Dollars or imprisonment for a term not to exceed ninety (90) days, or both, plus in either case the costs of prosecution.

19. Severability. If any provision of this Ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

20. Effective Date. This Ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minnesota Statutes, Section 412.191, Subd. 4, as it may be amended from time to

time, which meets the requirements of Minnesota Statutes, Section 331A.01, Subd. 10, as it maybe amended from time to time.