

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #2942 (2008)

Being a by-law to provide for the appointment of a Lottery Licensing Officer and to provide for the licensing of bingos, raffles and other 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 provides that where a municipal council is satisfied that it is in the best interests of the community to do so, it may 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 the Municipal Council of the Corporation of the Town of Pelham 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 licences issued in the Town of Pelham;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

SHORT TITLE
LOTTERY LICENSING BY-LAW

PART 1
DEFINITIONS

1.1 Definitions:

In this by-law:

Charitable organization – defined:

“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.

Lottery – defined:

“lottery” shall mean a scheme that involves a prize, chance to win a prize, and includes a regular and special bingo lottery, a media bingo lottery, a super jackpot bingo lottery, a raffle lottery, a bazaar lottery, a break open ticket lottery (Nevada) event/lottery.

Minister – defined:

“Minister” shall mean the Ministry of Government and Consumer Services of Ontario.

1.2 **Charitable object or purpose – defined:**

For the purpose of this by-law, a “charitable object or purpose” shall mean any object or purpose:

- (a) for the relief of poverty;
- (b) for the advancement of education;
- (c) for the advancement of religion; or
- (d) beneficial to the community.

PART 2

LOTTERY LICENSING OFFICER

2.1 **Appointment – authority – duties:**

The Clerk or the Deputy Clerk of the Corporation of the Town of Pelham are hereby appointed Lottery Licensing Officers for the Town of Pelham and shall exercise all the authority, powers and rights and shall perform all the duties and obligations which by statute or by-laws are or may be conferred or imposed upon the Lottery Licensing Officers and any other duties that may be imposed by Council.

PART 3

**CHARITABLE ORGANIZATION – AUXILIARY – BRANCH
PARISH – DIVISION – CONCESSION**

3.1 **All divisions – treated as one organization – exceptions:**

Where there exists an auxiliary, branch, section, parish, congregation or other division of a charitable organization in Canada, such auxiliary, branch, section, parish, congregation or division and such charitable organization shall be treated as being one organization for the purposes of this by-law unless either:

- (a) the primary purpose and the primary function of such auxiliary, branch, section, parish, congregation or division is different from the primary purpose and the primary function of the charitable organization; or
- (b) such auxiliary, branch, section, parish, congregation or division subsists under a federal or provincial charter issued to it by the charitable organization; or
- (c) such auxiliary, branch, section, parish, congregation or division has been registered under the Income Tax Act (Canada) as a Canadian charitable organization and such registration has not been revoked.

PART 4

LICENCES AND FEES

4.1 **Licences – classes of:**

For the purposes of this by-law, there shall be the following classes of licences:

- (a) “regular and special bingo lottery licence” which authorizes the conduct and management of a regular and special bingo lottery;

- (b) "Media bingo lottery licence" which authorizes the conduct and management of a media bingo lottery;
- (c) "raffle lottery licence" which authorizes the conduct and management of a raffle lottery;
- (d) "bazaar lottery licence" which authorizes the conduct and management of a lottery scheme at a bazaar;
- (e) "break open ticket (Nevada) licence" which authorizes the conduct and management of a break open ticket lottery; and

4.2 Fee – paid – before issue:

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

4.3 Cancellation – occasion – refund – fee – two-thirds:

- (a) Where an occasion in respect of which a licence has been issued is cancelled by the organization, two-thirds of the licence fee or the portion relating to the occasion as the case may be, shall be refunded to the organization.
- (b) Where a Nevada Licence has been issued, no refund shall be applicable to any unused tickets that may be remaining upon expiry of such licence.

4.4 Suspension – licence – refund – prohibited:

No licence fee or portion thereof shall be refunded to the organization where a licence is suspended, cancelled or otherwise ceases to be in force.

PART 5

LICENCE – APPLICATION

5.1 Form – prescribed by AGCO:

The application for a licence and the licence shall be in the form prescribed by the Alcohol and Gaming Commission of Ontario.

5.2 First licence – 15 days prior to date:

Application for a first licence, regardless of the class, under this by-law or a predecessor of this by-law, shall be made to the Lottery Licensing Officer no later than 15 days prior to the date of the lottery, or, in the case of a first licence covering a series of lotteries, 15 days prior to the date on which the first lottery is to be held.

5.3 Subsequent licences – 3 days prior to date:

Application for each licence after the first shall be made to the Lottery Licensing Officer no later than 3 days prior to the date of the lottery, or, in the case of a licence covering a series of lotteries, 3 days prior to the date on which the first lottery in the series is to be held.

PART 6

LICENCE – ISSUE

6.1 Proceeds – for charitable – religious purposes:

Upon application by any Canadian charitable or religious organization, the Lottery Licensing Officer is hereby authorized from time to time to issue or to approve the issuing of a licence to permit such organization to conduct and manage a regular and special

bingo lottery, a raffle lottery, a bazaar lottery, a break open ticket (Nevada) lottery within the Town of Pelham if:

- (a) the proceeds from the lottery scheme are used for a charitable or religious object or purpose in Ontario;
- (b) the amount or value of each prize awarded or the money 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 for the class of licence applied for;
- (c) pyramiding of games is not to be permitted;
- (d) games of a type or kind known as razzle dazzle, roll down, three-card monte, punch board, coin table, any dice game or any variation thereof are not to be operated;
- (e) such organization is otherwise eligible under the provisions of this by-law to be issued a licence.

6.2 Police – access – all reasonable times:

The Lottery Licensing 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.

6.3 Licence – transfer – prohibited – term:

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

6.4 Licence – refusal of application – appeal – procedure:

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

6.5 Licence – obligation to issue – not offered:

Subject to Section 6.4 of this by-law, nothing in this by-law obliges the Lottery Licensing Officer or the Council to issue a licence.

6.6 Operation – without licence – prohibited:

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

PART 7 BINGO LOTTERIES

7.1 Fee – bingo licence:

removed (By-law 3728(2016))

The fee for a bingo licence shall be 3% of the total value of all prizes to be awarded on each occasion.

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

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 cash or merchandise or articles at equivalent market retail value.

7.3 Single/multiple occasions – maximum period:

A licence may be issued for a single bingo lottery or for a series of bingo lotteries during a period not exceeding 26 calendar weeks.

7.4 TV media bingos – frequency – limitations:

No more than two(2) TV media bingos may be permitted to operate in the Town of Pelham during any one week but no more than one such event will be licensed on a given day during any week.

7.5 Bingo – conduct of – Interim Terms and Conditions:

Subject to the prize value limitation set out in Section 7.2 of this by-law, every licensee licensed under the provisions of this by-law to conduct a regular and special bingo lottery is conducted in accordance with the provisions of this by-law and in accordance with the "Terms and Conditions" for the conducting of regular and special bingo lotteries and media bingo lotteries issued by the Alcohol and Gaming Commission of Ontario from time to time.

7.6 Security personnel – hiring – permitted:

A licensee may hire sufficient personnel to maintain security at a bingo lottery.

7.7 Licence – cancellation – suspension:

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 as issued by the Alcohol and Gaming Commission of Ontario from time to time.

7.8 Raffle tickets – sale – give away – prohibited:

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 8

RAFFLE LOTTERIES

8.1 Fee – calculation:

removed (By-law 3728(2016))

The fee for a raffle lottery licence shall be 3% of the total value of all prizes to be awarded on each occasion.

8.2 Licence – issued – one raffle scheme – only:

No raffle lottery licence shall be issued to any charitable organization to operate more than one raffle scheme on any one day, except as provided under the Blanket Raffle Licence regulations as set out by the Alcohol and Gaming Commission of Ontario.

8.3 Prizes – exceeding \$50,000 – prohibited:

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 cash or merchandise or articles at equivalent market value.

8.4 Raffle – conduct of – Terms and Conditions:

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 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 Alcohol and Gaming Commission of Ontario from time to time.

8.5 Licence – cancellation – suspension:

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 of any of the "Terms and Conditions" for the conducting of raffle lotteries issued by the Alcohol and Gaming Commission of Ontario from time to time.

PART 9

BAZAAR LOTTERIES

9.1 Fee – Bazaar licence:

The fee for a bazaar lottery licence shall be:

- (a) 3% of the total value of all prizes to be awarded on each occasion; and
- (b) \$10 per wheel.

9.2 Licence – issued – single occasion only:

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

9.3 Prizes – ticket prices – maximums – not to be exceeded:

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

9.4 Bazaar lottery – conduct of – Terms and Conditions:

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 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 Alcohol and Gaming Commission of Ontario from time to time.

9.5 Licence – cancellation – suspension:

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 issued by the Alcohol and Gaming Commission of Ontario from time to time.

PART 10

BREAK OPEN TICKET (NEVADA) LOTTERY

10.1 Fee – Calculation:

The fee for a break open ticket lottery licence shall be 3% of the total value of all prizes to be awarded on each occasion, except when the break open ticket lottery is held at the home base of the licensee, wherein the fee shall be 2.25% of the total value of all prizes awarded on each occasion.

10.2 Break Open Ticket Lottery – conduct of – Terms and Conditions:

Every licensee licensed under the provisions of this by-law to conduct a break open ticket lottery has a duty to ensure that each such break open ticket lottery is conducted 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 issued by the Alcohol and Gaming Commission of Ontario from time to time.

10.3 Licence – cancellation – suspension:

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 break open ticket lotteries issued by the Alcohol and Gaming Commission of Ontario from time to time.

**PART 11
ENFORCEMENT**

11.1 Contravention – suspected – order to cease – authority:

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" or "Interim Terms and Conditions" that are a 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.

11.2 Order to cease – given – all activities cancelled:

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 and servants shall, from the time the order is given, cease further conduct and management of the lottery.

11.3 Administration – obstruction – interference – prohibited:

No person or organization shall obstruct or interfere with the Lottery Licensing Officer or a police constable in the execution of his/her duty under or in the administration of this by-law.

**PART 12
APPLICATION – EXEMPTIONS**

12.1 Exemptions – federal – provincial licence – fairgrounds:

This by-law does not apply to any lottery scheme within the Town of Pelham conducted and managed:

- (a) by the Government of Canada or by any person under a licence issued by or under the authority of the Government of Canada;
- (b) by the Province of Ontario or by any person under a licence issued by or under the authority of the Province of Ontario; or
- (c) by an agricultural fair or exhibition or an operator of a 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.

12.2 Application – all lotteries:

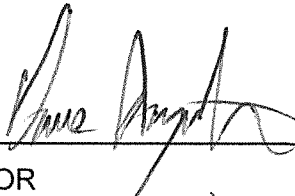
This by-law applies to regular and special bingo lotteries, media bingo lotteries, raffle lotteries, bazaar lotteries, and break open ticket (Nevada) lotteries in respect of which applications are made after this by-law comes into force.

PART 13
REPEAL – ENACTMENT

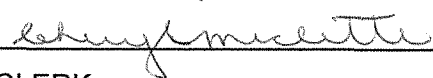
14.1 By-law – previous – appointment:

That By-law #1803 (1996), as amended, be and is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
3rd DAY OF MARCH, 2008 A.D.



MAYOR



CLERK