

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2007-03

Being a By-Law of the Rural Municipality of East St. Paul
Providing for the Regulation of the Licensing of Raffle
Lotteries Within the Rural Municipality of East St. Paul

WHEREAS Order in Council No. 332/1994 provides as follows:

“That 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 207 (1)(b) of the Criminal Code, be specified as an authority to licence 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 (\$3,000.00);

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

NOW THEREFORE the Council of the Rural Municipality of East St. Paul, in regular session assembled, enacts as follows:

1. Any Charitable or religious organization based within the boundaries of the Rural Municipality of East St. Paul, as defined in Schedule “A” hereof, may be granted a license to conduct and manage a Raffle Lottery as provided in clause (b) of subsection (1) of Section 207 of the Criminal Code of Canada, where the total prizes for each such 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”, which may be amended as required.
3. The license shall be in the form attached hereto as Schedule “C” which may be amended as required.
4. The financial report of the licensee shall be in the form attached hereto as Schedule “D”, which may be amended as required.

5. The fee for issuing of licenses for raffle lotteries shall be 1.5% of the gross sales, with a minimum fee of Five Dollars (\$5.00).
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 or designate shall be charged with the responsibility for issuing licenses for raffle lotteries within the Municipality.
8. Any person, religious or charitable organization who contravenes, or refuses, neglects, omits, or fails to obey or observe, any provision of this by-law, is guilty of an offence and is liable to a fine not exceeding Five Hundred Dollars (\$500.00), or to imprisonment for a term not exceeding 30 days, or both. Where this contravention, refusal, neglect, omission, or failure continues for more than one day, the person, or charitable or religious organization is guilty of a separate offence for each day that it continues.
9. That on the passing of this by-law, By-Law No. 99-20 and 2003-16 is hereby rescinded.

DONE AND PASSED as a by-law of the Rural Municipality of East St. Paul, by the Council thereof duly assembled, at the Rural Municipality of East St. Paul, in Manitoba, this 9th day of May, A. D. 2007.

Originally signed by Lawrence Morris

Reeve

Originally signed by Jerome Mauws

Chief Administrative Officer

Read a first time this 25th day of April, A. D. 2007.

Read a second time this 9th day of May, A. D. 2007.

Read a third time this 9th day of May, A. D. 2007.

SCHEDULE "A"

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

Interpretation

1. "Raffle lottery" means a lottery scheme within the meaning of subsection 207(4) of the Criminal Code (Canada) in which a prize consisting of an article of value, or cash, or both, is awarded or disposed of by value, or cash, or both, is awarded or disposed of by lot, by selling a chance of winning the prize to a number of persons for a fraction of the value of the prize.
2. Organization based within the Rural Municipality of East St. Paul" means either the activity takes place in the Rural Municipality of East St. Paul, OR at least one member of the organization resides within the Rural Municipality of East St. Paul.

Authority to License

2. That every municipality be 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 (\$3,000.00).
3. 207(4) In this section, "lottery scheme" means a game or any proposal, scheme, plan, means, device, contrivance or operation described in any of paragraphs 206(1)(a) to (g) whether or not it involves betting, pool selling or a pool system of betting other than
 - (a) a dice game, three-card monte, punch board or coin table;
 - (b) bookmaking, pool selling or the making or recording of bets, including bets made through the agency of a pool or pari-mutuel, on any race or fight, or on a single sport event or athletic contest; or
 - (c) for the purposes of paragraphs (1)(b) to (f), a game or proposal, scheme, plan, means, device, contrivance or operation described in any of paragraphs 206(1)(a) to (g) that is operated on or through a computer, video device or slot machine, within the meaning of subsection 198(3).

Licenses

4. A copy of each license issued shall be forwarded to the head of the appropriate law enforcement agency acting on behalf of the municipality.

Operation of Lotteries

5. The following terms and conditions shall apply with respect to the operation of lotteries licensed by municipalities:
 - (a) The licensee shall comply with sections 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 the 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.
6. In addition to the terms and conditions set out in paragraph 5 above, 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 tickets 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, the name of the printer and the name of the licensing authority (Rural Municipality of East St. Paul);
 - (ii) provide for the consecutive numbering of tickets;

- (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 under paragraph 5(d), and,
- (iv) indicate in its application the numbers of tickets printed for sale.

Financial Accounting and Reporting

- 7. The licensee shall keep and maintain financial records of the lottery scheme.
- 8. 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 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.
- 9. The licensee shall submit to the municipality, not later than 30 days after the holding of each licensed lottery, a financial statement, a detailed list of the prizes including value, with the name, address and phone number of each winner and the prize awarded.
- 10. The financial statement submitted by the licensee shall, if so ordered by the municipality, be subject to audit, and when an audit is required, the costs of such audit shall be borne by the licensee.

License Fees

- 11. A license fee not exceeding 1.5% of the gross sales with a minimum fee of Five Dollars (\$5.00) shall be charged.

Suspension or Cancellation of License

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

SCHEDULE "B"

RURAL MUNICIPALITY OF EAST ST. PAUL

APPLICATION TO MANAGE AND CONDUCT A RAFFLE LOTTERY

We, the undersigned, as two principal officers of record of _____
_____ apply for a license to
manage and conduct a RAFFLE LOTTERY from the premises municipally known
as the Rural Municipality of East St. Paul and between the dates specified, and
for the charitable or religious objects or purposes, and in the manner described
herein.

1. The charitable or religious objects or purposes to which the proceeds are
to be allotted are described as:

2. The total value of all prizes to be awarded in the RAFFLE LOTTERY for
which application is made is not to exceed Three Thousand Dollars
(\$3,000.00) cash value, or merchandise or articles equivalent to market
retail value.

3. Closing date for the sale of tickets will be _____
and the draw for a winner or winners will be made at _____
_____ on _____ at _____ a.m./p.m.

4. A winner or winners will be determined by _____.

5. The total number of tickets to be printed will be _____ and all
tickets will be numbered consecutively from _____ to
_____.

6. We have read, and have in our possession, and agree to comply with, the
provisions of Schedule "A" – Terms and Conditions under which the
Lottery License is Issued.

Signature

Signature

Name: _____

Name: _____

Address: _____

Address: _____

Phone #: _____

Phone #: _____

SCHEDULE "C"

RAFFLE LOTTERY LICENSE

No. _____

_____ is licensed to manage and conduct a Raffle Lottery Scheme at or from the premises municipally known as the Rural Municipality of East St. Paul, subject to all the terms and conditions as agreed to by the Licensee in its application, and upon the date or during the period and within the hours and the limits set out herein.

- 1) Date of Period: _____
- 2) Frequency: _____
- 3) Hours: _____ to _____
- 4) Total value of all prizes in any lottery conducted under this license not to exceed \$3,000.00 in cash, or merchandise or articles at equivalent value.

DATE OF ISSUE: _____

Authorizing Licensing Officer

ISSUED UNDER THE AUTHORITY OF THE DEPARTMENT OF
THE ATTORNEY-GENERAL, PROVINCE OF MANITOBA

SCHEDULE "D"

FINANCIAL REPORT

The Financial Report is to be submitted by the licensee to the Rural Municipality of East St. Paul as required by Section 14 of the Regulations pertaining to Lottery Licenses by Municipal Governments within 30 days following the draw date.

Name of Licensing Municipal Government: Rural Municipality of East St. Paul

Name of Licensee: _____

License Number: _____ Date License Issued: _____

Date or Period of Lottery, etc.: _____

ACCOUNTING FOR FUNDS

Total Money Received From Ticket Sales (Gross Sales) \$ _____

Less: Expenses

(Itemize by kinds of expenses such as printing of tickets, and advertising, etc.)

\$ _____

of Prizes (include written verification of cost and/or donated value)

\$ _____

\$ _____

\$ _____

Details of Prizes Awarded:

Name and Address of Winner Value of Prize

Total \$ _____

ACCOUNTING FOR TICKETS

Number of Tickets Printed: _____

Less:

Number of unsold tickets on hand _____

Number of tickets not returned _____

Number of tickets sold _____

(should equal zero) _____

I certify that the foregoing is a true and correct statement accounting for the funds of the Lottery Scheme licensed by the Rural Municipality of East St. Paul under License No. _____.

License Fee (1.5% of Gross Sales)	\$ _____
Less \$5.00 paid at application	(\$ <u>5.00</u>)
Balance Due	\$ _____

Witness

Treasurer

Dated at the Rural Municipality of East St. Paul this _____ day of _____,

ISSUED UNDER THE AUTHORITY OF THE PROVINCIAL
AUDITOR, PROVINCE OF MANITOBA