

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1722

A by-law to repeal By-Law Nos. 897, 1079, 1408 and 1481 and to regulate and govern Lottery Events carried on within the Town of Marathon.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 (“The Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, 2001 provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 11 of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 206 of the Criminal Code of Canada regulates lotteries and games of chance;

AND WHEREAS Section 207 of the Criminal Code of Canada sets out provisions governing permitted lotteries;

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

That By-Laws Nos. 897, 1079, 1408 and 1481, be and are hereby repealed.

SHORT TITLE

2. This by-law may be cited as the “Lottery Licensing By-Law”.

INTERPRETATION

3. a) In this by-law:
- i) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
 - ii) a word interpreted in the singular number has a corresponding meaning when used in the plural.
- b) It is declared that if any section, subsection or part or parts thereof be declared by any court of law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

DEFINITIONS

4. For the purpose of this by-law:
- a) **BINGO** - means a Lottery where consideration is given for a chance to win a prize or prizes consisting of cash or merchandise by being the first to complete a specified arrangement of number or symbols on paper from number or symbols selected at random.
 - b) **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.
 - c) **COUNCIL** – means the Council of the Corporation of the Town of Marathon.
 - d) **CRIMINAL CODE** - means the Criminal Code of Canada.
 - e) **EVENT** - means a series of games played within an identified time frame under a licence or permit issued by the proper authority.
 - f) **ELECTRONIC BINGO** – means a lottery where consideration is given for a chance to win a prize or prizes consisting of cash or merchandise by being the first to complete a specified arrangement of numbers or symbols by way of an electronic format where such numbers or symbols are selected at random by a person or electronic device.
 - g) **LICENCE** – means a lottery licence issued by a Lottery Licensing Officer for the Town of Marathon pursuant to the provisions set out in this by-law.
 - h) **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.
 - i) **LOTTERY LICENSING OFFICER** – means any person appointed by Council to issue lottery licences under the authority of an Order in Council approved by the Lieutenant Governor of Ontario.
 - j) **MINISTER** - means the Minister of Government and Consumer Services Relations.
 - k) **ORDER-IN-COUNCIL** - means Order-in-Council 1413/08 (as amended) and approved by the Lieutenant Governor of Ontario and any amendments thereto.
 - l) **PERMIT** – means a lottery permit issued by the Lottery Licensing Officer for the Town of Marathon pursuant to the provisions set out in this by-law and the terms and conditions of the Ontario Lottery Gaming Commission.
 - m) **RAFFLE** - means a lottery scheme where tickets are sold for a chance to win a prize by way of a draw.
 - n) **SPECIAL (MONSTER) BINGOS** - means any bingo event where the total prize board for that event exceeds \$5,500.00 in prizes and which is licensed by the appropriate licensing authority.
 - o) **TERMS AND CONDITIONS** - means any terms, conditions, regulations, restrictions, permission, approvals and or denials as set out and amended from time to time by the Alcohol and Gaming Commission of Ontario or the Ontario Lottery Gaming Corporation.
 - p) **VARIABLE PRIZEBOARD** - means that portion of the total bingo prize money which is any portion of the prize board 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 not more than 60% shall be awarded in prizes for that event.

APPOINTMENTS

5. The Council of the Corporation of the Town of Marathon deems it expedient to appoint by appropriate by-law, a Lottery Licensing Officer(s) as is deemed necessary to process, issue and regulate lottery licences to eligible charitable, not-for-profit or religious organizations for the conduct and management of lottery events.

GENERAL PROVISIONS

6. All Terms and Conditions, Policies and Procedures or other guidelines regarding lottery licensing as set out and established by the Ministry of Government and Consumer Services 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 for the Town of Marathon.
7. The Licensee shall comply with all terms and conditions, policies and procedures or other guidelines established by the Ministry of Government and Consumer Services as well as any relevant Order-in-Council, or other legislation as may be amended from time to time with respect to any lottery licence issued to the licensee.
8. No licence shall be issued to an applicant that is in default of any condition 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(s), or in the case of a licensed bingo lottery has submitted three or more reports after the submission dates as required by the terms of the licence or permit.

APPLICATIONS

9. Applications for a lottery licence or permit shall be made to the Lottery Licensing Officer no later than fourteen (14) days prior to the first date on which the lottery event is to commence.
10. A decision of the Lottery Licensing Officer to refuse or not recommend an application for a licence may be appealed by the applicant to Council or its designate and the decision of the Council or its designate shall be final. In the case of Electronic Bingo's the applicant can appeal the decision to the Ontario Lottery Gaming Corporation (OLG) or its designate and the decision Ontario Lottery Gaming Corporation shall be final.
11. Nothing in this By-law, Order-in-Council, terms and conditions or the policies and procedures obligate the Lottery Licensing Officer or Council to issue a licence to any applicant.

BINGOS

12. Bingo lottery licence and/or permits may be issued for a single occasion or a number of occasions during a period not to exceed three (3) consecutive months and within the following durations:
 January 1 - March 31
 April 1 - June 30
 July 1 - September 30
 October 1 - December 31

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

SPECIAL (MONSTER) BINGO

15. Eligible organizations may apply for a Special (Monster) Bingo licence which may be approved and recommended to the proper authority for the events in the Town in accordance with all terms and conditions, policies and procedures or other guidelines as established by the Ministry of Government and Consumer Services as may be amended from time to time, with respect to Special (Monster) Bingo.

LOTTERY LICENCE FEES

16. Bingo Lottery Licence 3 % of the maximum prize board
Media Bingo Licence 3 % of the maximum prize board
Special Monster Bingo 3 % of the maximum prize board
Break Open Ticket Licence 3 % of the total prizes
Bazaar Licence 3 % of the total prizes
\$10.00 per wheel
Raffle Licence 3 % of total retail prize value
17. No licence shall be issued until the licence fee has been paid.
18. No licence fee shall be refunded to the licensee where a license is suspended, cancelled or otherwise ceases to be in force.
19. Notwithstanding Section 16 no permit 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 with respect to Electronic Bingo (E-Bingo).

ENFORCEMENT

20. Where the Lottery Licensing Officer, Municipal By-Law 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 provisions of the laws, terms and conditions, policies and procedures or guidelines governing the management and conduct of any lottery event, he may suspend or cancel the lottery licence, or otherwise direct the licensee to cease from further conducting the lottery event.
21. 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.

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 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 licence upon such terms and conditions as it deems appropriate and the decision of Council or its designate shall be final.

OFFENCE

Every person who contravenes any provision of this by-law shall immediately have their eligibility to conduct lottery events within the Town of Marathon suspended or revoked.

Every person who contravenes any provision of this by-law, the policies and procedures as set out by the Ministry of Government and Consumer Services or the terms and conditions as set out by the Ontario Lottery Gaming Commission may be guilty of an offence under the Criminal Code of Canada.

FORCE AND EFFECT

THAT this by-law shall come into force and take effect immediately upon passing.

READ A FIRST AND SECOND TIME THIS 14TH DAY OF FEBRUARY, A.D., 2011.

(SEAL)

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Mayor

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Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF FEBRUARY, A.D., 2011.

(SEAL)

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Mayor

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Clerk