

Lottery Licensing By-law

L -1 - Consolidated April 16, 2007

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**OFFICE CONSOLIDATION
INCLUDING AMENDMENT NO. L-1-05016 (April 16, 2007)**

LICENSING

By-law L-1

**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 City of London 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 City of London;

THEREFORE the Municipal Council of The Corporation of the City of London 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, a chance to win a prize, and includes a regular and special bingo lottery, a media bingo lottery, a raffle lottery, a bazaar lottery, or a break open ticket lottery (Nevada).

Minister - defined

"Minister" shall mean the Minister of Consumer and Commercial Relations of Ontario.

1.2 Charitable object or purpose - defined

For the purposes 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 City Clerk of The Corporation of the City of London is hereby appointed Lottery Licensing Officer for the City of London 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 Officer 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) "Provincial event/lottery licence" any Provincial lottery licence to be issued by the Alcohol and Gaming Commission of Ontario for an event to be conducted in the City of London;
- (d) "raffle lottery licence" which authorizes the conduct and management of a raffle lottery;
- (e) "bazaar lottery licence" which authorizes, the conduct and management of a lottery scheme at a bazaar;
- (f) "break open ticket (Nevada) licence" which authorizes the conduct and management of a break open ticket lottery.
- (g) **repealed by By-law L-1-01009**

4.2 Fee - paid - before issue

- (g) No licence shall be issued until a licence fee has been paid.
- (h) An administrative processing fee of \$50.00 shall be applied to all applications for any Provincial event/lottery licence.

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

- (g) 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.
- (h) 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 Minister

The application for a licence and the licence shall be in the form prescribed by the Minister.

5.2 First licence - 30 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 30 days prior to the date of the lottery, or, in the case of a first licence covering a series of lotteries, 30 days prior to the date on which the first lottery is to be held.

5.3 to 5.5 inclusive were repealed by By-law L-1-01009

**Part 6
LICENCE - ISSUE**

6.1 Proceeds - for charitable - religious purpose

Subject to section 6.2 of this by-law, and 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 media bingo lottery, a raffle lottery, a bazaar lottery, a break open ticket (Nevada) lottery within the City of London 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 Organization - Canadian - within County

Subject to the various limitations outlined in section 6.1 of this by-law, a licence to conduct and manage a regular and special bingo lottery, a media bingo lottery, a break open ticket lottery (Nevada) within the City of London shall only be issued to a Canadian charitable or religious organization having a chapter, branch, auxiliary, section, parish, division or congregation which operates charitable or religious facilities or programs within the County of Middlesex.

6.3 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.

6.4 Licence - transfer - prohibited - term

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

6.5 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 through the Board of Control and the decision of the Council shall be final.

6.6 Licence - obligation to issue - not offered

Subject to section 6.5 of this by-law, nothing in this by-law obliges the Lottery Licensing Officer or the Council to issue a licence.

6.7 Operation - without licence - prohibited

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

6.8 was repealed by By-law L-1-01009

6.9 Licence - Belmont clubs - grandfathered

The Belmont Lions Club, the Belmont Optimist Club, the Belmont Parks and Recreation Committee and the Belmont Minor Hockey Association can continue to be licensed by the City of London on a "grandfathered" basis provided that the said organizations comply with all of the provisions and regulations contained in this by-law.

6.10 was repealed by By-law L-1-01009

Part 7 BINGO LOTTERIES

7.1 Fee – bingo licence

The fee for a bingo lottery licence shall be \$90.00.

7.2 was repealed by By-law L-1-01009

7.3 Bingo licence - prohibited - prizes exceeding \$4,700

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 \$4,700 cash or merchandise or articles at equivalent market retail value."

7.4 Repealed by By-law L-1-07016

7.5 Repealed by By-law L-1-07016

7.6 to 7.11 inclusive were repealed by By-law L-1-95003

7.12 Repealed by By-law L-1-07016

7.13 Repealed by By-law L-1-95003

7.14 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.

7.15 Occasions - per organization - maximum - 13 per year

The total number of occasions that any organization may be permitted to operate a single bingo lottery or a series of bingo lotteries under one or more licences issued to it shall not exceed 13 in any calendar year.

7.16 Public hall licence - required - all locations - exceptions

Every place except a school or a church where a bingo lottery is proposed to be conducted and is conducted shall be licensed under the provisions of the by-law of the Council providing for the licensing and regulating of public halls.

7.17 TV media bingos - exemptions - regulations

Sections 7.4, 7.5, 7.12, 7.15 and 7.16 of this Part of this by-law do not apply to the operation of TV Media Bingo Lotteries. (L-1-95006 - new - TV Media Bingos)

7.18 TV media bingos - frequency - limitations

No more than two (2) TV Media Bingos may be permitted to operate in the City of London during any one week but no more than one such event will be licensed on a given day during any week.

(L-1-95006 - new - TV Media Bingos)

7.19 Bingo - conduct of Terms and Conditions

Subject to the prize value limitation set out in section 7.3 of this by-law, every licensee licensed under the provisions of this by-law to conduct a regular and Special Bingo Lottery, or a Media Bingo Lottery has a duty to ensure that each such 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 Gaming Control Commission of Ontario from time to time.

(L-1-95004 - Revised Schedules "A", "B" & "C") (-1-95006 - section renumbered) (L-1-97008 - schedules referred to in general terms)

7.20 Security personnel - hiring - permitted

Notwithstanding section 7.17 of this by-law, a licensee may hire sufficient personnel to maintain security at a bingo lottery. (L-1-95006 - section renumbered)

7.21 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 and 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 and Media Bingo Lotteries issued by the Gaming Control Commission of Ontario from time to time. (L-1-95004 - Revised Schedules "A", "B" & "C") (-1-95006 - section renumbered) (L-1-97008 - schedules referred to in general terms)

7.22 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.

(L-1-95006 - section renumbered)

Part 8 RAFFLE LOTTERIES

8.1 Fee - calculation

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.

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 Gaming Control 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 any of the "Terms and Conditions" for the conducting of Raffle Lotteries issued by the Gaming Control Commission of Ontario from time to time. (L-1-95004 - Revised Schedule "D") (L-1-97008 - schedules referred to in general terms)

**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 - maximums - not to be exceeded

No bazaar lottery licence shall be issued where the amount or value of a raffle prize or bingo prize awarded exceeds \$500.

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 Gaming Control Commission of Ontario from time to time.

(L-1-95004 - Revised Schedule "E") (L-1-97008 - schedules referred to in general terms)

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 Gaming Control Commission of Ontario from time to time.

(L-1-95004 - Revised Schedule "E") (L-1-97008 - schedules referred to in general terms)

**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.

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 Gaming Control Commission of Ontario from time to time.

(L-1-95004 - Revised Schedule "F") (L-1-97008 - schedules referred to in general terms)

10.3 Licence - cancellation - suspension

The Lottery Licensing Officer may, at any time, suspend, cancel or refuse to renew a Break Open Ticket 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 Gaming Control Commission of Ontario from time to time.

(L-1-95004 - Revised Schedule "F") (L-1-97008 - schedules referred to in general terms)

Part 11 was repealed by By-law L-1-01009

**Part 12
ENFORCEMENT**

12.1 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" that are a part of this by-law, he may order the licensee or its officers, agents or servants to forthwith cease from further conducting the lottery.

12.2 Order to cease - given - all activities cancelled

Where the Lottery Licensing Officer or a police constable has made an order under section 12.1 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.

12.3 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 duty under or in the administration of this by-law.

**Part 13
APPLICATION - EXEMPTIONS**

13.1 Exemptions - federal - provincial licence - fairgrounds

This by-law does not apply to any lottery scheme within the City of London 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.

13.2 Application - all lotteries

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

13.3 Repeals - non-applicable

The enactments repealed by section 14.2 of this by-law continue in force in respect of applications and licences to which this by-law does not apply.

**Part 14
REPEAL - ENACTMENT**

14.1 By-law - previous - appointment

By-law L.-82-633 is hereby repealed.

14.2 By-law - previous

Subject to section 13.3 of this by-law, By-law L.-100-344 and all of its amendments are hereby repealed.

14.3 Effective date

This by-law comes into force on November 15, 1993.

Passed in Open Council on November 15, 1993.

T. C. Gosnell
Mayor

K.W. Sadler
City Clerk