

**THE CORPORATION OF THE
TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

BY-LAW NO. 2001-3

BEING A BY-LAW TO APPOINT A LOTTERY LICENCING OFFICER AND TO PROVIDE FOR A PROCEDURE AND OTHER REQUIREMENTS IN RESPECT OF THE LICENCING OF LOTTERIES FOR CHARITABLE AND RELIGIOUS PURPOSES AND TO REPEAL THE TOWNSHIP OF SMITH-ENNISMORE BY-LAW NO. 1998-10 AS AMENDED, AND THE VILLAGE OF LAKEFIELD BY-LAW NO. 95-52 AS AMENDED.

WHEREAS the Lieutenant Governor of Ontario by Order in Council 2688/93 assented and authorized municipal licencing of lotteries for the relief of poverty, the advancement of religion, the advancement of education or other charitable purposes beneficial to the community;

AND WHEREAS the Minister of Consumer and Commercial Relations has set out terms and conditions under which a lottery licence is issued;

AND WHEREAS the Council of the Corporation of the Township of Smith-Ennismore-Lakefield deems it expedient to authorize the licencing of charitable or religious organizations to conduct and manage bingo lotteries, raffle lotteries, break open tickets lotteries, or a scheme of lotteries at a bazaar;

AND WHEREAS the Ontario Municipal Act, R.S.O. 1990, as amended, Section 102.1(1) states that the Council of a municipality may by by-law, delegate to a committee of Council or to an employee of the municipality any powers, duties or functions that are administrative in nature;

AND WHEREAS it is deemed expedient that the Lottery Licencing Officer carry out the requirements in respect of granting lottery licences on behalf of the municipality for charitable or religious purposes, save and accept the determination of eligibility of new groups (applicants) for a licence, who will be determined on an as needed basis by Council;

NOW THEREFORE the Council of the Corporation of the Township of Smith-Ennismore-Lakefield **HEREBY ENACTS AS FOLLOWS:**

1. In this by-law:
 - (a) "Charitable object or purpose" means any object or purpose for:
 - (i) the relief of poverty
 - (ii) education
 - (iii) advancement of religion
 - (iv) any purpose beneficial to the community
 - (v) or as otherwise determined by the Minister.
 - (b) "Charitable Organization" means an organization which performs services of public good or welfare without profit and includes and organization designated as such by the Minister upon the recommendation of the Inter-Departmental Committee on Lotteries.
 - (c) "Minister" means the Minister of Consumer and Commercial Relations
 - (d) "Lottery Licencing Officer" means the Clerk or Deputy Clerk of the municipality.

2. (1) The Lottery Licencing Officer may, where it is deemed expedient and in the best interests of the inhabitants of the municipality and upon payment of the appropriate fee, issue a licence authorizing any charitable or religious organization to conduct and manage a bingo lottery, a raffle lottery, or a lottery scheme held at a bazaar, if:
 - (a) the proceeds from the lottery are used for a charitable or religious object or purpose in Ontario, and
 - (b) in the case of a lottery scheme conducted by the charitable or religious organization at a bazaar
 - (i) the amount or value of each prize awarded does not exceed one hundred dollars, and
 - (ii) the money or other valuable consideration paid to secure a chance to win a prize does not exceed fifty cents.
- (2) Notwithstanding the provisions of Subsection 1, a licence shall not be issued to a charitable or religious organization where:
 - (a) the organization proposes to use the services of a person or organization to conduct and manage the lottery on its behalf, for a fee or other valuable consideration,
 - (b) the total value of all prizes to be awarded within the operation of a single occasion bingo lottery, or of a raffle lottery, exceeds \$5,500.00 cash or merchandise or articles at equivalent market retail value,
 - (c) pyramiding of games is to be permitted, or
 - (d) games of type or kind known as razzle dazzle, roll down three-card monte, punch board, coin table or any dice games are to be operated.
3. (1) A bingo lottery licence may be issued for a single occasion or for a number of occasions occurring during a period not exceeding 26 weeks.
- (2) The licence shall specify the place where the bingo lottery is to be operated, the date or dates of operation, and the starting and finishing times.
4. The licence shall be in the form prescribed by the Minister.
5. A quarterly licencing report shall be issue to the Ministry of Consumer and Commercial Relations, in the required format.
6. The Minister or the Lottery Licencing Officer on behalf of the Corporation of the Township of Smith-Ennismore-Lakefield may impose terms and conditions on a licence.
7. (1) In addition to such special terms and conditions as may be imposed by the Minister, or by the Lottery Licencing Officer, each licence shall be subject to the following terms and conditions:
 - (a) the licensee shall comply with Sections 179 and 179A of the Criminal Code of Canada
 - (b) the licensee shall comply with all the terms and provisions set out in the application for licence
 - (c) the licensee shall maintain all funds raised in a separate account and shall maintain such records for such period or time as may be prescribed by the Minister
 - (d) The gross receipt derived from the lottery shall be used for the charitable or religious object or purpose as set out by the licensee in the application for licence, 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 Minister,

- (e) Such officers as this Council of the Minister may appoint, and all Peace Officers, shall at all reasonable times, have direct and unencumbered access to enquire in to the nature, management and conduct of the proceedings for which the licence has been granted, either prior to, during or after the conclusion of such proceedings,
 - (f) The licensee shall submit to the Lottery Licencing Officer, within 30 days after holding each licenced lottery, a written report showing,
 - (i) the total gross receipt derived from the lottery
 - (ii) the total cost of all prizes actually awarded
 - (iii) an itemized list of the administrative costs actually incurred in the management and conduct of the lottery
 - (iv) the total cash proceeds donated for charitable or religious purposes as set forth in the application of the licensee, and the name and address of the payee.
 - (g) the licensee shall conduct or allow to be conducted only the type of game or games provided in the application and the licence, and
 - (h) the licensee shall produce the licence upon demand.
- (2) Each raffle lottery licence shall also be subject to the following terms and conditions:
- (a) each individual raffle scheme must have a licence
 - (b) the winner or winners shall be determined and publicized in the manner set out in the application
 - (c) the charitable or religious organization managing and conducting the licenced raffle shall:
 - (i) indicate on the face of the tickets the name and address of the organization, the location, the date, the time at which the draw is to be held, the number and nature of the prizes to be awarded, the number of the ticket and the name of the printer
 - (ii) provide for the consecutive numbering of tickets
 - (iii) retain all unsold tickets and counterfoils of sold tickets for a period of not less that 90 days from the date of the draw, and produce them to such persons as may be authorized under Section 7 (1) (e), and
 - (iv) indicate in its application, the number of tickets to be printed for sale
8. The Lottery Licencing Officer on behalf of the Corporation of the Township of Smith-Ennismore-Lakefield may suspend or cancel a licence for the breach of any term or condition.
9. The Minister may at any time suspend or cancel a licence where, in his opinion, to do so is in the public interest.
10. An application for a licence to manage and conduct a bingo lottery shall be made in the form prescribed by the Minister.
11. An application for a licence to manage and conduct a raffle lottery shall be made in the form prescribed by the Minister.
12. An application for a licence to manage and conduct a lottery scheme at a bazaar shall be made in the form prescribed by the Minister.
13. Fees shall be charged for the issuing of licences as follows:
- (a) Bingo Lotteries – 3% of the prize value per event
 - (b) Nevada Break Open Ticket Lotteries – 3% of the prize value
 - (c) Raffle Lotteries – 3% of the prize value
 - (d) Bazaars - \$15.00
 - (e) Lottery Licence Extension - \$15.00

14. Notwithstanding Section 13, Council may by resolution reduce the fee charged for a licence, upon written request by a charity.
15. By-law No. 1998-10, as amended, of the Township of Smith Ennismore, and By-law No. 95-52, as amended, of the Village of Lakefield are hereby repealed.
16. This by-law shall come into full force and effect on the date of passage thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF JANUARY A.D., 2001.

Original Signed

Reeve, Burritt Mann

Original Signed

Clerk, Janice Lavalley