



BY-LAW NO. 1994-079

**"A BY-LAW TO APPOINT A LOTTERY LICENSING OFFICER AND
TO PROVIDE FOR THE LICENSING OF LOTTERY SCHEMES"**

Originally Passed and Enacted June 27, 2005

Amended By By-law:	Passed On:
1997-121	1997
2013-030	February 11, 2013

Consolidated Version
Revised and Verified January 8, 2014

Consolidated for Convenience Only

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BY-LAW NO. 1994-079

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO APPOINT A LOTTERY LICENSING OFFICER AND TO PROVIDE FOR THE LICENSING OF LOTTERY SCHEMES

WHEREAS by Order-In-Council 2688-93 dated October 27, 1993 municipal councils are empowered to issue a licence authorizing any charitable or religious organization to conduct and manage a lottery scheme; and

WHEREAS Section 20 of the said Order-In-Council authorizes a municipal council where the council is satisfied that it is in the best interests of the community to do so, to refuse on reasonable grounds to issue a licence for a lottery scheme and in so doing may take into account such factors as the number of licences issued and the playing locations already in existence in the community; and

WHEREAS City Council is satisfied, pursuant to Section 20 of the said Order-In-Council, that it is in the best interest of the community to limit the numbers of Provincially issued break open ticket licences to twenty-five per cent (25%) of the total active licensed break open ticket locations operating at any point in time; and

WHEREAS City Council deems it appropriate to appoint a Lottery Licensing Officer.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

PART 1

DEFINITIONS

1. In this by-law:
 - 1.1 "**charitable organization**" shall mean an organization which is created primarily for a charitable object or purpose in Ontario, is operated not for profit, and includes a religious organization.
 - 1.2 "**City**" shall mean The Corporation of the City of Owen Sound.
 - 1.3 "**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, and a super jackpot bingo lottery, a raffle lottery, a bazaar lottery, a break open ticket lottery (Nevada) and a Monte Carlo event/lottery.
 - 1.4 "**Minister**" shall mean the Minister of Consumer and Commercial Relations of Ontario.
 - 1.5 "**charitable object or purpose**" shall mean any object or purpose:
 - 1.5.1 for the relief of poverty;
 - 1.5.2 for the advancement of education;
 - 1.5.3 for the advancement of religion; or
 - 1.5.4 beneficial to the community.

PART 2

LOTTERY LICENSING OFFICER

Appointment – authority – duties

- 2.1 The City Clerk is hereby appointed Lottery Licensing Officer for the City and shall exercise all the authority, powers and rights and shall perform all duties and obligations which by statute or by-laws are or may be conferred or imposed upon the Lottery Licensing Officer and any other duties that may be imposed by Council.

PART 3**LICENCES AND FEES****Licences – classes of**

- 3.1 For the purpose of this By-law, there shall be the following classes of licences:
- 3.1.1 **“regular and special bingo lottery licence”** which authorizes the conduct and management of a regular and special bingo lottery;
- 3.1.2 **“media bingo lottery licence”** which authorizes the conduct and management of a media bingo lottery;
- 3.1.3 **“super jackpot bingo lottery licence”** which authorizes the conduct and management of a super jackpot bingo lottery;
- 3.1.4 **“raffle lottery licence”** which authorizes the conduct and management of a raffle lottery;
- 3.1.5 **“bazaar lottery licence”** which authorizes the conduct and management of a lottery scheme at a bazaar;
- 3.1.6 **“break open ticket (Nevada) licence”** which authorizes the conduct and management of a break open ticket lottery; and
- 3.1.7 **“Monte Carlo event/lottery licence”** which authorizes the conduct and management of a Monte Carlo event/lottery.

Fee – paid – before issue

- 3.2 No licence shall be issued until a licence fee has been paid.

Fees – Non-refundable

- 3.3 No licence fee shall be refunded to the organization where the licence is issued, suspended, cancelled or otherwise ceases to be in force.

PART 4**LICENCE APPLICATION****Form – prescribed by Minister**

- 4.1 The application for a licence and the licence shall be in the form prescribed by the Minister.

PART 5**LICENCE ISSUE****Proceeds – for charitable – religious purposes**

- 5.1 Subject to Sections 5.2, 5.3 and 5.4 of this By-law, and upon application by a charitable or religious organization, the Lottery Licensing Officer is hereby authorized from time to time to issue a licence to permit such organizations to conduct and manage a regular and special bingo lottery, a media bingo lottery, a raffle lottery, a bazaar lottery, or a break open ticket (Nevada) lottery and the Lottery Licensing Officer is hereby authorized from time to time to approve a licence to permit such organization to conduct and manage a super jackpot bingo lottery or a Monte Carlo event/lottery within the City if:
- 5.1.1 the proceeds from a lottery scheme are used for a charitable or religious object or purpose in Ontario;
- 5.1.2 the amount of the value of each prize awarded or the monty or other valuable consideration paid to secure a chance to win a prize or the total value of all prizes to be awarded, as the case may be, does not exceed the amount specified in this By-law and the Terms and Conditions approved by the Minister for the class of licence applied for;

- 5.1.3 pyramiding of games is not to be permitted;
- 5.1.4 games of a type or kind know as razzle dazzle, roll down, three card monte, punch board, coin table, any dice game or any variation thereof are not to be operated;
- 5.1.5 such organization is otherwise eligible under the provisions of this By-law to be issued a licence.

Raffle lottery licence applications exceeding \$10,000 value – before City Council – security

- 5.2 The Lottery Licensing Officer shall place all raffle lottery licence applications with total prize values exceeding \$10,000.00 before City Council for consideration. Such applications shall be accompanied by security covering the total amount of the prize value in the form of a certified cheque, cash, or letter of credit from a chartered bank in the form attached to and marked as Schedule "A" to this By-law. If a letter of credit cannot be obtained by the applicant, an irrevocable letter of guarantee from a Trust Company may be considered as an acceptable form of security.

Provincial organization – limit – break open licences

- 5.3 Organizations that have been issued a break open ticket (Nevada) licence by the Minister shall be entitled to occupy not more than twenty-five percent (25%) of the total active licensed break open ticket locations operating within the City at any one point in time.

Organization – eligible – within City and Counties of Grey and Bruce

- 5.4 Subject to the various limitations outlined in Sections 5.1, 5.2 and 5.3 of this By-law, a licence to conduct and manage a regular and special bingo lottery, a media bingo lottery, a super jackpot bingo lottery, a break open ticket (Nevada) lottery or a monte carlo event/lottery within the City shall only be issued to or approved for, a charitable or religious organization which operates charitable or religious facilities or programs within and for the benefit of the City or Counties of Grey and Bruce, provided there is a benefit to the City of Owen Sound.

Lottery Licence Enforcement/Compliance Officer/Police – access – all reasonable times

- 5.5 The Lottery Licensing Officer, Lottery Licensing Enforcement/Compliance Officer and all Police Constables shall, at all reasonable times, have direct and unencumbered access to inquire into 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.

Licence – transfer – prohibited – term

- 5.6 A licence issued under this By-law shall continue in force during the pleasure of City Council and is not assignable or transferable.

Licence – refusal of application – appeal – procedure

- 5.7 A decision of the Lottery Licensing Officer to refuse an application for a licence may be appealed by the organization to City Council and the decision of City Council shall be final.

Licence – obligation to issue – not offered

- 5.8 Subject to Section 5.7 of this By-law, nothing in this By-law obliges the Lottery Licensing Officer or City Council to issue a licence.

Operation – without a licence - prohibited

- 5.9 No person or organization shall conduct or manage a lottery within the City without a licence or while the licence of such person or organization is under suspension.

PART 6**BINGO LOTTERIES****Fee – bingo licence***By-law 2013-030*

6.1 *The fee for a bingo lottery licence shall be set out in the Fees and Charges by-law, as amended from time to time.*

Bingo licence – prohibited – prizes exceeding \$5,500

6.2 No bingo lottery licence shall be issued where the total value of prizes to be awarded within the operation of a single occasion bingo lottery exceeds \$5,500.00 cash or merchandise or articles at equivalent market retail value.

Bingo licence – games schedule

6.3 The type of games to be conducted at a single occasion bingo lottery shall be in accordance with the Terms and Conditions prescribed by the Minister and shall be submitted on a games sheet to the Lottery Licensing Officer at least ten days prior to the bingo licence event.

Single/multiple occasions – maximum period

6.4 A licence may be issued for a single bingo lottery or for a series of bingo lotteries not exceeding twenty-six (26) events during a period not exceeding twenty-six (26) calendar weeks.

Public hall licence – required – all locations – exceptions

6.5 Every place except a school or a church where a bingo lottery is proposed to be conducted and is conducted shall be licensed under the provisions of City Council's By-law respecting the licensing and regulating of public halls.

Bingo – conduct of – Terms and Conditions

6.6 Every licensee licensed under the provisions of this By-law to conduct a regular and special bingo lottery, a media bingo lottery or a super jackpot bingo lottery has a duty to ensure that each such bingo lottery is conducted and reports are submitted in accordance with the provisions of this By-law and in accordance with the Terms and Conditions prescribed by the Minister for the conducting of regular and special bingo lotteries, media bingo lotteries and super jackpot lotteries issued by the Minister and set out in Schedules "B", "C" and "D" respectively of this By-law.

Licence – cancellation – suspension

6.7 The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a regular and special bingo lottery licence or a media bingo lottery licence of any licensee that breaches any of the provisions of this By-law or any of the Terms and Conditions for the conducting of regular and special bingo lotteries or media bingo lotteries set out in Schedules "B" and "C" of this By-law.

Raffle tickets – sale – give away – prohibited

6.8 No person shall sell, give away, or distribute raffle tickets for which a licence would be required under this By-law in the place where or on the occasion on which a bingo lottery is conducted.

PART 7**RAFFLE LOTTERIES****Fee – calculation***By-law 2013-030*

- 7.1 *The fee for a raffle lottery licence shall be set out in the Fees and Charges by-law, as amended from time to time. For greater certainty, where the fee for a raffle lottery is based on a percent of value, this applies to the total value of all prizes to be awarded on each occasion.*

Licence – issued – one raffle scheme – only

- 7.2 No raffle lottery licence shall be issued to any charitable organization to operate more than one raffle scheme at any time.

Prizes – exceeding \$50,000 – prohibited

- 7.3 No raffle lottery licence shall be issued where the total value of all prizes to be awarded within the operation of a single occasion raffle lottery exceeds \$50,000.00 cash or merchandise or articles at equivalent market value.

Raffle – conduct of – Terms and Conditions

- 7.4 Every licensee licensed under the provisions of this By-law to conduct a raffle lottery has a duty to ensure that each such raffle lottery is conducted and reports are submitted in accordance with the provisions of this By-law and in accordance with the Terms and Conditions for the conducting of raffle lotteries issued by the Minister and set out in Schedule "E" of this By-law.

Licence – cancellation – suspension

- 7.5 The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a raffle lottery licence of any licensee that breaches any of the provisions of this By-law or any of the Terms and Conditions for the conducting of raffle lotteries set out in Schedule "E" of this By-law.

PART 8**BAZAAR LOTTERIES****Fee – Bazaar licence**

- 8.1 The fee for a bazaar lottery licence shall be:
- 8.1.1 Three percent (3%) of the total value of all prizes to be awarded on each occasion and
- 8.1.2 \$10.00 per wheel.

Licence – issued – single occasion only

- 8.2 No bazaar lottery licence shall be issued for more than one single occasion bazaar lottery.

Prizes – ticket prices – maximums – not to be exceeded

- 8.3 No bazaar lottery licence shall be issued where the amount or value of each prize awarded exceeds \$500.00.

Bazaar Lottery – conduct of – Terms and Conditions

- 8.4 Every licensee licensed under the provisions of this By-law to conduct a bazaar lottery has a duty to ensure that each such bazaar lottery is conducted and reports are submitted in accordance with the provisions of this By-law and in accordance with the terms and conditions for the conducting of bazaar lotteries issued by the Minister and set out in Schedule "F" of this By-law.
- 8.5 The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a bazaar lottery licence of any licensee that breaches any of the provisions of this By-law or any of the Terms and Conditions for the conducting of bazaar lotteries set out in Schedule "F" of this By-law.

PART 9**BREAK OPEN TICKET (NEVADA) LOTTERY****Fee – Calculation***By-law 2013-030*

- 9.1 *The fee for a break open ticket (Nevada) lottery licence shall be set out in the Fees and Charges by-law, as amended from time to time. For greater certainty, where the fee for a raffle lottery is based on a percent of value, this applies to the total value of all prizes to be awarded on each occasion.*

Break Open Ticket Lottery – conduct of – Terms and Conditions

- 9.2 Every licensee licensed under the provisions of this By-law to conduct a break open ticket (Nevada) lottery has a duty to ensure that each such break open ticket lottery is conducted and reports are submitted in accordance with the provisions of this By-law and in accordance with the Terms and Conditions for the conducting of break open ticket lotteries set out in Schedule "G" of this By-law.

Licence – cancellation – suspension

- 9.3 The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a break open ticket (Nevada) lottery licence of any licensee that breaches any of the provisions of this By-law or any of the Terms and Conditions for the conducting of break open ticket lotteries set out in Schedule "G" of this By-law.

Licence – time limit*1997-121*

- 9.4 *A licence for a break open ticket (Nevada) lottery shall be limited to a period of one (1) year from the date of issue.*
- 9.4.1 *Notwithstanding Section 9.4, new organizations operating break open ticket (Nevada) lotteries shall be limited to a period of six (6) months from the date of issue for the first year of conducting such break open ticket (Nevada) sales.*

PART 10**MONTE CARLO EVENT LOTTERIES****Conduct of – Terms and Conditions**

- 10.1 Every licensee licensed under the provisions of this By-law to conduct a Monte Carlo Event lottery has a duty to ensure that each such Monte Carlo Event lottery is conducted and reports are submitted in accordance with the provisions of this By-law and in accordance with the Terms and Conditions for the conducting of Monte Carlo Event lotteries set out in Schedule "H" of this By-law.

Licence – cancellation – suspension

- 10.2 The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a Monte Carlo Event lottery licence of any licensee that breaches any of the provisions of this By-law or any of the Terms and Conditions for the conducting of Monte Carlo Event lotteries set out in Schedule "H" of this By-law.

PART 11**ENFORCEMENT****Contravention – suspected – order to cease – authority**

- 11.1 Where the Lottery Licensing Officer or a Police Constable has reason to believe that during the conduct of a lottery, there exists a breach of any of the provisions of this By-law or of any of the Terms and Conditions that are part of this By-law, he/she may order the licensee or its officers, agents or servants to forthwith cease from further conducting the lottery.

Order to cease – given – all activities cancelled

- 11.2 Where the Lottery Licensing Officer or a Police Constable has made an Order under section 11.1 of this By-law, the licensee and its officers, agents or servants shall, from the time the Order is given, cease further conduct and management of the lottery.

Administration – obstruction – interference – prohibited

- 11.3 No person or organization shall obstruct or interfere with the Lottery Licensing Officer, the Lottery Licensing Enforcement/Compliance Officer or a Police Constable in the execution of his/her duty under or in the administration of this By-law.

PART 12**PENALTY****Criminal Code of Canada**

- 12.1 Any person or organization who violates any of the provisions of this By-law may be subject to the penalties provided for in the Criminal Code of Canada.

PART 13**APPLICATION – EXEMPTIONS****Exemptions – federal – provincial licence – fairgrounds**

- 13.1 This By-law does not apply to any lottery scheme within the City conducted and managed:
- 13.1.1 by the Government of Canada or by any person under a licence issued by or under the authority of the Government of Canada;
- 13.1.2 by the Province of Ontario or by any person under a licence issued by or under the authority of the Province of Ontario; or
- 13.1.3 by an agricultural fair or exhibition or an operator of an concession leased by an agricultural fair or exhibition board within its own grounds and operated during the period of the annual fair on those grounds.

Application – all lotteries

- 13.2 This By-law applies to regular and special bingo lotteries, media bingo lotteries, super jackpot bingo lotteries, bazaar lotteries, break open ticket (Nevada) lotteries and Monte Carlo event lotteries.

PART 14**BY-LAWS REPEALED****By-laws – previous – repealed**

- 14.1 By-laws 3439, 1984-118, and 1993-046 of the City of Owen Sound are hereby deemed to be repealed.

PART 15**EFFECTIVE DATE**

- 15.1 This By-law shall come into full force and effect upon the final passing thereof.

PART 16**SHORT TITLE**

- 16.1 This By-law shall be known and referred to as the "Lottery Licensing By-law."

PART 17

HEADINGS NOT PART OF THIS BY-LAW

17.1 The headings in the body of this By-law form no part of the By-law but are inserted for the convenience of reference only.

PASSED this 30th day of May, 1994.

1st reading May 30, 1994

2nd reading May 30, 1994

3rd reading May 30, 1994

Signature on File

Mayor

Signature on File

Clerk