THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 25/2010

Being a By-law Respecting the Licensing of Lotteries

WHEREAS by Order in Council 2688/93, as amended and Council 267/98, a municipal council may, where it deems it to be in the best interests of the inhabitants of the municipality, issue a license authorizing any eligible charitable or religious organization to conduct and manage a bingo lottery, a break-open ticket lottery, a raffle lottery, a media bingo or a lottery scheme held at a bazaar;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

Definitions

1. In this By-law:

"Charitable object or purpose" means any object or purpose for: the relief of poverty; education; the advancement of religion, or other charitable purpose beneficial to the community"

"Charitable organization" shall mean an organization which performs services of public good and welfare without profit and includes an organization designated as such by the Minister upon the recommendation of the Inter-Departmental Committee on Lotteries.

"Director" means the Municipality's Director, Corporate Services.

"Licensee" means a persons to whom a license is issued.

"Lottery" shall mean a scheme that involves a prize, a chance to win a prize, and includes a regular and special bingo lottery, a media bingo lottery, a raffle lottery, a bazaar lottery, or a break-open ticket lottery (Nevada).

"Minister" shall mean the Minister of Consumer and Commercial Relations of Ontario.

"Municipality" means the Corporation of the Municipality of Port Hope.

"Person" means a corporation, organization, association or partnership and includes a charitable organization.

"Registrar" means the Registrar of Alcohol and Gaming within the meaning of the Alcohol and Gaming Regulation and Public Protection Act, 1996, S.O. 1996, C.26, Sch.

2. The Director of Corporate Services is appointed as the Municipality's lottery licensing officer and is responsible for regulating and enforcing the provisions of this By-law.

3. The Director may assign the Director's powers and duties with respect to this By-law to any employee or employees of the Municipality as designated by the Director. The person or persons designated shall be responsible for the administration of this By-law to the extent of the Director's assignment. Including but not limited to:

3.1 Corporate Services Administrative Assistant
3.2 Corporate Services Secretary
3.3 Deputy Clerk
3.4 Records Management Clerk

4. The Director or his/her designate is authorized to issue licenses permitting eligible Charitable Organizations to conduct and manage the following lottery schemes:

4.1 a bingo lottery event where the amount or value of the prize or prizes awarded is no greater than the maximum amount prescribed by the Registrar;
4.2 a raffle lottery event where the amount or value of the prize or prizes awarded does not exceed the maximum amount prescribed by the Registrar;
4.3 a break-open ticket lottery event, up to one year in duration, to be conducted from one location within the geographical boundaries of the Municipality, other than a break-open ticket lottery event which is managed and conducted in conjunction with another licensed gaming event;
4.4 a bazaar lottery event during which the only lottery events authorized to be played are:
4.4.1 a maximum of three wheels of fortune where individual bets are no more than $2,
4.4.2 a raffle lottery not exceeding $500 in prizes; and
4.4.3 a bingo lottery not exceeding $500 in prizes; and

4.5 a media bingo lottery event conducted on or through the medium of television, radio, newspaper or other means of communication where the amount or value of the prize or prizes awarded is no greater than the maximum amount permitted by the Registrar.

5. Where, in the Director's or designates' opinion, it is in the best interests of the Municipality to do so, the Director may issue a license in the approved form to any eligible Charitable Organization.

6. For the purpose of section 5, the Director/Designate may impose any special terms and conditions in relation to the license as, in the Director's opinion, are in the best interests of the Municipality's inhabitants provided those terms and conditions do not conflict with those of the Registrar.

7. **Application – License**

7.1 Form – prescribed by Minister
The application for a license to conduct and manages lotteries shall be in the form prescribed by the Registrar and shall be accompanied by such supporting documentation as required by the Registrar.

7.2 First License
Application for a first license, regardless of the class, under this by-law or a predecessor of this by-law shall be made to the Lottery Licensing Officer.

7.3 Charitable Organizations applying to conduct or manage a lottery in the Municipality must provide services directly to a significant number of Municipal residents.

7.4 Without limiting section 7.1, The Director/Designate may require the Charitable Organization making an application to conduct and manage lotteries to submit with its application such further supporting documentation as necessary.

7.5 An application for a license to conduct and manage lotteries shall be signed by two of the signing officers of the Charitable Organization, on whose behalf the application is being made, and shall be submitted to the Director who shall determine if it complies with the provisions of Order in Council 2688/93, the Regulations promulgated under the provisions of the Gaming Control Act, 1992, S.O. 1992, c.24, any terms and conditions issued by the Registrars, and the provisions of this By-law.

8. **Licenses and Fees**

8.1 Classes of Licenses

For the purpose of this by-law, there shall be the following classes of licenses:

8.1.1 "regular and special bingo lottery license" which authorizes the conduct and management of a regular and special bingo lottery;
8.1.2 "media bingo lottery license" which authorizes the conduct and management of a media bingo lottery;
8.1.3 "Provincial event/lottery license" any Provincial lottery license to be issued by the Alcohol and Gaming Commission of Ontario for an event to be conducted in the Municipality of Port Hope;
8.1.4 "raffle lottery license" which authorizes the conduct and management of a raffle lottery;
8.1.5 "bazaar lottery license" which authorizes, the conduct and management of a lottery scheme at a bazaar;
8.1.6 "break open ticket (Nevada) license" which authorizes the conduct and management of a break open ticket lottery.

8.2 The General Fees and Charges By-law 74/2002, as amended, is further amended by deleting within its Schedule "K" – "Lottery License per prize money".

8.3 The fees paid are not subject to refund or rebate for any reason, including suspension or cancellation of the license, except in the case of circumstances beyond the control of the Licensee as determined by the Director.

9. **Terms and Conditions**

9.1 In addition to such terms and conditions as may be imposed by the Registrar, and such special terms and conditions as may be imposed by the Director/Designate pursuant to Section 6, each license is subject to the following terms and conditions, each of which is a condition of continuing to hold a license:

9.1.1 the Licensee complies with the provisions of ss. 206 and 207 of the Criminal Code;
9.1.2 the Licensee maintains all funds raised in a separate lottery trust account and maintains such records for such period of time as may be prescribed by the terms and conditions;
9.1.3 the gross receipts derived from the lottery, less the cost of the prizes awarded and such reasonable and necessary administrative expenses actually incurred in the management and conduct of the lottery, provided the expenses do not exceed such limits as may be prescribed by the Registrar, are used for the charitable or religious

object or purpose as set out by the Licensee, in the application for licensee;

9.1.4 the Licensee submits to the Director/Designate no later than the number of days prescribed by the terms and condition after the holding of each lottery, all documentation required by the Act and Regulations; and

9.1.5 the Licensee conducts or permits to be conducted only the type of game or games provided in the application and the license.

10. **Classes**

Raffle Lotteries

10.1 Each raffle lottery license is also subject to the following terms and conditions, each of which is a condition of continuing to hold a license:

10.1.1 a license is required for each individual raffle scheme;

10.1.2 the winner or winners are determined and publicized in the manner set out in the application;

10.1.3 the Charitable Organization managing and conducting the raffle:

10.1.3.1 indicates on the face of the tickets:
- the name of the licensee;
- the license number;
- the location, date and time at which the draw (draws) is to be held, including the location, date and time of each early bird draw, and the cut-off time for buying tickets for each early bird draw;
- the total number of tickets printed;
- the price of the ticket; and
- a description of the prizes including their value.

10.1.3.2 provides for the consecutive numbering of tickets,

10.1.3.3 retains all unsold tickets and counterfoils of sold tickets for a period prescribed by the Registrar and, upon request, produces them to such persons authorized under sections 2 and 3, and

10.1.3.4 indicates in its application the number of tickets to be printed for sale.

Break-Open Ticket Lotteries

10.2 Each bingo lottery license is also subject to the following terms and conditions, each of which is a condition of continuing to hold a license:

10.2.1 a bingo lottery license is issued for a single event, or for a number of events during a period not exceeding one calendar year;

10.2.2 the license specifies the place where the bingo lottery is to be operated, the date or dates of operation and the starting and finishing times; and

10.2.3 any building, where an applicant proposes to hold a bingo lottery and which is registered under the Gaming Control Act, 1992, complies with all applicable law including, without limitation, the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and its regulations, the Building Code Act, 1992, S.O. 1992, c.23, as amended, and its regulations and the Municipality's By-laws.

11. **Access and Inspection**

11.1 The Director, and such officers as the Registrar or the Director may appoint and all peace officers, shall, at all reasonable times, have direct and unencumbered access to any land or building on or in which any lottery scheme contemplated by this By-law is, has been or is proposed to be undertaken, for the purpose of investigating such lottery scheme and may:

11.1.1 require the production for inspection of documents or things relevant to the inspection;

11.1.2 inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and

11.1.3 require information from any person concerning a matter related to the inspection.

12. **Suspension or Cancellation of License**

12.1 If the Licensee fails to comply with any of the provisions of this By-law, or the provisions of Order in Council 2688/93 and amendments thereto, or the terms and conditions applicable to such license, the Director or designate may suspend or cancel such license.

12.2 The Director/designate shall notify a Licensee of any suspension or cancellation by the Director/designate of a license in writing to the address indicated in the Licensee's application.

13. **Notice**

13.1 Any notice pursuant to this By-law may be given in writing in any of the following ways and is effective:

13.1.1 on the date on which a copy is delivered to the person to whom or to which it is addressed;

13.1.2 on the fifth (5th) day after a copy is sent by registered mail to the person's last known address;

13.1.3 upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number; or

13.1.4 upon the sending of a copy by e-mail transmission to the person's last known e-mail address.

13.2 For the purpose of Section 13.2, an applicant's or Licensee's last known e-mail address and facsimile transmission number include those provided in the applicant's or Licensee's application.

14. **Delegation**

14.1 It is the opinion of Council of the Municipality that the delegates of authority in this By-law to the Director/and to the Director's designates are, for the purposes of subsection 23.2(4) of the Municipal Act, 2001, S.O. 2001, c.25, of a "minor nature", having regard to the number of people, the size of geographic area and the time period affected by the exercise of such authority.

15. **Prohibition**

15.1 No person or Charitable Organization shall conduct or permit to be conducted any lottery scheme described in section 4 of this By-law without a valid license in respect thereof.

15.2 No person shall conduct a lottery or permit or cause a lottery scheme to be conducted when a license respecting the lottery scheme has been suspended or revoked.

15.3 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding $5,000.00.

16. THAT By-law 23/91 of the former Town of Port Hope and its amending By-laws are repealed.

17. THAT this By-law shall come into force the day it is finally passed.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 6th day of April, 2010.

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Linda Thompson, Mayor

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S.C. Dawe, Municipal Clerk