

CORPORATION OF THE TOWN OF PLYMPTON-WYOMING

BY-LAW Number 3 of 2013

Being a by-law to regulate and govern Lottery Events carried on within the Town of Plympton-Wyoming

WHEREAS section 207 of the Criminal Code of Canada provides that a charitable or religious organization may conduct and manage a lottery scheme for charitable objects or purposes, subject to licensing and such terms and conditions as may be imposed; and

WHEREAS the Lieutenant Governor of Ontario by Order-in-Council 1413/08 has empowered municipal councils to issue lottery licences to charitable or religious organizations; and

WHEREAS it is deemed expedient to license lottery events held within the Town of Plympton-Wyoming;

NOW THEREFORE the Council of the Corporation of the Town of Plympton-Wyoming enacts as follows:

1. DEFINITIONS

In this by-law:

"Bingo" means a game of chance where players are awarded a prize or prizes for being the first to complete a specified arrangement of numbers or symbols on bingo paper, based on numbers or symbols selected at random.

"Break Open Ticket" means a device which is made of cardboard and which has one or more perforated covered window tabs behind which are winning and losing numbers or symbols that must be revealed by the tearing off of the covered tabs.

"Council" means the Council of the Corporation of the Town of Plympton-Wyoming.

"Criminal Code" means the Criminal Code of Canada, as may be amended or replaced from time to time.

"Event" means a series of games played within an identified time frame under a license issued by the proper authority.

"License" means a lottery license issued by the Lottery Licensing Officer for the Town of Plympton-Wyoming pursuant to the provisions set out in this by-law and the Terms and Conditions set out from time to time by the Alcohol and Gaming Commission of Ontario.

"Licensee" means the person to whom the lottery license is issued.

"Local Community Group" means a charitable organization located within the Town of Plympton-Wyoming or where over 50% of the lottery proceeds are to be used for community projects within the Town of Plympton-Wyoming.

"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 and break-open tickets.

"Lottery Licensing Officer" means the Clerk, the acting Clerk in his or her absence, or the persons the Clerk may designate from time to time to issue licences in his or her stead.

"Order-in-Council" means Order-in-Council 1413/08 as may be amended or replaced from time to time.

"Raffle" means a lottery scheme where tickets are sold for a chance to win a prize by way of a draw.

2. GENERAL PROVISIONS

- 2.1. All Terms and Conditions, Policies and Procedures or other guidelines regarding lottery licensing as set out and established by the Alcohol and Gaming Commission of Ontario 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 by the Lottery Licensing Officer for the Town of Plympton-Wyoming.
- 2.2. The Licensee shall comply with all terms and conditions, policies and procedures or other guidelines established by the Alcohol and Gaming Commission of Ontario as well as any other relevant legislation with respect to any lottery license issued to the licensee.
- 2.3. No license shall be issued to an applicant that is in default of any conditions or provision of the Criminal Code or 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 after the submission dates as required by the terms of the license or permit.

3. APPLICATIONS

- 3.1. Applications for a lottery license shall be made to the Lottery Licensing Officer no later than seven (7) days prior to the first date on which the lottery event is to commence.
- 3.2. A decision of the Lottery Licensing Officer to refuse or not recommend an application for a license may be appealed by the applicant to Council and the decision of Council shall be final. In the case of Electronic Bingos, the applicant can appeal the decision to the Alcohol and Gaming Commission of Ontario and the decision shall be final.
- 3.3. Nothing in this By-law or applicable legislation obligates the Lottery Licensing Officer or Council to issue a license to any applicant.

4. BINGOS

- 4.1. A bingo lottery license may be issued for a single occasion or a number of occasions during a period not to exceed six (6) months.
- 4.2. The maximum prize board for bingo lotteries shall not exceed \$5,500.00.

5. BREAK OPEN TICKETS

- 5.1. A break open ticket license may be issued for a one (1) year period. This period may be extended to the end of the ticket deal, upon approval of the Lottery Licensing Officer.
- 5.2. A break open ticket license may only be issued for ticket sales from a site licensed and approved by the Alcohol and Gaming Commission of Ontario.

6. RAFFLES

- 6.1. A raffle lottery license may be issued for a single occasion with a maximum prize board that shall not exceed \$50,000.00.
- 6.2. Any raffle lottery with a prize board exceeding \$10,000.00 shall require a Letter of Credit to be provided to the Lottery Licensing Officer with the license application.
- 6.3. A blanket raffle lottery license may be issued for a number of occasions during a period not to exceed six (6) months, provided the maximum prize board does not exceed \$5,000.00.

7. LOTTERY LICENSE FEES

7.1. The fees for municipal lottery licenses within the Town of Plympton-Wyoming are as follows:

Prize Value	Fee for Local Community Groups	Fee for Other Charitable Groups
Under \$1,000.00	\$20.00 flat fee	3% of prize value
\$1,000.00 or more	\$50.00 flat fee	3% of prize value

- 7.2. No lottery license shall be issued until the license fee has been paid.
- 7.3. No license fee shall be refunded to the licensee where a license is suspended, cancelled or otherwise ceases to be in force.
- 7.4. Notwithstanding Section 7.1, no license fee shall be charged by the municipality for bingo permits issued under the terms and conditions or contractual obligations as set out by the Ontario Lottery Gaming Corporation (OLG) with respect to Electronic Bingo (E-Bingo).

8. ENFORCEMENT

- 8.1. Every person who is issued a lottery license by the Town of Plympton-Wyoming shall be responsible for ensuring compliance with this by-law and any other applicable legislation.
- 8.2. Where the Lottery Licensing Officer, Municipal By-law Enforcement Officer, Police Officer or other person appointed has reason to believe that there exists a breach or an apparent breach, or there is an impending breach of any of the laws, terms and conditions, policies and procedures or guidelines governing the management and conduct of any lottery event, he or she may suspend or cancel the lottery license, or otherwise direct the licensee to cease from further conducting the lottery event.
- 8.3. In the event that a licensee fails to comply with any of the provisions of the Criminal Code or 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 license, the reasons for such cancellation or suspension and thereupon, the Licensee shall cease the lottery.
- 8.4. Where the lottery license 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. Council may, at 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 deems appropriate and the decision of Council shall be final.

9. OFFENCE

- 9.1. Any person who contravenes any of the provisions of this by-law shall immediately have their eligibility to conduct lottery events within the Town of Plympton-Wyoming suspended or revoked.
- 9.2. Any person who contravenes any provision of this by-law, the policies and procedures as set out by the Alcohol and Gaming Commission of Ontario or any other applicable legislation may be guilty of an offence under the Criminal Code of Canada.

10. SEVERABILITY

- 10.1. If any section or sections of this by-law or parts thereof are found in any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed severable and all other sections or parts of this by-law shall be deemed separate and independent there from and enacted as such.

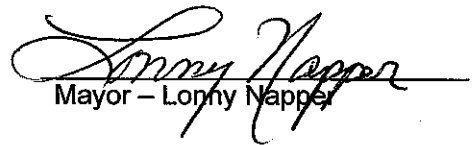
11.SHORT TITLE

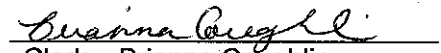
11.1.The short title of this by-law shall be "Lottery Licensing By-law".

12.EFFECTIVE DATE

12.1.This by-law shall come into full force and take effect upon the final passing thereof.

By-Law read a first, second and third time and finally passed this 9th day of January, 2013.


Mayor – Lorry Napper


Clerk – Brianna Coughlin