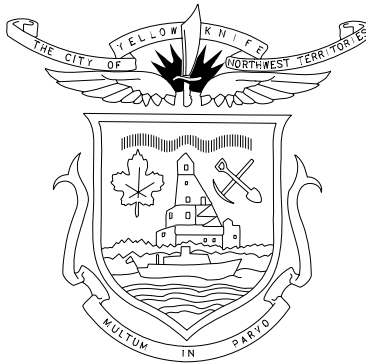


# THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



## CONSOLIDATION OF LOTTERY LICENCE BY-LAW NO. 4092

Adopted January 24, 2000

AS AMENDED BY

Fees and Charges By-law No. 4436, as amended

(This Consolidation is prepared for convenience only.  
For accurate reference, please consult the City  
Clerk's Office, City of Yellowknife)

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**Lottery Licence By-law**

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**CITY OF YELLOWKNIFE  
BY-LAW NO. 4092**

A BY-LAW of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to provide for the regulation and licensing of lottery schemes within the City of Yellowknife.

PURSUANT TO SECTION 169 of the *Cities, Towns and Villages Act, R.S.N.W.T. 1988, c. 8* and Sections 1 and 4 of the *Lotteries Act, R.S.N.W.T. 1988, c. L-11*;

WHEREAS the City of Yellowknife has been granted the authority to regulate and licence lottery schemes pursuant to the *Lotteries Act, R.S.N.W.T. 1988, c. L-11* and the *Yellowknife Delegation Regulations, R-208-96*.

AND WHEREAS the Council of the Municipal Corporation of the City of Yellowknife deems it desirable to regulate lottery schemes within the City of Yellowknife;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, HEREBY ENACTS AS FOLLOWS:

**SHORT TITLE**

1. This by-law may be cited as the "Lottery Licence By-law".

**DEFINITIONS**

2. In this by-law:

"Applicant" means an organization, a corporation or a co-operative association who submits an application to the City Administrator;

"Authorized Representative" means an individual who represents an Applicant or a Licence Holder, and who is responsible for ensuring that the Lottery is held in accordance with this by-law;

"Bingo" means a game of chance played with cards having numbered squares corresponding to numbered balls drawn at random;

- "Casino" means a Lottery that may include games of Blackjack, Wheel of Fortune or Roulette;
- "City" means the Municipal Corporation of the City of Yellowknife in the Northwest Territories established under the *Cities, Towns and Villages Act*;
- "City Administrator" means the Senior Administrative Officer of the City appointed pursuant to the *Cities, Towns and Villages Act* of the Northwest Territories and includes any Person appointed or designated by the City Administrator to act on his or her behalf;
- "Gross receipts" means the total revenue from all sources derived in the conduct, management and operation of a Lottery;
- "Licence" means a licence to conduct, manage and operate a Lottery in accordance with this by-law;
- "Licence Holder" means an unincorporated organization, a corporation or a co-operative association licenced to conduct, manage and operate a Lottery in accordance with this by-law;
- "Lottery" means those lottery schemes commonly known as Bingos, Super Bingos, Nevada Tickets, Casinos and Raffles that are conducted by a Person or related Persons on or about the same time;
- "Member-Oriented Purpose" means a purpose that benefits the members of an organization more than it benefits the general public;
- "Net Proceeds" means Gross Receipts minus prizes and minus costs necessary to

- conduct, manage and operate a lottery;
- "Nevada Ticket" means a Lottery that includes a pull type or break-open ticket;
- "Officer" means a person who is appointed in accordance with the *Cities, Towns and Villages Act* as a By-law Officer to enforce the by-laws of the City of Yellowknife and any Peace Officer who is entitled by law to enforce the by-laws of the City of Yellowknife;
- "Person" means an individual, an unincorporated organization, a corporation or a co-operative association;
- "Raffle" means a Lottery in which a prize is won by one of numerous Persons buying chances;
- "Regular Bingo Games" means Bingo games where the amount of the prizes are set before the start of the first game;
- "Series Licence" means a Licence for more than one date within a Six-Month Period;
- "Six-Month Period" means January 1 through June 30 and July 1 through December 31 of each year;
- "Share the Wealth Bingo" means any Bingo with prizes calculated as a portion of the gross receipts of the game;
- "Super Bingo" means a Bingo with total prizes having a fair market value in excess of \$50,000;
- "Unit" means all Nevada Tickets sealed in one or more separate boxes that constitute one game as designed by the manufacturer of the tickets.

**APPLICATION**

3. No Person shall conduct a Lottery within the City except in accordance with a Licence issued under this by-law.
4. Notwithstanding Section 3, a Licence issued before the effective date of this by-law is governed by By-law No. 3967.

**QUALIFYING PERSONS AND PURPOSES**

5. The following persons may apply for a Licence:
  - (a) A religious or charitable organization registered under the *Income Tax Act (Canada)*.
  - (b) A religious or charitable organization incorporated under the *Societies Act*.
  - (c) Any Person who has been designated by the City Administrator as a religious or charitable organization for the purpose of this by-law.
6. The City Administrator may designate an Applicant to be a religious or charitable organization for the purpose of this by-law if the Applicant proves to the satisfaction of the City Administrator acting reasonably that the activities of the Applicant and the purpose for which the Net Proceeds will be used fall into one or more of the following categories:
  - (a) the promotion of relief of poverty or disease;
  - (b) the promotion of religion;
  - (c) the promotion of education or training;
  - (d) are of a similar nature and beneficial to the community as a whole; and
  - (e) the support of member-oriented purposes specified in this by-law.
7. For the purpose of this by-law, activities and purposes beneficial to the community must meet all of the following conditions:
  - (a) there is a benefit to the community as a whole or a significant portion of the community;

- (b) the benefit to the public is significantly larger than the benefit to the membership; and
  - (c) the activities and purposes fall into one or more of the following categories:
    - (i) making improvements to the quality of health;
    - (ii) supporting and promoting culture;
    - (iii) supporting medical research;
    - (iv) aiding medical treatment activities;
    - (v) providing a facility for use by all members of the community;
    - (vi) providing places for public worship and other religious activities; and
    - (vii) promoting and supporting amateur athletics;
8. For the purpose of this by-law, allowable member-oriented purposes:
- (a) are not required to be a benefit to the community as a whole or a significant portion of the community;
  - (b) may be of greater benefit to the membership than to the public; and
  - (c) must fall into one or more of the following categories:
    - (i) supporting seniors' social and recreational activities provided:
      - (A) membership must be open to the general public 60 years of age and older;
      - (B) the majority of the seniors' organization consists of individuals 60 years of age and older;
      - (C) any entertainment provided is for the seniors, not the general public; and
      - (D) the services paid from lottery proceeds are on a cost recovery basis, and not intended to

generate a profit;

(ii) supporting youth social and recreational activities provided:

(A) membership must be open to the general public 18 years of age and younger;

(B) the majority of the youth organization consists of individuals 18 years of age and younger;

(C) any entertainment provided is for the youth, not the general public; and

(D) the services paid from lottery proceeds are on a cost recovery basis, and not intended to generate a profit;

(iii) supporting travel for:

(A) seniors provided:

1. there is broad based community involvement, and eligibility for the trips is not limited to the members of the licenced organization;

2. the majority of the seniors' organization consists of individuals 60 years of age or older; and

3. expenses are restricted to direct transportation, subsistence and lodging costs to attend an activity;

(B) youth provided:

1. the travel is to participate in religious, cultural, recreational or sporting activities;

2. the majority of the youth organization consists of individuals 18 years of age or younger; and

3. expenses are restricted to direct transportation, subsistence and lodging costs to attend an activity;



- (C) a sporting event provided the opportunity is gained as a result of qualifying to advance to a superior level of competitive activity, sanctioned by the appropriate governing body.

#### APPLICATIONS

9. Each Applicant shall specify an Authorized Representative who shall be at least 19 years of age.
10. The Authorized Representative of an Applicant shall be responsible for ensuring that the conduct, management and operation of the Lottery will be in accordance with this by-law.
11. An application for a licence or for an amendment to a license shall be in the form specified by the City Administrator from time to time.
12. The City Administrator may:
  - (a) reject an application if, in his or her opinion acting reasonably:
    - (i) the Licence Holder has violated the provisions of this by-law or any other applicable statutes or regulations;
    - (ii) the proposed use of the Net Proceeds of the Lottery is not permitted by this by-law;
    - (iii) the Lottery will not be conducted in accordance with this by-law;
  - (b) require additional information for an application, including:
    - (i) whether the Authorized Representative, a Director or an Officer of the Applicant has been convicted of an offence under the **Criminal Code**;
    - (ii) whether the Applicant is in good standing under its incorporating statute; and
    - (iii) other information that the City Administrator deems necessary or desirable to satisfy himself or herself that the Lottery will be conducted in

accordance with this by-law;

- (c) limit how long in advance Applicants may apply for a Licence.

#### LICENCES

- 13. A Licence is not transferable.
- 14. A Licence Holder shall ensure that the Licence or, if the Licence is amended, the most recently amended Licence, is posted in a conspicuous place in the immediate vicinity of the Lottery.
- 15. The City Administrator may:
  - (a) amend a Licence;
  - (b) revoke a Licence where he or she is satisfied that:
    - (i) the Licence was issued in reliance upon a misrepresentation of the Applicant or any Person making representations or providing information on the behalf of the Applicant; or
    - (ii) the Licence Holder has violated the provisions of this by-law or any other applicable statutes or regulations;
  - (c) set additional terms or restrictions on a Licence; and
  - (d) issue a Series Licence for Lotteries with the same lottery scheme.

#### REPORTING REQUIREMENTS

- 16. For 24 months after the completion of a Lottery, the Licence Holder shall keep a record of Gross Receipts, total prizes, expenses and the use of Net Proceeds.
- 17. A financial report shall be in the form specified by the City Administrator from time to time.
- 18. A Licence Holder shall ensure that a financial report for a Lottery is completed and received by the City Administrator:
  - (a) by the due date noted on the Licence; and

- (b) within 30 days of the date of a request by the City Administrator.
19. The City Administrator may appoint a Person to audit information in respect of a financial report. The Licence Holder shall reimburse the City for the cost of the audit.
  20. A Licence Holder shall make available, within 30 days of the date of a request from the City Administrator, all books of accounts or documents relating to the operation of a Lottery.
  21. A Licence Holder shall retain unsold tickets, ticket stubs, receipts, counterfoils, game forms and financial documents pertaining to a Lottery for a period of not less than 24 months from the date of the Lottery, and for such additional time as the City Administrator may direct.

#### COMPLAINTS

22. A list of Lotteries shall be posted in a public place. The list shall include the date of the Lottery, the Licence Holder, the type of Lottery licenced, the use of the proceeds and the Net Proceeds.
23. The City Administrator may investigate a complaint or any matter under this by-law.

#### FEEES

##### Section 24

as amended by By-law No. 4436, Feb 12/08

24. The fees payable to the City with respect to licences issued pursuant to this By-law are as prescribed in Fees and Charges By-law No. 4436 or any successor by-law.

##### Section 25

as amended by By-law No. 4436, Feb 12/08

25. When the City Administrator is satisfied that undue work is required to process incorrect or incomplete documents, he or she may charge a processing fee as set out in Fees and Charges By-law No. 4436 or any successor by-law to review and return incorrect or incomplete Applications, financial reports and other documents a Licence Holder is required to provide under this by-law.

26. Initial licencing fees are based on total estimated prizes and may be revised if actual prizes exceed the estimated prizes. The City Administrator estimates the total prizes.
27. Applications shall be accompanied by an application fee and, if applicable, a late fee. A licence shall not be issued until the initial licencing fee is received.
28. The licencing fee for a Series Licence shall be calculated as if each date of the Series Licence were a separate Licence.

**Section 29**

**as amended by By-law No. 4436, Feb 12/08**

29. The Licence Holder shall pay any outstanding, revised, corrected or additional fee charged in accordance with Fees and Charges By-law No. 4436 or any successor by-law within 30 days of the City issuing an invoice for the fee.

**GENERAL TERMS AND CONDITIONS**

30. A Licence Holder shall immediately notify the City Administrator if a Lottery is not conducted, managed or operated in accordance with this by-law.
31. A Licence Holder may cancel a Bingo or Casino before the start of the first non-Share the Wealth Bingo game. A Licence Holder may cancel a Raffle before the draw date. The Licence Holder shall cancel a Lottery if, by the end of the Lottery, the Licence Holder will not have sufficient funds to award all prizes specified in the Licence.
32. A Licence Holder shall award all prizes specified in the application for a licence and shall not reduce, decrease or substitute the specified prizes unless authorized by an amendment to the Licence or a specific condition of the Licence.
33. In the event that a Lottery is cancelled, the Licence Holder shall immediately refund all fees, except fees for Nevada Tickets and Share the Wealth Bingos already sold.
34. The City Administrator, if he or she is not satisfied that certain costs are necessary for a Lottery, may disallow any costs including:
  - (a) rent for using the Licence Holder's premises;
  - (b) the transfer to any Person of a direct or indirect gain

or a reward for conducting, managing, operating, planning or assisting with a Lottery, except:

- (i) reasonable fees paid to a Bingo caller; or
- (ii) as allowed as a condition of the Licence, if the City Administrator is satisfied that a Licence Holder requires assistance to conduct, manage or operate the Lottery.

- 35. A Licence Holder shall not allow an Authorized Representative, a Bingo caller, or a Person who performs a raffle draw to participate as a player.
- 36. A Licence Holder shall ensure that advertising for a Lottery states the Licence number.

#### BINGOS

- 37. A Licence Holder shall ensure jackpots are paid by the expiry of the Lottery License, unless the City Administrator has issued a subsequent Licence that allows the jackpot to be carried over after the expiry date.
- 38. For the purposes of this section, total estimated prizes includes the total, cumulative amount of a Bingo jackpot that can be won at the Lottery. The City Administrator may deny an application for a Licence that includes a Bingo and that has total estimated prizes from all lottery schemes of more than \$7,000 if:
  - (a) the Applicant already has two such Licences in the same one-week period commencing on Sunday of one week and ending on the following Saturday;
  - (b) such a Lottery is already Licenced to take place during the period in the application;
  - (c) the total estimated prizes are more than the total estimated prizes of such a Lottery that is already licenced on the same day.
- 39. The City Administrator may allow a Licence Holder to decrease the total amount of the prizes for Regular Bingo Games, without amending the Licence, by setting out the conditions for the decrease on the Licence. The conditions may include:
  - (a) the maximum amount by which the total prizes for Regular

Bingo Games may be reduced. The maximum decrease shall be no more than 30% of the licenced amount; and

- (b) that the Licence Holder request the permission of all players present at the scheduled start of the Regular Bingo Games to decrease the prizes. The Licence Holder shall not decrease the prizes if more than 10 players oppose the decrease.

- 40. A Licence Holder shall make reasonable efforts to accurately estimate the amount of the turn-out for a Bingo and apply for a Licence or an amendment to a Licence for the amount of prizes that can be paid from the Gross Receipts.
- 41. A Licence Holder shall not permit a Person less than 16 years of age to play Bingo.

#### **SUPER BINGOS**

- 42. The successful Applicant for a Super Bingo will be chosen by open public ballot draw conducted by the City Administrator.
- 43. The City Administrator shall set the date and rules for a draw for a Super Bingo.
- 44. The City Administrator may require Applicants to provide a plan that satisfies the City Administrator that the Super Bingo will be conducted, managed and operated in accordance with this by-law.

#### **NEVADA TICKETS**

- 45. A Licence Holder shall cease selling Nevada Tickets upon the completion or cancellation of the Bingo or Casino at which the Nevada Tickets were permitted to be sold.
- 46. The City Administrator may restrict the sale of Nevada Tickets to a specified time and place:
  - (a) for members and guests of a Licence Holder;
  - (b) for Bingo players; and
  - (c) for Casino players.

47. A Licence Holder shall not permit a Person less than 16 years of age to purchase or sell Nevada Tickets.
48. A Licence Holder shall not open a Unit until all other opened Units have been sold.

#### **CASINOS**

49. The City Administrator may:
  - (a) deny an application for a Licence that includes a Casino if the Applicant already has been granted a Licence for a Casino to be held in the same Six-Month Period;
  - (b) limit the number of consecutive days of a Casino; and
  - (c) set the maximum bet limit as a condition of the Licence.
50. A Licence Holder shall not permit a Person less than 19 years of age in the Casino area.
51. A Licence Holder shall ensure that rules of play relating to each game or table shall be posted and be clearly visible to all players.

#### **RAFFLES**

52. The City Administrator may specify information to be printed on all tickets for the Raffle and may require an Applicant to provide a draft or sample copy of each type of ticket to be sold.
53. The City Administrator may restrict the duration of a Raffle.
54. A Licence Holder shall hold the final draw on the expiry date of the Licence.
55. A Licence Holder shall make every reasonable effort to award the prizes immediately after the draw and for 3 months after the draw.
56. If a prize cannot be awarded 3 months after the draw date, the City Administrator may declare the draw of the prize null and void and conduct a new draw for the prize.
57. A Licence Holder shall provide notice of the change of a Raffle Licence in at least two publications of the local newspaper.

**OFFENCES**

58. Every Person who contravenes any provision of this by-law is guilty of an offence and is liable upon summary conviction:
- (a) for the first offence, to a fine not exceeding \$500; and
  - (b) for each subsequent offence, to a fine not exceeding \$2,000.
59. An Officer may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act* and Regulations, to any Person who violates any provision of this by-law and such Person may, in lieu of prosecution, pay the City the voluntary penalty of \$100 prior to the court date specified on the ticket.

**REPEALS**

60. By-law No. 3967 is hereby repealed.

**EFFECT**

61. This by-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 57 of the *Cities, Towns and Villages Act*.