

**THE CORPORATION OF THE TOWN OF INNISFIL**

**BY-LAW NO. 050-05**

**A By-law of The Corporation of the Town of Innisfil to provide for Lottery Licensing Procedures and Regulations and to appoint Lottery Licensing Officers for the Town of Innisfil.**

**WHEREAS** the Province of Ontario has enacted the Gaming Control Act to regulate the supply of goods, services and equipment to charitable and religious organizations that are licensed to conduct lottery schemes; and

**WHEREAS** the Province of Ontario has enacted an Order-in-Council to establish regulations for the issuance of lottery licences for charitable purposes for the benefit of residents of Ontario which includes delegated authority for municipalities to issue licences to charitable or religious organizations to conduct and manage lottery schemes in accordance with standard terms and conditions, and to impose additional terms and conditions which are relevant to the type of lottery being conducted and local conditions; and

**WHEREAS** the Province of Ontario has established the Alcohol and Gaming Commission of Ontario to establish policies for the regulation of the charitable gaming sector; and

**WHEREAS** it is deemed expedient and necessary for the adoption of additional procedures and regulations for lotteries operated in the Town of Innisfil;

**THEREFORE** the Council of the Corporation of the Town of Innisfil enacts as follows:

**SECTION 1 - TITLE AND SCOPE**

**Short Title**

1. This by-law may be cited as the Lottery Licensing By-law.

**Scope**

2. The provisions of this by-law shall regulate the operation of bingo, raffle, and break-open ticket lotteries operated in the Town of Innisfil pursuant to the Terms and Conditions as issued by the Alcohol and Gaming Commission of Ontario from time to time.

**SECTION 2 - DELEGATION**

3. That the Clerk be appointed Lottery Licensing Officer, and the Deputy Clerk, and all of Customer Service Representatives are hereby appointed as Deputy Lottery Licensing Officers for the Town of Innisfil pursuant to the Gaming Control Act and provincial Order-in-Council respecting lottery licensing.
4. The Lottery Licensing Officer, and/or designates, are authorized to issue licenses permitting charitable organizations to conduct and manage lottery schemes in accordance with Alcohol and Gaming Commission of Ontario Policies under the Family Control Act, 1992, Order-in-Council 2688/93, 97, 98 as amended, and subject to the provisions of Section 206 & 207 of the Criminal Code (Canada).

**SECTION 3 - GENERAL REGULATIONS**

5. No person shall conduct a bingo, break-open ticket, or raffle lottery within the Town of Innisfil until such person or organization has made application to the Lottery Licensing Officer and received a licence from the municipality or the Alcohol and Gaming Commission of Ontario.

**Application**

6. All first time applicants for lottery licences in the Town of Innisfil shall make application on the form prescribed by the Alcohol and Gaming Commission of Ontario and include the following additional information as required:
  - (a) a copy of letters patent or certificate of incorporation where the applicant organization is incorporated as a non-profit corporation without share capital;
  - (b) a clear statement of the charitable objects and purposes of the corporation to allow for an assessment of the eligibility of the organization including information of any association with any other charitable organizations currently eligible for lottery licensing;
  - (c) a copy of a budget projection for the organization for the next 12 months including estimates of the amount of money to be raised from lottery licenses and other sources of revenue;
  - (d) additional information requested by the Lottery Licensing Officer to determine the eligibility of the applicant pursuant to the provincial Terms and Conditions and interpretation bulletins.
7. The Lottery Licensing Officer shall review the application and where the application is complete and the charitable objects of the corporation meet the criteria for bingo eligibility as established by the Province of Ontario through the Alcohol and Gaming Commission of Ontario, the Lottery Licensing Officer shall issue the licence.

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8. Where, in the opinion of the Lottery Licensing Officer, the investigation of the application discloses that the signing officers are not of good character, the issuance of the licence is adverse to the public interest or the applicant is not in compliance with the criteria for eligibility as a charitable organization, the Lottery Licensing Officer shall not issue the licence and shall notify the applicant organization in writing with advice that the organization may request a review of this determination by Town Council provided a written request for a review is filed with the Lottery Licensing Officer.

**Terms of Licence**

9. A licence issued by the municipality under this by-law shall continue in force during the time period specified on the licence and is not assignable nor transferable and may be revoked by the Lottery Licensing Officer subject to a right to a review hearing by Council.

**SECTION 4 - BINGO LOTTERIES**

10. All charitable or non-profit organizations operating bingo events in the Town of Innisfil shall make application to the Lottery Licensing Officer or representative in advance of the event.

**Regular Events**

11. (a) Charitable organizations shall be permitted licences for fifty-two (52) events in a calendar year. Instances where the lottery revenue from 52 events will not meet the organization's financial needs, the organization may apply for additional bingo events. The allocation of additional events, if granted, will be based upon demonstrated need as it relates to approved use of lottery proceeds as determined by the Lottery Licensing Officer.
- (b) Organizations qualifying for additional licensing beyond 52 events in any year are required to submit annual audited financial statements and a compliance report regardless of net lottery proceeds earned.
- (c) Licences shall not be issued to charitable organizations for event dates more than three (3) months in advance.
- (d) Changes to dates and times for events shall require the completion of a new application and issuance of a new or revised licence.
- (e) The maximum permitted prize board for a regular municipally licensed bingo event shall not exceed \$5,500.00 subject to the following provisions:

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12. All bingo operators shall provide copies of invoices of the expenses and particulars of each bingo event to the licensed charity operating the event for inclusion with the financial report with the invoice to contain the following minimum information:
- (a) gross receipts;
  - (b) gross prize payouts;
  - (c) hall owner/operator expense;
  - (d) any other expenses charged to organizations by the bingo hall.
13. That bingo halls be required to provide the following information to the Lottery Licensing Officer on a monthly basis where applicable to be kept in confidence with only industry totals issued publicly:
- |              |               |                |
|--------------|---------------|----------------|
| Total Sales  | Total Prizes  | Honorariums    |
| Licence Fees | Advertising   | Net Revenues   |
| Hall Rent    | G.S.T.        | Administration |
| Bank Charges | Miscellaneous | Charity Income |
14. (i) No person under the age of eighteen (18) years shall play a bingo lottery game.
- (ii) No bingo operator shall allow any person under the age of eighteen (18) years to play or operate any bingo lottery game.
15. All bingo sponsors' associations shall submit the following to the Town of Innisfil Lottery Licensing Officer:
- (i) Constitution and/or by-laws of the sponsors' associations;
  - (ii) List of all officers of the sponsors' association;
  - (iii) Must update the information if change of offices during term of the licences.

**SECTION 5 - BREAK-OPEN TICKETS**

16. All charitable organizations operating break-open ticket sales in the Town of Innisfil shall make application to the Lottery Licensing Officer for a licence.
- (i) Only one Nevada License per eligible group will be granted at a time.
  - (ii) Nevada tickets must only be sold from outlets which have been issued Provincial Registration Numbers.

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- (iii) No outlet will be allowed to sell Nevada tickets for more than one group at any one time.
- (iv) The original license shall be prominently displayed which will also identify the charity for which the proceeds are being obtained.

**SECTION 6 - RAFFLES**

- 17. All charitable organizations operating raffles in the Town of Innisfil shall make application to the Lottery Licensing Officer for a licence.

**SECTION 7 - FEES**

- 18. The fees for a lottery license shall be as determined from time to time as prescribed by the Registrar of Alcohol and Gaming Commission of Ontario.
- 19. Fees charged for licensed lottery events shall be payable to the Town of Innisfil for municipally licensed events pursuant to the fee schedule as approved from time to time.

**SECTION 8 - PENALTIES**

- 20. Where a licensee breaches the terms and conditions of a licence for any lottery, eligibility for licences may be suspended for a six (6) month period.

**SECTION 9 - DELEGATION**

- 27.
  - i) The Clerk is authorized to delegate administrative detail as necessary for the carrying out of the administration of this by-law.
  - ii) The Lottery Licensing Officer(s) may assign his duties to the Deputy Lottery Licensing Officers who shall be responsible for the administration of the Lottery Licensing Policy.
  - iii) The Lottery Licensing Officer or designates are appointed for the purpose of regulating and enforcing the provisions of this by-law including the authority to issue, renew, suspend and cancel licenses.
- 28. That Lottery By-law 060-94 be repealed.
- 29. This by-law shall come into force and take effect on the day following the final passing thereof.

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**READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND  
FINALLY PASSED THIS 13<sup>th</sup> DAY OF JULY, 2005.**

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**Brian H. Jackson, Mayor**

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**Helen E. Cyr, Mayor Clerk**