

**TOWN OF STONEWALL
BY-LAW NO. 10/05**

**Being a By-law of the Town of Stonewall
For the Licensing and Regulating of a Raffle Lottery**

WHEREAS paragraph 207 (1) (b) of the Criminal Code (Canada) (S.C. 1985, c, C46) provides

207(1) Notwithstanding any of the provisions of this Part relating to gaming and betting, it is lawful

(b) for a charitable or religious organization, pursuant to a license issued by the Lieutenant Governor in Council of a province or by such person or authority in the province as may be specified by the Lieutenant Governor in Council thereof, to conduct and manage a lottery scheme in that province if the proceeds from the lottery scheme are used for a charitable or religious object or purpose;

AND WHEREAS the Lieutenant Governor in Council of the Province of Manitoba by Order-in-Council No. 524/1997 under Section 2 (1) has specified every municipality 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).

NOW THEREFORE be it and it is hereby enacted as a by-law of the Town of Stonewall as follows:

PART I

INTERPRETATION

By-law Name

1. This By-law may be referred to as "The Raffle Lottery By-law" of the Town of Stonewall.

Definitions

2. In this By-law:

"CAO" means the Chief Administrative Officer of the Town of Stonewall as appointed by Council.

"Commission" means the Manitoba Gaming Control Commission.

"Council" means the Council of the Town of Stonewall.

"Peace Officer" means any Member of the Royal Canadian Mounted Police Force and any other police officer, police constable, constable or other person appointed and employed by the Town of Stonewall for the preservation and maintenance of the public peace and safety.

"Licensee" means the organization to whom a license to manage and conduct a Raffle Lottery has been issued.

"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 lot, by selling a chance of winning the prize to a number of persons for a fraction of the value of the prize.

"Town" means the Town of Stonewall.

PART II

APPLICATION FOR LICENSE

3. Every charitable organization and religious organization desiring to conduct a Raffle Lottery in the Town, where the total value of the prize (s) (excluding applicable taxes) does not exceed \$3,000.00, must make application to the Town on the form prescribed and attached hereto as Schedule "A" to this By-law.
4. A license to conduct a Raffle Lottery will generally be granted to a single organization. However, joint applications for a Raffle Lottery by two or more organizations may be considered by the Town upon receipt of a written request.
5. Funds generated from a Raffle Lottery must be used for the advancement of education, religion, health, the relief of poverty or must benefit the community through the promotion, development or fostering of sport, recreation, culture or any other area considered appropriate by the Commission.
6. An organization applying for a Raffle Lottery license must provide all information required on the application form prescribed and attached hereto as Schedule "A" to this By-law.
7. Rules governing the Raffle Lottery must be included with the application and must state:
 - a) any age limit for the purchase of tickets or winning of prizes;
 - b) if members of the organization, or persons involved in the conduct or management of the Raffle Lottery may or may not purchase tickets;
 - c) any restrictions attached to the winning of a prize (s); and
 - d) how unclaimed prizes will be handled

PART III

LICENSE

8. A fee, as prescribed in Schedule "B" attached hereto and forming a part of this By-law shall be charged and collected by the Town for each Raffle Lottery license issued.
9. A Raffle Lottery license may not be transferred, assigned, lent or borrowed.
10. Upon approval of an application pursuant to this By-law and payment of the applicable license fee, a license to manage and conduct a Raffle Lottery shall be issued by the Town. The license to manage and conduct a Raffle Lottery, pursuant to this By-law shall be in the prescribed form attached hereto as Schedule "C" to this By-law. The license issued by the Town shall be signed by the CAO or his/her designate.
11. The approved application for the operation of a Raffle Lottery forms a part of the license. Any change to a Raffle Lottery must be applied for and approved in writing by the Town before advertising or selling any tickets.
12. Raffle Lottery draw(s) shall only be held at the location(s) and on the date (s) and time(s) as specified in the application. All draws must be open to ticket holders. A copy of the approved license and the rules for the Raffle Lottery must be available during sales and at the time (s) and location (s) of the draw(s).
13. Raffle Lottery tickets licensed for sale under this By-law shall not be advertised or sold outside the Province of Manitoba.
14. Licensees must ensure all advertising accurately reflects the licensed Raffle Lottery and must include the organization's name and the approved Raffle Lottery license number.
15. Licensees must ensure that each ticket purchased has the same chance to win.

16. The stated value of the prize(s) being offered must be based on the retail value (excluding applicable taxes) – (total value of prize(s) not to exceed \$3,000). The licensee may be required by the Town and/or the Commission to provide written proof of the prize value(s) from the supplier.
17. All prizes offered in the Raffle Lottery must be awarded as approved under the Raffle Lottery license. The total number of prizes advertised and awarded must be the same as the total number of winning tickets drawn.

PART IV

TICKETS

18. Tickets sold under a Raffle Lottery for which a license has been issued under this By-law must have two (2) separate parts, each detachable from the other.

Part 1 of the Ticket is to be retained by the person buying the ticket and must include on this part:

- i) the name of the organization selling the ticket;
- ii) the general intent for the use of the funds generated from the Raffle Lottery;
- iii) the license number issued for the Raffle Lottery by the Town pursuant to this By-law;
- iv) the number of the ticket;
- v) the price of the ticket;
- vi) the location of the draw(s) and the time(s) and date(s) of the draw(s);
- vii) a description and value of the prize(s);
- viii) the total number of the tickets printed; and
- ix) any restriction, as identified in the application for the lottery license, that may be placed on the awarding of the prize(s).

Part 2 of the Ticket is to be retained by the licensee and must include:

- i) the name, address and telephone number of the person who purchased the ticket;
 - ii) the license number issued for the Raffle Lottery by the Town pursuant to this By-law; and
 - iii) the number of the ticket.
19. Tickets must be consecutively numbered with an identifiable beginning and end.
 20. Tickets must have the license number of the Raffle Lottery on both parts of the Ticket.
 21. Licensees must ensure that each ticket purchased has the same chance to win.

PART V

RECORD KEEPING & REPORTING

22. A list of the winners must be completed, signed and witnessed at the time of the draw(s) and submitted to the Town with the financial report prescribed herein.

23. Winners must be advised of the results of the draw(s) in person, by telephone, or if required by Registered Mail. This notice must explain how the prize(s) can be claimed.
24. Licensees must keep complete an accurate records of the Raffle Lottery. These records must include seller control information.
25. Within ten (10) days following the final draw(s) the licensee must advertise, in a paper having local circulation to the Town, a list of the winner(s) name(s), ticket number(s) and prizes(s) won along with the draw date, organization's name and license number. This information must also be made available to any member of the public upon request.
26. Within sixty (60) day after the final draw(s) the licensee must submit to the Town the financial and other information as required and prescribed on the form attached hereto as Schedule "D" to this By-law and the licensee must disburse all funds as per the approved Raffle Lottery application.
27. Licensees must give the Town supporting documentation for the use of the Raffle Lottery profits upon request. This documentation shall include but is not limited to invoice copies, receipts and written acknowledgements from each recipient.
28. Upon written request from the Town the licensee must provide an independent audited financial statement and/or financial report of the Raffle Lottery operation.
29. All records relating to the conduct and operation of a Raffle Lottery, including unsold tickets and ticket stubs must be kept by the licensee for at least three (3) years from the date of the draw(s) unless otherwise approved in writing by the Town.

PART VI

ENACTMENT & REPEAL

30. If any Section, subsection, sentence, clause, phrase or other portion of this By-law is for any reason is held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the ruling of the Court shall not affect the validity of the remaining portions of the By-law.
31. If any Section of this By-law is inconsistent with The Criminal Code, The Gaming Control Act or a Regulation of the Act, the Code or the Act shall prevail.
32. By-law No. 14/70 of the Town is hereby repealed upon the enactment of this By-law.
33. This By-law shall come into force and effect on January 1st, 2006.

DONE AND PASSED by the Council of the Town of Stonewall this _____ day
of _____ A.D., 2005.

TOWN OF STONEWALL

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this _____ day of _____ A.D., 2005.

Read a second time this _____ day of _____ A.D., 2005.

Read a third time this _____ day of _____ A.D., 2005.