

**TOWN OF MORDEN**

**BY-LAW NO. 3-2004**

**BEING** a By-Law of the Town of Morden providing for the regulation of the Licensing of Raffle Lotteries within the Town of Morden.

**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 Town of Morden 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 Town of Morden;

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

1. Any charitable or religious organization located within the boundaries of the Town of Morden 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. Repealed and replaced by By-law 23-2007. “Fees for the issuing of licenses shall be as set by the current Fees and Charges By-law and amendments.”

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. 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. 11-71 is hereby rescinded.

**DONE AND PASSED** as a by-law of the Town of Morden, by the Council thereof duly assembled, at the Town of Morden, in Manitoba, this 10<sup>TH</sup> day of May, A. D. 2004.

**TOWN OF MORDEN**

**John Wiens**  
\_\_\_\_\_  
Mayor

**Garry Hiebert**  
\_\_\_\_\_  
Director of Finance & Administration

<b>Read a first time this</b>	<b>26<sup>th</sup></b>	<b>day of</b>	<b>April,</b>	<b>A.D. 2004</b>
<b>Read a second time this</b>	<b>10<sup>th</sup></b>	<b>day of</b>	<b>May,</b>	<b>A.D. 2004</b>
<b>Read a third time this</b>	<b>10<sup>th</sup></b>	<b>day of</b>	<b>May,</b>	<b>A.D. 2004</b>

## **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.

#### **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 (Town of Morden);
    - (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.
- 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. Repealed and replaced by By-law 23-2007. "Fees for the issuing of licenses shall be as set by the current Fees and Charges By-law and amendments."

### **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"**  
**TOWN OF MORDEN**  
**APPLICATION TO MANAGE AND CONDUCT A RAFFLE LOTTERY**

**Date:** \_\_\_\_\_ Lottery License # \_\_\_\_\_

We, the undersigned, as two principal officers of record of

**Organization**

\_\_\_\_\_ Address \_\_\_\_\_ Postal Code \_\_\_\_\_

apply for a license to manage and conduct a RAFFLE LOTTERY from the premises municipally known as the Town of Morden 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. [\_\_\_\_\_ total prize value]

3. Closing date for the sale of tickets will be \_\_\_\_\_ and the draw for a winner or winners will be made at

4.

\_\_\_\_\_ 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*

**CERTIFICATE**

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Name*

Officers of \_\_\_\_\_  
(Organization)

of the Town of Morden, jointly and severally, do hereby certify that:

- (1) We have knowledge of the matters herein set out,
- (2) We have read over this application,
- (3) All facts stated and information furnished herein is true and correct,
- (4) We are the holders of the offices with descriptive title as set out and appearing under our respective signatures below,
- (5) If a license is granted, we undertake to comply with all the terms and conditions of such license.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature*

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



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**Total**

**\$**

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### 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 Town of Morden under License No. \_\_\_\_\_.

\_\_\_\_\_

Witness

Treasurer

Dated at the Town of Morden this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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