

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

By-Law Number 70-26

BEING A BY-LAW TO AUTHORIZE THE LICENCING OF LOTTERIES FOR CHARITABLE AND RELIGIOUS PURPOSES AND THE CHARGING OF FEES FOR SUCH LICENCES.

WHEREAS the Township of Westmeath deems it expedient and in the best interest of the inhabitants of the Township of Westmeath to authorize the licencing of any Charitable or Religious organizations to conduct and manage bingo lotteries, raffle lotteries or a scheme of lotteries at a bazaar, and

WHEREAS His Honour the Lieutenant Governor of Ontario by Order in Council 274-70 has assented and authorized Municipalities to licence lotteries for charitable or religious purposes, and

WHEREAS The Minister has set out terms and conditions under which a lottery license is issued, and

WHEREAS it is expedient and necessary to charge a fee for each license to cover administration costs arising from the issuing of such a licence.

NOW THEREFORE the Council of the Corporation of the Township of Westmeath enacts as follows:

- 1) In the sections set out herein,
 - (a) "Charitable object or purpose" means any object or purpose for
 - (i) the relief of poverty
 - (ii) education
 - (iii) the advancement of religion, or
 - (iv) any purpose beneficial to the community;

- (b) "charitable organization" means an organization which performs services of public good or welfare without profit and includes an organization designated as such by the Minister upon the recommendation of the Inter-Departmental Committee on Lotteries;
- (c) "Minister" means the Minister of Financial and Commercial Affairs.

AUTHORITY TO LICENCE

- 2) (1) Where the Corporation of the Township of Westmeath deems it expedient in the best interest of the inhabitants of the municipality, 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, the council shall not issue a licence 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 bingo lottery, or of a raffle lottery, exceeds \$3,500 cash or merchandise or articles at equivalent market retail value;
- (c) pyramiding of games is to be permitted; or
- (d) games of a type or kind known as razzle dazzle, roll down, three-card monte, punch board, coin table or any dice games are to be operated.

LICENCES

- 3) The licence shall be in the form prescribed by the Minister.
- 4) A copy of each licence issued shall be forwarded to the head of the appropriate law enforcement agency acting on behalf of the municipality, to the Department of Financial and Commercial Affairs, and to the Chief Inspector, Anti-Gambling, Ontario Provincial Police.
- 5) (1) A bingo lottery licence may be issued for a single occasion, or for a number of occasions during a period not exceeding one calendar year.

(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.

TERMS AND CONDITIONS OF LICENCES

6) The Minister or the municipal council 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 municipal council, 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 a license;
- (c) the licensee shall maintain all funds raised in a separate account and shall maintain such records for such period of time as may be prescribed by the Minister;
- (d) the gross receipts 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 license, 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 the municipal council or the Minister may appoint, and all Peace Officers shall, at all reasonable times, have direct and unencumbered access to enquire 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;

- (f) the licensee shall submit to the licensing authority, not later than 30 days after the holding of each licensed lottery, a written report showing,
 - (i) the total gross receipts derived from the lottery,
 - (ii) the total cost of all prizes 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 licensed 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) retain all unsold tickets and counter-foils of sold tickets for a period of not less than 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.

SUSPENSION OR CANCELLATION OF LICENCE

8) The municipal council 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.

APPLICATIONS

10) An application for a license to manage and conduct a bingo lottery shall be made in form MB-1.

11) An application for a licence to manage and conduct a raffle lottery shall be made in form MR-1.

12) An application for a licence to manage and conduct a lottery scheme at a bazaar shall be in form MBZ-1.

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13) (1) Bingo Lotteries

- (a) Where the total value of all prizes to be awarded within each operation does not exceed \$500 (Five Hundred Dollars) the licence fee shall be \$2.00 (Two Dollars). Where the total value of all prizes to be awarded is less than \$25.00 (Twenty-five Dollars) the licence will be issued without charge.
- (b) Where the total value of all prizes to be awarded within each operation exceeds \$500.00 (Five Hundred Dollars) but not more than \$3,500.00 (Thirty-Five Hundred) the licence fee shall be 2 percent (Two percent) of the total value of all prizes to be awarded.
- (c) A licence for a series of bingo lotteries will be on the basis as in (a) or (b) above.

Raffle Lotteries

- (2) A licence fee equal to the sum of 2 percent (Two Percent) of the total value of all prizes to be awarded.

Bazaars

- (3) A licence fee of \$2.00 (Two Dollars)

Applications for licencing of lotteries in excess of the monetary limits set hereto shall be subject to approval and recommendations of the Council of the Township of Westmeath, to be referred to the Ontario Department of Financial and Commercial Affairs.

Read a First and Second Time this 4 day of August 1970.

Read a Third and Final Time this 4 day of August 1970.

D. G. Hill
Clerk-Treas.

Carl Fletcher
Reeve

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BY-LAW # 70-26

A By-Law to authorize the licencing of
Lotteries for Charitable and Religious
purposes and the charging of fees for
such licences.

Huckabone, O'Brien and Sauriol
Barristers and Solicitors
284 Pembroke Street, East
Pembroke, Ontario

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AUTHORITY TO LICENCE

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(c) the charitable or religious organization managing and conducting the licensed 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) retain all unsold tickets and counterfoils of sold tickets for a period of not less than 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.

SUSPENSION OR CANCELLATION OF LICENCE

8) The municipal council 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.

APPLICATIONS

10) An application for a license to manage and conduct a bingo lottery shall be made in form MB-1.

11) An application for a licence to manage and conduct a raffle lottery shall be made in form MR-1.

12) An application for a licence to manage and conduct a lottery scheme at a bazaar shall be in form MBZ-1.

LOTTERY LICENCE FEES

13) (1) Bingo Lotteries

- (a) Where the total value of all prizes to be awarded within each operation does not exceed \$500 (Five Hundred Dollars) the licence fee shall be \$2.00 (Two Dollars). Where the total value of all prizes to be awarded is less than \$25.00 (Twenty-five Dollars) the licence will be issued without charge.
- (b) Where the total value of all prizes to be awarded within each operation exceeds \$500.00 (Five Hundred Dollars) but not more than \$3,500.00 (Thirty-Five Hundred) the licence fee shall be 2 percent (Two percent) of the total value of all prizes to be awarded.
- (c) A licence for a series of bingo lotteries will be on the basis as in (a) or (b) above.

Raffle Lotteries

- (2) A licence fee equal to the sum of 2 percent (Two Percent) of the total value of all prizes to be awarded.

Bazaars

- (3) A licence fee of \$2.00 (Two Dollars)

Applications for licencing of lotteries in excess of the monetary limits set hereto shall be subject to approval and recommendations of the Council of the Township of Westmeath, to be referred to the Ontario Department of Financial and Commercial Affairs.

Read a First and Second Time this 4 day of August 1970.
Read a Third and Final Time this 4 day of August 1970.

D. A. Hill
Clerk - Treas.

Carl Fletcher
Reeve

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

70-26

BY-LAW # _____

A By-Law to authorize the licencing of
Lotteries for Charitable and Religious
purposes and the charging of fees for
such licences.

Huckabone, O'Brien and Sauriol
Barristers and Solicitors
284 Pembroke Street, East
Pembroke, Ontario