

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 4715-00

BEING A BY-LAW TO PROVIDE FOR THE ISSUANCE OF LICENCES TO MANAGE AND CONDUCT BINGO LOTTERIES, BREAK OPEN TICKET LOTTERIES, LOTTERY SCHEMES AT BAZAARS AND RAFFLE LOTTERIES

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WHEREAS, by a municipal council may, where it deems it expedient in the best interest of the inhabitants of the municipality, issue a licence authorizing any charitable or religious organization to manage and conduct a bingo lottery, a raffle lottery, or a lottery scheme held at a bazaar;

AND WHEREAS, by a municipal council may impose terms and conditions on a licence;

AND WHEREAS, terms and conditions prescribed by the Province of Ontario provide that a municipal council may issue a licence authorizing any charitable or religious organization to manage and conduct a break open ticket lottery;

AND WHEREAS, the Council of the Corporation of the Town of Whitby deems it expedient in the best interest of the inhabitants of the Municipality to issue such licences, subject to certain terms and conditions;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

- 1.(1) In this by-law,
- (a) "bingo lottery" means a bingo lottery scheme in which the total value of all prizes to be awarded within the operation of a single occasion lottery does not exceed \$5,500.00 cash or merchandise or articles at equivalent market retail value;
  - (b) "break open ticket lottery" means a break open ticket lottery scheme in which the value of any prize awarded does not exceed \$100.00 and in which tickets retail for a maximum of \$1.00 and conform with ticket quantities, prices and prize payouts as provided in the terms and conditions prescribed by the Province of Ontario;
  - (c) "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 of Consumer and Commercial Relations;

- (2) Every organization requiring a licence for a bingo lottery, a break open ticket lottery, a lottery scheme held at a bazaar or a raffle lottery shall make an application therefor to the Town upon such forms as may from time to time be prescribed by the Province of Ontario.
- (3) Upon receipt of such an application, the Clerk shall make, or cause to be made, all investigations which he or she deems necessary or which are required by law or by the Council relative to the application.
- (4) If the investigations disclose any reason to believe that the carrying on of the bingo lottery, the break open ticket lottery, the lottery scheme held at a bazaar or the raffle lottery, as the case may be, may result in any breach of Order-in-Council 274/70, as amended, any terms and conditions prescribed by the Province of Ontario, or any by-law of the Town or approval of the application may in any way be adverse to the public interest, the licence application, at the request of the applicant, shall be referred to the Council for disposition, otherwise, the licence shall not be issued by the Town.
- (5) If the investigations do not disclose any reason to believe that the carrying on of the bingo lottery, the break open ticket lottery, the lottery scheme held at a bazaar or the raffle lottery, as the case may be, may result in any breach of Order-in-Council 274/70, as amended, any terms and conditions prescribed by the Province of Ontario, or any by-law of the Town or that approval of the application may in any way be adverse to the public interest, the Clerk shall issue the licence.

#### **LICENCE FEES**

- 4.(1) Every organization making application for a licence to manage and conduct a bingo lottery, a break open ticket lottery, a lottery scheme held at a bazaar or a raffle lottery, shall submit with their application payment of the applicable licence fee, payable to the Town, as noted hereunder:
  - (a) Break Open Ticket Lottery - a fee of 3% of the total prize value for each box of tickets;
  - (b) Bingo Lottery - a fee of 3% of the total value of all prizes to be awarded within the operation of the bingo lottery. Notwithstanding this a fee of \$15.00 for each game of Decision Bingo shall apply;

- (c) The written authorization and approval of the owner of the premise from which the tickets are to be sold shall accompany the application to conduct the break open ticket lottery; and,
- (d) All other terms and conditions prescribed by the Province of Ontario shall be complied with.

**LICENCE SUSPENSION AND CANCELLATION**

- 8. The Council may suspend or cancel a licence issued under the authority of this by-law for the breach of any term or condition prescribed by the Province of Ontario, the Criminal Code of Canada, an Order-in-Council or any by-law of the Town.

**SHORT TITLE**

- 9. This by-law may be referred to as the Lottery Licencing By-law.


**REPEAL OF EXISTING BY-LAWS**

- 10. By-law No. 3496-94 is repealed.

**EFFECTIVE DATE**

- 11. The provisions of this by-law shall come into force and take effect on the final passing thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF OCTOBER, A.D., 2000.

  
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CLERK

  
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MAYOR

