

The City of **BARRIE**

By-Law 88-260

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Municipal Code Part Three

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3.0.0.0.0 **PART 3 - LICENSING AND REGULATING OF LOTTERIES**

3.1.0.0.0 **DEFINITIONS:**

3.1.1.0.0 For the purpose of this section:

3.1.1.1.0 **CRIMINAL CODE** - means the Criminal Code (Canada)

3.1.1.2.0 **EVENT** - means a series of games played within an identified time frame under a licence issued by the proper authority.

3.1.1.3.0 **FIXED PRIZEBOARD** - means that portion of the total bingo prize money which is a guaranteed fixed payout in prize/money per event and which shall not exceed \$1,800.00 of a total \$4,500.00 prizeboard.

3.1.1.4.0 **LICENCE** - means a lottery licence issued by Lottery Licensing Officer for the City of Barrie and pursuant to Part 3.0.0.0.0 of this By-law.

3.1.1.5.0 **LOTTERY** - means a scheme that involves a prize, a chance to win a prize and consideration in any form for the chance to win a prize, and shall include but is not limited to raffles, bingos, break-open tickets and monte carlos.

3.1.1.6.0 **LOTTERY LICENSING OFFICER** - means a Lottery Licensing Officer of the City as appointed by By-law.

3.1.1.7.0 **MINISTER** - means the Minister of Consumer and Commercial Relations

3.1.1.8.0 **ORDER-IN-COUNCIL** - means Order-in-Council 2688/93 as approved by the Lieutenant Governor of Ontario and any amendments thereto

3.1.1.9.0 **SPECIAL (MONSTER) BINGO** - means any bingo event where the total prizeboard for that event exceeds \$5,500.00 in prizes and which is licensed by the appropriate licensing authority.

3.1.1.10.0 **VARIABLE PRIZEBOARD** - means that portion of the total bingo prize money which is any portion of the prizeboard that exceeds \$1,800.00 to a maximum of \$4,500.00 and which shall have a 60%/40% split of gross receipts, of which no more than 60% shall be awarded in prizes for that event.

3.2.0.0.0 **APPOINTMENTS**

3.2.1.0.0 The Council of the Corporation deems it expedient to appoint by appropriate by-law Lottery Licensing Officer(s) as deemed necessary to process, issue and regulate lottery licenses to

eligible charitable or religious organizations for the conduct and management of lottery events.

3.3.0.0.0

GENERAL

3.3.1.0.0

All Terms and Conditions, Policies and Procedures or other guidelines regarding Lottery Licensing as set out and established by the Ministry of Consumer and Commercial Relations as well as any relevant Order-in-Council, or other legislation, as may be amended from time to time, shall apply to any and all lottery events licensed or to be licensed by the Lottery Licensing Officer within the City.

3.3.2.0.0

The Licensee shall comply with all terms and conditions, policies and procedures or other guidelines established by the Ministry of Consumer and Commercial Relations as well as any relevant Order-in-Council, or other legislation as may be amended from time with respect to any lottery licence issued to the licensee.

3.3.3.0.0

No licence shall be issued to an applicant that is in default of any condition or provision of the Criminal Code or of any Municipal or Provincial regulation as established or amendments thereto, or who has outstanding any report(s) of the details of a previously licensed lottery event (s), or in the case of a licensed bingo lottery has submitted three or more reports after the submission date as required by the terms of the licence.

3.4.0.0.0

APPLICATIONS

3.4.1.0.0

Applications for a lottery licence shall be made to the Lottery Licensing Office no later than fourteen (14) days prior to the first date on which the lottery event is to commence.

3.4.2.0.0

A decision of the Lottery Licensing Officer to refuse or not recommend an application for a licence may be appealed by the applicant to the Council or its designate and the decision of the Council or its designate shall be final.

3.4.3.0.0

Nothing in this Code obliges the Lottery Licensing Officer or the Council to issue a licence.

3.5.0.0.0

BINGOS

3.5.1.0.0

Bingo lottery licenses may be issued for a single occasion or a number of occasions during a period not to exceed three months and within the following durations:

January 1 - March 31

April 1 - June 30
July 1 - September 30
October 1 - December 31

3.5.2.0.0 The maximum prizeboard for bingo lotteries shall not exceed \$4,500.00 per event.

3.5.3.0.0 Bingo prizeboards shall incorporate both variable and fixed games. The maximum fixed bingo prizeboard for any bingo event shall not exceed \$1,800.00 of the \$4,500.00 maximum prizeboard. The remaining prizeboard shall be a variable prizeboard with a 60%/40% split of gross receipts up to the maximum prizeboard of \$4,500.00. No more than 60% shall be distributed as prizes in the variable portion of the prizeboard in any bingo event.

3.6.0.0.0 **SPECIAL (MONSTER) BINGOS**

3.6.1.0.0 Eligible organizations may apply for Special (Monster) bingo licenses which may be approved and recommended to the Ministry for events in the City in accordance with all terms and conditions, policies and procedures or other guidelines as established by the Ministry of Consumer and Commercial Relations, as may be amended from time to time, with respect to Special (Monster) Bingos, to a maximum of eight (8) events per year within the City and on the basis that the registered bingo halls will facilitate such bingos on an alternating basis.

3.7.0.0.0 **LOTTERY LICENCE FEES**

3.7.1.0.0 Bingo Lottery Licence 2% of maximum prizeboard

3.7.2.0.0 Media Bingo Licence 2% of maximum prizeboard

3.7.3.0.0 Break Open Ticket Licence 3% of total prizes

3.7.4.0.0 Bazaar Licence 3% of prizes
\$10.00 per wheel

3.7.5.0.0 Raffle Licence 3% of total retail prize value

3.7.6.0.0 No licence shall be issued until the licence fee has been paid.

3.7.7.0.0 Where no licence is issued, the licence fee shall be refunded to the applicant.

3.7.8.0.0 No licence fee shall be refunded to the licensee where a license is suspended, cancelled or otherwise ceases to be in force.

3.8.0.0.0 **ENFORCEMENT**

3.8.1.0.0 Where the Lottery Licensing Officer, Municipal law Enforcement Officer, Police Officer or other person so appointed has reason to believe that there exists a breach or an apparent breach, or there is an impending breach of any of the provisions of the laws, terms and conditions, policies and procedures or guidelines governing the management and conduct of any lottery event, may suspend or cancel the lottery licence, or otherwise direct the licensee to cease from further conducting the lottery event.

3.8.2.0.0 In the event that a licensee fails to comply with any of the provisions of the Criminal Code or of any Provincial or Municipal regulations, or any amendments thereto, the Lottery Licensing Officer may notify the licensee by registered mail of the cancellation or suspension of the licence, the reasons for such cancellation or suspension and any conditions imposed in respect of such cancellation or suspension, and thereupon, the licensee shall cease the lottery.

3.8.3.0.0 Where the lottery licence has been suspended or cancelled or the licensee has otherwise been directed to cease from further conducting the lottery event, the licensee may appeal such decision to Council or its designate and Council or its designate may in its discretion, suspend, cancel, support the order to cease from further conducting the lottery event, or reinstate the license upon such terms and conditions as it sees fit and the decision of Council shall be final."