

REPEALED BY BY-LAW NO. 6/2010
JANUARY 27, 2010

CONSOLIDATION UPDATE: DECEMBER 11, 2002

THE CITY OF WINNIPEG

**THE CITY OF WINNIPEG RAFFLE LOTTERY LICENCE BY-LAW
NO. 7470/99**

A By-law of THE CITY OF WINNIPEG to
regulate the licensing of raffle lotteries.

1. This By-law may be referred to as "**The City of Winnipeg Raffle Lottery Licence By-law**".

DEFINITIONS

2. In this By-law:

"Chief License Inspector" means the Chief License Inspector of the City, or his designate;

"organization" means the body making an application for a raffle lottery license, or conducting a raffle lottery pursuant to a license issued to that body, as the context requires;

"raffle lottery" means a lottery scheme licensed pursuant to this By-law wherein a prize comprised of an article of value, or cash, or both, is awarded or disposed of by selling to a number of persons, for a fraction of the value of the prize, a chance of winning, with the winner(s) being determined by lot;

"ticket" means a card or slip of paper serving as a token or evidence of the chance to win which the holder has purchased in a lottery scheme.

GENERAL PROVISIONS

3. All raffle lotteries held in the City of Winnipeg, where the total prizes having a suggested retail value of three thousand dollars (\$3,000.00) or less must be licensed pursuant to this By-law.

CHARACTERISTICS OF ORGANIZATIONS

- 4(1) To be eligible for obtaining a raffle lottery license an organization must:
- (a) be a volunteer, democratic, non-profit charitable or religious body; and
 - (b) use the funds generated from the licensed raffle lottery for the advancement of education, religion, health, the relief of poverty, or for the benefit of the community through the promotion of sport, recreation, culture, or other areas considered similar in nature by the Chief License Inspector.
- 4(2) No person convicted of any offence under Part VII or IX of the Criminal Code (Canada) within three years preceding the date of the license application shall be involved in any manner whatsoever in any raffle lottery.

LICENSE APPLICATIONS

- 5(1) The application for a raffle lottery license shall be in the form attached as Schedule "A".
- 5(2) Every organization applying for a raffle lottery license shall submit to the Chief License Inspector:
- (a) a completed application;
 - (b) a draft or hand drawn facsimile of the proposed ticket, which shall be in the form prescribed in subsection 6(1); and,
 - (c) any other information the Chief License Inspector may reasonably require.
- 5(3) An organization raising funds through a raffle lottery for a building project or expansion of real property which they own may be required to execute an agreement satisfactory to the Chief License Inspector to ensure the proceeds from the sale, mortgaging or other disposition or encumbering of real property by the organization, up to an amount equal to the value of funds raised by the lottery scheme, are used for a non-profit charitable or religious purpose.
- 5(4) If approved, the application and all the terms and conditions therein for the operation of a raffle lottery form a part of the license, and:
- (a) the terms and conditions shall not be changed unless the organization makes a request in writing to the Chief License Inspector; and,

- (b) the Chief License Inspector provides the organization written approval prior to the implementation of any such change.
- 5(5) Notwithstanding the provisions of this By-law, but subject to subsection 7(3), the Chief License Inspector may:
 - (a) vary a term and condition and grant a raffle lottery license in circumstances where:
 - (i) an organization demonstrates, in writing, that the compliance with a term or terms may cause unreasonable hardship; and
 - (ii) he is satisfied the alternate arrangement proposed by the organization provides reasonable protection to the public;
 - (b) amend any of the terms, conditions or provisions of a license, where he is satisfied that:
 - (i) the circumstances of an organization has changed since the date of the original application, and
 - (ii) the alternate arrangement proposed by the organization provides reasonable protection to the public.
- 5(6) Any license issued under this By-law shall expire upon the earlier of:
 - (a) the date as approved by the Chief License Inspector; or
 - (b) one year from the date the application was made.
- 5(7) A license approved under this By-law shall not be transferred or assigned.

TICKETS

- 6(1) All tickets shall consist of two (2) parts, each detachable from the other and:
 - (a) the part to be retained by the ticket purchaser shall contain:
 - (i) the name and address of the organization conducting the raffle lottery;
 - (ii) the location of the draw(s);

- (iii) the time and date of the draw(s);
 - (iv) the description and the retail value of the prize(s) and method of awarding same;
 - (v) the number of the ticket;
 - (vi) the total number of tickets printed;
 - (vii) the price of the ticket;
 - (viii) a space for the license number; to be shown as The City of Winnipeg – License No._____;
 - (ix) any restrictions that may be placed on the awarding of prizes; and
- b) the counterfoil (stub) retained by the selling organization shall contain:
- (i) the name, address and telephone number of the purchaser; and,
 - (ii) the number of the ticket.
- 6(2) All tickets prepared for use in a raffle lottery shall be consecutively numbered, beginning with the number one (1).
- 6(3) The total value of tickets printed for a raffle lottery shall not exceed twelve (12) times the retail value of the prizes to be awarded.
- 6(4) Tickets shall be sold individually for the price indicated, and no multiple discounted prices shall be allowed, unless two separate and distinct series are used or another method satisfactory to the Chief License Inspector for ensuring financial accountability is provided.

CONDUCT

- 7(1) Where an application is approved, the Chief License Inspector shall provide the organization the number of the license to be issued.
- 7(2) Prior to issuing the actual license, the Chief License Inspector shall require the organization to provide him with:

- (a) a printed numbered ticket bearing the license number as provided for in subsection 7(1) and in all other ways being identical in content and format to that of the draft ticket submitted with the application form under clause 5(2)(b);
- (b) a copy of the printer's invoice indicating the number of tickets printed and total dollar value of the order; and,
- (c) a non-refundable licence fee as calculated in accordance with subsection 7(3).

7(3) License fees shall be the greater of;

- (a) 1.5% of the total value of the tickets printed; and
- (b) \$25.00.

7(4) No organization shall commence selling any tickets until a license has been issued.

7(5) All organizations shall:

- (a) maintain a separate raffle lottery account for the deposit of all raffle lottery revenue;
- (b) deposit all raffle lottery proceeds into the raffle lottery account, immediately upon receipt; and
- (c) disburse all donations and expenses by cheque directly from the raffle lottery account, as per the approved license application.

7(6) All advertising of a raffle lottery shall include the information that is required on the raffle ticket.

7(7) Raffle lotteries shall not be advertised, nor shall tickets be sold, outside the Province of Manitoba.

7(8) All draws shall:

- (a) be open to all ticket holders;
- (b) be made at the premises and on the date(s) as approved in the application, and at the time and location of the draw, the following shall be posted in a conspicuous place:

- (i) a copy of the license authorizing the lottery;
- (ii) the house rules for the raffle lottery, which shall not be inconsistent with any provision of this By-law; and,
- (iii) any approved amendments to the lottery license.

PRIZES

- 8(1) Prizes shall be awarded as approved in the application, and the total number of prizes advertised must equal the total number of winning tickets drawn.
- 8(2) Within five (5) days following the date of the final draw, the organization shall:
 - (a) submit the names of all winners to the Chief License Inspector; and
 - (b) announce the name of the organization, the license number, the names of winners, their ticket numbers and prizes won in at least one local newspaper.
- 8(3) Winners shall be advised of the results of the draw by telephone, registered mail, or in person, with such notice indicating how the prize is to be claimed.
- 8(4) Another draw shall be made for prizes unclaimed after ninety (90) days from the original draw date, and in such event, the organization shall comply with subsection 8(2) within five (5) days of the subsequent draw.

ACCOUNTING

- 9(1) Every organization shall submit a financial report on a form provided by the Chief Licence Inspector within thirty (30) days from the date the license expires, which shall include:
 - (a) copies of applicable bank statements;
 - (b) statement of gross receipts;
 - (c) statement of prizes awarded;

- (d) statement of administrative and operational expenses of the lottery event;
 - (e) statement of net proceeds;
 - (f) statement of disbursements to charitable or religious purposes indicated in the license application; and
 - (g) an accurate inventory count of all unsold raffle tickets at the end of the event.
- 9(2) The Chief License Inspector shall only allow actual and reasonable expenses of the lottery event, which shall not exceed twenty percent (20%) of gross receipts.
- 9(3) In calculating expenses under subsection 9(2), the following sums shall not be included:
 - (a) amounts spent on prizes;
 - (b) the license fee paid; and
 - (c) the cost of any function that may have been held in conjunction with the raffle draw, providing the cost of the function was included in the purchase price of the ticket.
- 9(4) Within sixty (60) days of an organization ceasing lottery operations, all lottery funds must be disbursed as per the approved application.
- 9(5) Where the Chief Licence Inspector disallows an expense under subsection 9(2), the organization must ensure that an amount equivalent to the disallowed expense is disbursed as per the application, with such amount being in addition to the sum disbursed under subsection 9(4).
- 9(6) Within ninety (90) days of the license expiring, the organization shall provide an unqualified audited statement of lottery revenue, prizes, expenses and disbursements to the Chief License Inspector where gross combined annual lottery revenue exceeds ten thousand dollars (\$10,000).
- 9(7) Where gross combined annual lottery revenue is less than ten thousand dollars (\$10,000), the Chief License Inspector may require the organization, within ninety (90) days of the license expiring:
 - (a) to submit a financial statement; or

- (b) to be audited, and when such an audit is required by the Chief License Inspector, the costs of such audit shall be borne by the organization.
- 9(8) All records relating to the conduct and operation of a raffle lottery, including unsold tickets and the counterfoils of sold tickets, shall be retained by the organization for at least three (3) years after the expiration of the license, unless expressly authorized otherwise by the Chief License Inspector.
- 9(9) The Chief License Inspector, at any reasonable time before or during the conduct of a raffle lottery, or during the time period specified in subsection 9(8), shall have direct and unencumbered access to enquire into the nature, management and conduct of the proceedings for which the license has been granted and audit or inspect:
 - (a) any books, records or accounts of the organization, or any vendor or recipient of a grant from the proceeds of the raffle lottery;
 - (b) any lot, card, ticket, paper, slip, symbol, coin, device, equipment or game in the possession of the organization or any vendor; or
 - (b) any premises;that is or are reasonably relevant to determine if the raffle lottery is being, or was, conducted in accordance with the provisions of this By-law, or other applicable legislation.
- 9(10) The Chief License Inspector may remove and retain for a reasonable period of time, such things being audited or inspected under subsection 9(9), as are reasonably necessary for the purposes of the audit or inspection.
- 9(11) Any person subject to an audit or inspection under subsection 9(9) shall allow the Chief License Inspector free access at all reasonable times for the purposes of the audit or inspection and shall permit the removal of anything sought to be removed under subsection 9(10).
- 9(12) The Chief License Inspector and his/her delegates may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.¹

added 8162/2002

PENALTIES

- 10(1) The Chief License Inspector may suspend or cancel a license without notice at any time for the breach of any terms and conditions of this By-law or any other applicable legislation.
- 10(2) The Chief License Inspector may refuse to approve any further license to an organization where, in the preceding three (3) years, that organization has failed to comply with any terms and conditions of a license previously issued under this By-law.
- 10(3) Every person who violates or fails to comply with any terms and conditions of a lottery license issued by the City is guilty of an offence and is liable, upon summary conviction, to a fine of \$1,000.00 in the case of an individual, or, in the case of a corporation, to a fine of \$5,000.00.

APPEALS

11. An appeal from a decision made by the Chief License Inspector may be made in accordance with *The City of Winnipeg Charter*² to the Standing Policy Committee on Property and Development.

added 8162/2002

ADDRESS FOR SERVICE

12. Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:³

- (a) if the organization or person to be served has applied for a licence under this by-law, the address provided by the organization or person in the application; or
- (c) if the person or organization to be served is incorporated, the address set of the Registered Office set out in the Articles of Incorporation of the person or organization.

added 8162/2002

13. By-law No. 145/72, being a By-law of The City of Winnipeg to regulate the licensing of raffle lotteries, is repealed.

amended 8162/2002

DONE AND PASSED in Council assembled, this 26th day of May, 1999.

1 [See sections 180-181 and sections 183-188 of The City of Winnipeg Charter for information about some of the key powers given to designated employees.](#)

2 [See sections 189 and 121 of *The City of Winnipeg Charter* for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)

3 [See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.](#)