

B Y - L A W N U M B E R 65-2007

A BY-LAW TO PROVIDE FOR LOTTERY
LICENSING PROCEDURES AND
REGULATIONS IN THE CITY OF WINDSOR

Passed the 30th day of April 2007.

WHEREAS the Province of Ontario has enacted the Gaming Control Act to regulate the supply of goods, services and equipment to charitable and religious organizations that are licensed to conduct lottery schemes; and

WHEREAS the Province of Ontario has enacted an Order-in-Council to establish regulations for the issuance of lottery licenses for charitable purposes for the benefit of residents of Ontario which includes delegated authority for municipalities to issue licenses to charitable or religious organizations to conduct and manage lottery schemes in accordance with standard terms and conditions, and to impose additional terms and conditions which are relevant to the type of lottery being conducted and local conditions; and

WHEREAS the Province of Ontario has established the Alcohol and Gaming Commission of Ontario to establish policies for the regulation of the charitable gaming sector; and

WHEREAS it is deemed expedient and necessary for the adoption of additional procedures and regulations for lotteries operated in the City of Windsor;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

SECTION 1 - TITLE AND SCOPE

Short Title

1. This by-law may be cited as the Lottery Licensing By-law.

Scope

2. The provisions of this by-law shall regulate the operation of bingo, raffle, and break-open ticket lotteries operated in the City of Windsor pursuant to the Terms and Conditions as issued by the Alcohol and Gaming Commission of Ontario from time to time.

SECTION 2 - DELEGATION

3. The Licence Commissioner for the City of Windsor shall be appointed the local lottery licensing officer pursuant to the Gaming Control Act and provincial Order-in-Council respecting lottery licensing.
4. The Licence Commissioner is authorized to delegate administrative detail as necessary for the carrying out of the administration of this by-law.

SECTION 3 - GENERAL REGULATIONS

5. No person shall conduct a bingo, break-open ticket, or raffle lottery within the City of Windsor until such person or organization has made application to the Licence Commissioner and received a licence from the municipality or the Alcohol and Gaming Commission of Ontario.

Application

6. All first time applicants for lottery licenses in the City of Windsor shall make application on the form prescribed by the Alcohol and Gaming Commission of Ontario and include the following additional information as required:
 - (a) Police Clearances for each signing officer on the application;
 - (b) a copy of letters patent or certificate of incorporation where the applicant organization is incorporated as a non-profit corporation without share capital;
 - (c) a clear statement of the charitable objects and purposes of the corporation to allow for an assessment of the eligibility of the organization including information of any association with any other charitable organizations currently eligible for lottery licensing;
 - (d) a copy of a budget projection for the organization for the next 12 months including estimates of the amount of money to be raised from lottery licenses and other sources of revenue;
 - (e) any additional information requested by the Licence Commissioner to determine the eligibility of the applicant pursuant to the provincial Terms and Conditions and interpretation bulletins.
7. The Licence Commissioner shall review the application and where the application is complete and the charitable objects of the corporation meet the criteria for bingo eligibility as established by the Province of Ontario through the Alcohol and Gaming Commission of Ontario, the Licence Commissioner shall issue the licence.
8. Where, in the opinion of the Licence Commissioner, the investigation of the application discloses that the signing officers are not of good character, the issuance of the licence is adverse to the public interest or the applicant is not in compliance with the criteria for eligibility as a charitable organization, the Licence Commissioner shall not issue the licence and shall notify the applicant organization in writing with advice that the organization may request a review of this determination by City Council provided a written request for a review is filed with the Licence Commissioner.

Terms of Licence

9. A licence issued by the municipality under this by-law shall continue in force during the time period specified on the licence and is not assignable nor transferable and may be revoked by the Licence Commissioner subject to a right to a review hearing by City Council.

SECTION 4 - BINGO LOTTERIES

10. All charitable or non-profit organizations operating bingo events in the City of Windsor shall make application to the local lottery licensing officer or representative in advance of the event.
11. Charitable or non-profit organizations operating bingo lottery events at bingo halls outside the Corporate boundaries of the City of Windsor are prohibited from also receiving licenses for events at bingo halls within the City of Windsor.

Regular Events

12. (a) Charitable or non-profit organizations shall be permitted licenses for ✓ up ✓to fifty-two (52) events in a calendar year.
- (b) Licenses shall not be issued to charitable or non-profit organizations for event dates more than six (6) months in advance.

- (c) Changes to dates and times for events shall require the completion of a new application and issuance of a new or revised licence.
13. All Hall Sponsor Administrator's shall submit the following to the City of Windsor **Office of the City Clerk – Policy, Gaming & Licensing Division** and update the department as changes occur: **Amended B/L 167-2012, Nov.5/12**
- (i) Constitution and/or by-laws of the sponsors' associations;
- (ii) List of all officers of the sponsors' association.

SECTION 6 - BREAK-OPEN TICKETS

14. (a) All charitable and non-profit organizations operating break-open ticket sales in the City of Windsor shall make application to the Licence Commissioner for a licence;
- (b) All Charitable and non-profit organizations operating break-open tickets are permitted to sell break-open tickets from more than one sales location within the City of Windsor subject to any limits on the number of sites permitted to any organization which may be imposed by the Licence Commissioner, from time to time.

Section 6(14) deleted & replaced – B/L 167-2012, Nov. 5/12

SECTION 7 - RAFFLES

15. All charitable and non-profit organizations operating raffles in the City of Windsor shall make application to the Licence Commissioner for a licence.

SECTION 8 - FEES

16. Fees charged for licensed lottery events shall be payable to the Minister of Finance for events licensed by the Alcohol and Gaming Commission of Ontario or the City of Windsor for municipally licensed events pursuant to the fee schedule as approved by the Alcohol and Gaming Commission of Ontario.

SECTION 9 - PENALTIES

17. Where a licensee breaches the terms and conditions of a licence for a bingo lottery or a section of this by-law, eligibility for licenses may be suspended for a four month period and eligibility for seventeen licenses be forfeited of the 52 licenses permitted in a year pursuant to Section 11(a) of this by-law.

SECTION 10 - OTHER

18. That Lottery By-law 83-2006 be repealed.
19. This by-law shall come into force and take effect on the day of the final passing thereof.

MAYOR

DEPUTY CLERK

First Reading - April 30, 2007
 Second Reading - April 30, 2007
 Third Reading - April 30, 2007