

Ordinance No. 5950

**AN ORDINANCE AMENDING PROVISIONS
PERMITTING BINGO GAMES AND LOTTERIES BY AMENDING
CHAPTER 5.20 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, in Chapter 5.20 of the Rapid City Municipal Code, the City of Rapid City adopted ordinances regulating bingo games and lotteries in accordance with South Dakota Codified Laws Chapter 22-25; and

WHEREAS, under SDCL 22-25-25, certain charitable, community, and political groups may conduct bingo games and lotteries if several conditions are met; and

WHEREAS, state law previously required governing bodies of municipalities to receive requests for bingo games and lotteries and to object to such requests; and

WHEREAS, state law has changed to permit a designated administrative official of a city to conduct the reviews of requests for bingo games and lotteries and to object to such requests; and

WHEREAS, the City wishes to designate the City Attorney as its administrative official to review requests to conduct bingo sales and lotteries within the City's boundaries; and

WHEREAS, the Common Council wishes to streamline the application process for bingo games and lotteries, to relieve applicants from the burden of extensive documentation about the nature of the applicant and its anticipated bingo sale and lottery, and to modify the ordinance to reflect the current information required as a part of such applications; and

WHEREAS, the ordinances in Chapter 5.20 currently discuss the conditions under which pull tab sales can occur; and

WHEREAS, the regulations in Chapter 5.20 concerning pull tab sales are not sanctioned by state law and are not generally utilized by the City; and

WHEREAS, the Common Council believes it to be in the best interest and general welfare of the public to amend the bingo games and lotteries ordinances found in RCMC Chapter 5.20.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 5.20 of the Rapid City Municipal Code be and hereby is amended to read as follows:

CHAPTER 5.20 BINGO GAMES AND LOTTERIES

5.20.010 Definitions.

5.20.020 Compliance with provisions required—Authority to conduct—Application.

5.20.030 Authority to conduct— Application— Determination.

- 5.20.040 Authority to conduct–Term– Revocation.
- 5.20.050 Records–Inspection.
- 5.20.060 Preexisting authority.

5.20.010 Definitions.

For the purpose of this chapter, the definition of bingo games found in SDCL 22-25-23 and definition of lottery found in SDCL 22-25-24 shall apply.

5.20.020 Compliance with provisions required–Authority to conduct–Application.

No bingo game or lottery exempt from the general prohibition of gambling in the state pursuant to SDCL § 22-25-25 may be conducted within the city unless the provisions of this chapter have been fully complied with. Any organization applying for authorization to conduct a bingo game or lottery within the city shall provide 30-days' written notice of intent to the City Attorney pursuant to SDCL § 22-25-25(6), together with the following information:

- A. The full legal name of the organization and place and date of incorporation or formation;
- B. The authority and office held by the person applying on behalf of the organization;
- C. Mailing address of the organization;
- D. The class of exemption describing the organization as follows:
 - 1. Veterans;
 - 2. Religious;
 - 3. Charitable;
 - 4. Educational;
 - 5. Fraternal;
 - 6. Local civic or service club;
 - 7. Political party;
 - 8. Volunteer fire department;
 - 9. Political action committee or political committee on behalf of any candidate for a political office which exists under the laws of the State of South Dakota; or
 - 10. Local industrial development corporation as defined in SDCL 5-14-23.

E. A description of the educational, charitable, patriotic, religious or other public spirited uses for which the proceeds of any bingo game or lottery will be devoted;

F. The place(s) or location(s) the organization intends to conduct any bingo game or lottery;

G. The date(s) and time(s) the organization intends to conduct any bingo game or lottery at each of the location(s) stated in subsection F of this section;

H. A statement of compensation to be paid for services rendered in connection with the conduct of any bingo game or in consideration of any lottery, except for bingo games and lotteries conducted in connection with county and state fairs or civic celebrations pursuant to SDCL § 22-25-25(4);

I. A complete itemization of intended prizes, the value thereof, and the manner and time of award;

J. An affidavit of an authorized officer, director or agent of the organization certifying the following:

1. That proceeds from the bingo game or raffle do not inure to the benefit of any individual; and

2. That no separate organization or professional person is employed to conduct the bingo game or lottery or assist therein.

K. Other information as requested by the City Attorney.

5.20.030 Determination—Objection— Appeal.

A. The City Attorney or his or her designee shall determine within 15 days of the written notice provided by § 5.20.020 whether to object to the applicant's request to conduct a bingo game or lottery based upon the consideration of the information submitted in compliance with the provisions herein. If the City Attorney or his or her designee does not provide written notice of objection to the application for bingo game or lottery, the applicant's request is deemed granted.

B. If the City Attorney or his or her designee objects to the applicant's request to conduct a bingo game or lottery, he or she will inform the applicant in writing of the nature of the objection. If the applicant wishes to appeal the City Attorney's objection, it must provide written notice of appeal to the City Attorney along with its reasons for the appeal within ten business days of receipt of City Attorney's objection. The City Attorney shall advance the notice of appeal to the Common Council for its review and determination. The Common Council may deny or grant the application for a bingo game or lottery with any exceptions or conditions it deems appropriate.

C. If an applicant receives the notice of objection from the City Attorney and does not appeal to the Common Council pursuant to subsection B, the application for a bingo game or lottery is deemed denied.

5.20.040 Authority to conduct—Term— Revocation.

Authority granted to conduct any bingo game or lottery shall be for a period of 1 year unless earlier terminated or repealed as provided for herein. The City Attorney or his or her designee shall have the power to cancel and revoke previous authorization to conduct any bingo game or lottery for failure of the applicant to comply with any city, state or federal ordinance, statute or regulation respecting the bingo game or lottery, or the manner of exercise thereof, or for other good cause after hearing upon notice to the organization. Upon conviction of any violation of any city, state or federal ordinance or statute by the organization relating to the conduct of any bingo game or lottery, the court in addition to other penalties imposed, may enter its judgment canceling or revoking the authority.

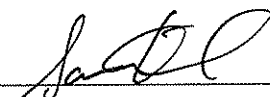
5.20.050 Records—Inspection.

The organization shall make available to the City Attorney or his or her designee upon request any and all books and records related to any transaction connected with the conduct of any bingo game or lottery.

5.20.060 Preexisting authority.


The provisions of this chapter shall not nullify existing authorizations to conduct any bingo game or lottery within the city.

CITY OF RAPID CITY



Mayor

ATTEST:



Finance Officer

First Reading: July 15, 2013
Second Reading: August 5, 2013
Published: August 10, 2013
Effective: August 30, 2013

(SEAL)