

THE TOWN OF ARBORG
BY-LAW NO. 4-2019

Being a By-Law of the Town of Arborg providing for the regulation of the Licensing of Raffle Lotteries within the Town of Arborg.

WHEREAS Province of Manitoba Order-in-Council No. 110/2014 Section 2 provides as follows:

“Every municipality and every council of an Indian Band, other than a council of an Indian Band located on a reserve where an Indian Gaming Commission is specified by the Lieutenant Governor in council under paragraph 204(1)(b) of the *Criminal Code (Canada)*, is specified as an authority to license charitable organizations and religious organizations located within its boundaries to conduct and manage a raffle lottery where the total prizes for each raffle lottery do not exceed Three Thousand Dollars (\$3,000).”

AND WHEREAS the Council of the Town of Arborg deems it expedient and in the public interest to regulate the licensing of raffle lotteries to charitable and religious organizations where the total prizes do not exceed the value of **Three Thousand Dollars (\$3,000.00)** within the Town of Arborg;

NOW THEREFORE, the Council of the Town of Arborg, in regular session assembled, enacts as follows:

1. Any charitable or religious organization located within the boundaries of the Town of Arborg may be granted a license to conduct and manage a Raffle Lottery, as provided in Section 207(1)(b) of the *Criminal Code (Canada)*, where the total prizes for each Raffle Lottery do not exceed the value of **Three Thousand Dollars (\$3,000.00)**.
2. Application for licenses as above described shall be in accordance with **Schedule “A”** attached hereto and shall be in the form attached hereto as **Schedule “B”**.
3. The license shall be in the form attached hereto as **Schedule “C”**.
4. The fees payable on each application for a license under this by-law shall be as follows:
 - a. A license fee of 1% of the total value of prizes to be awarded;
 - b. Where the total value of prizes to be awarded during the period of the lottery does not exceed **\$100.00**, no license fee is required.
5. Financial Reporting shall be in the form attached hereto as **Schedule “D”**, which must be presented upon request by the Municipality, or Liquor, Gaming & Cannabis Authority of Manitoba.
6. The License shall expire upon the completion of the raffle draw or such earlier date as may be set forth in the license.
7. The Chief Administrative Officer shall be charged with the responsibility for issuing licenses for raffle lotteries within the Municipality.
8. Council of the Town of Arborg may, from time to time, by Resolution, amend each and every Schedule attached to this By-law.
9. The Town of Arborg may suspend or cancel license for the breach of any term or condition of the license or this By-Law.
10. The documents attached hereto:
 - a) **Schedule “A” - Terms & Conditions**
 - b) **Schedule “B” - License Application**
 - c) **Schedule “C” - License**
 - d) **Schedule “D” - Financial Reporting**
11. The Town of Arborg By-law No. 3-78, and any amendments thereto made from time to time, are hereby repealed from the date this By-law comes into force.
12. **THIS** by-law comes into force on the 1st day of **September**, 2019.

**Terms and Conditions Relating to the Management and Conduct
of Lotteries Licensed by Municipal Governments**

INTERPRETATION

1. **"Charitable object or purpose"** means any object or purpose for
 - a. the relief of poverty
 - b. education,
 - c. the advancement of religion, or
 - d. any purpose beneficial to the community.
2. **"Charitable organization"** means an organization which performs services of public good or welfare without profit.

AUTHORITY TO LICENSE

3.
 - a. A municipal council may, where it deems it expedient and in the best interest of the inhabitants of the municipality, issue a license authorizing any charitable or religious organization to conduct a raffle lottery, or lottery scheme, where
 - b. The proceeds from the lottery are used for a charitable or religious object or purpose in Manitoba, and;
 - i. the total value of all prizes to be awarded within the operation of the total period of such lottery does not exceed **\$3,000.00** in cash or merchandise or articles at equivalent market retail value;
 - ii. where the prize money to be donated is less than **\$100.00**, the municipality will still issue a license, but a financial report is not required from the charitable or religious organization thus licensed.
4. Notwithstanding paragraph 3, a municipal council shall not issue a license to a charitable or religious organization where:
 - a. the organization proposes to use the services of a person or organization to conduct and manage the lottery on its behalf for a fee or other valuable consideration;
 - b. pyramiding of games is to be permitted; or
 - c. games of a type or kind known as razzle dazzle, roll down, three card monte, punch board, coin table or any dice games are to be operated.
5. Each municipality shall report annually, within 90 days of the Municipality's Fiscal Year End, to the Liquor, Gaming & Cannabis Authority of Manitoba (LGCA), in the form approved by the LGCA, particulars on such lotteries as may be licensed by it during the preceding calendar year.

APPLICATION FOR LICENSE

6. The application for a license shall be in a form approved by the LGCA of Manitoba.

LICENSES

7. The license issued by the municipality shall be in a form approved by the LGCA of Manitoba.

OPERATION OF LOTTERIES

8. In addition to any special terms and conditions which may be imposed by a municipal council, the following terms and conditions shall apply with respect to the operation of lotteries licensed by municipalities:
 - a. The licensee shall comply with Section 207 of *the Criminal Code*;
 - b. The licensee shall conduct or allow to be conducted only the type of lottery provided in the application and license;
 - c. The licensee shall comply with all the terms and provisions set out in the application and the license;
 - d. Such officers as the municipality may appoint, and all Peace Officers, shall, at all reasonable times, have direct and unencumbered access to enquire into the nature, management and conduct of the proceedings for which the license has been granted, either prior to, during or after the conclusion of such proceedings;
 - e. The licensee shall produce the license upon demand.

SCHEDULE "A"

9. Each raffle lottery shall be subject to the following terms and conditions:
- a. Each individual raffle lottery must have a license;
 - b. The winner or winners shall be determined and publicized in the manner set out in the application;
 - c. The licensee shall:
 - i. Indicate on the face of the book of tickets, or each ticket in the book, the license number, the name and address of the organization, the location, date and time at which the draw will be held, the number and nature of the prizes to be awarded, the ticket number and the name of the printer;
 - ii. Provide for the consecutive number of individual tickets or book covers;
 - iii. Retain all unsold tickets and counter foils of sold tickets for a period of not less than 90 days from the date of the draw and produce them to such persons as may be authorized; and
 - iv. Indicate in its application the number of tickets printed for sale;
 - d. Each individual raffle lottery where prize money is less than **\$100.00** must still be licensed by the municipal office.

FINANCIAL ACCOUNTING AND REPORTING

10. The gross receipts derived from the lottery scheme shall be used for the charitable or religious purpose or object as set out by the licensee in the application for the license, less the cost of the prizes awarded, and such reasonable and necessary administrative expenses actually incurred in the management and conduct of the lottery, provided such expenses do not exceed **20%** of the gross receipts.

LICENSE FEES

11. A municipality may set and charge fees for the issuing of raffle licenses, provided the fees charged do not exceed the following limits:
- a. not exceed **1%** of the total value of prizes to be awarded; or
 - b. where the total value of prizes to be awarded during the period of the lottery does not exceed **\$100.00**, no license fee is required.

SUSPENSION OR CANCELLATION OF LICENSE

12. A municipality may suspend or cancel a license for the breach of any term or condition.
13. The Liquor, Gaming and Cannabis Authority may, at any time, suspend or cancel a license where, in his opinion, to do so is in the public interest.

DONE AND PASSED by the Council of the Town of Arborg duly assembled at Arborg, Manitoba this **28th** day of **August A.D. 2019**.



Peter Dueck
Mayor



Lorraine Bardarson
Chief Administrative Officer

Read a first time this 14th day of August A.D. 2019
Read a second time this 14th day of August A.D. 2019
Read a third time this 28th day of August A.D. 2019