

BY-LAW No. 10/1 1971.

The Rural Municipality of Morris

WHEREAS the Criminal Code of Canada has been amended to permit licensing of certain types of lotteries and games of chance;

AND WHEREAS the provincial governments have been empowered in said amendments to control such activities carried on within their geographical jurisdictions;

AND WHEREAS the Province of Manitoba, by Order-in-Council 282/70, effective April 1st, 1970, has delegated responsibility for licensing certain types of lottery schemes to municipal authorities, which shall have the right, subject to said Order-in-Council, to determine the issues involved in licensing and regulating lottery schemes conducted within their jurisdictions by eligible organizations;

THEREFORE NOW BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of The Rural Municipality of Morris, as follows:

1. This by-law be referred to as "THE LOTTERY BY-LAW".
2. Subject to the restrictions herein contained, the municipality, on resolution of Council duly assembled, may licence any organization, whether incorporated or unincorporated, located within the boundaries of the municipality, to conduct a Bingo lottery, a Raffle lottery, or a lottery scheme held at a Bazaar, where the net proceeds thereof are to be used for charitable objects or purposes, and where the total value of prizes offered thereat does not, for each bingo lottery or raffle lottery or lottery scheme held at a bazaar, exceed Three thousand dollars (\$3,000.00) cash value.
3. The Municipality may licence an organization for a single lottery or for a period of up to one year, during which time lotteries of the types permitted are organized on a regular basis.
4. For the purpose of this by-law, "Charitable objects or purposes" shall be any objects or purposes for:
 - (a) the relief of Poverty or
 - (b) Education; or
 - (c) the advancement of Religion; or
 - (d) any purpose beneficial to the Community; or
 - (e) any combination of the above.
5. Any organization within the Municipality desiring to manage and conduct a bingo, lottery, raffle lottery or lottery scheme at a bazaar, shall make application to the Secretary-Treasurer of the Municipality on the appropriate form approved by the Attorney - General, which form is attached hereto and marked Schedule "A" to this by-law, along with the appropriate fee therefor.
6. (a) Subject to the conditions and restrictions contained in said Order-in-Council No. 282/70, the Municipality shall receive, and, at its next regular scheduled meeting, or at a meeting specially called for the purpose of considering an application, or applications, shall consider each application received, and may then:
 - (i) reject an application; or
 - (ii) reject an application, with suggestions to the applicant for requirements that will make same acceptable; or
 - (iii) approve an application and issue a licence to the applicant therefor in the form approved by the Attorney-General.
- (b) The Secretary-Treasurer of the Municipality shall cause a copy of each licence issued by the municipality to be delivered to the Commanding Officer of the law enforcement agency or agencies responsible for policing in the area of the Municipality where the organization is located.
- (c) The Secretary-Treasurer shall keep a record of all licenses issued, along with the expiry date of same, fees received by the municipality, and such other particulars as Council shall determine, or the Attorney-General shall direct.

(d) Any licence issued by the ~~Town~~ Municipality pursuant to an application may be suspended or cancelled by resolution of Council, where it feels that to do so would be in the public interest; and in the case of a suspension of licence, the licensee shall not continue operations until it has complied with the requirements of the Municipality contained in a letter accompanying notice of suspension, sent by registered mail to the licensee at its address as shown on its application for a licence.

(e) Any licence issued by the Municipality shall be subject to such conditions or restrictions as are attached to or endorsed thereon, and failure by the licensee to conform to or abide by any of said conditions or restrictions, shall, in the discretion of the Municipality, result in the immediate suspension or cancellation of the Licence.

(f) Licenses shall be in the form approved by the Attorney-General, which form is attached hereto, and marked Schedule "B" to this by-law.

7. The fees to be charged for any licence issued pursuant to this by-law shall be in the amounts set forth in Schedule "C" to this by-law, and no application for a licence shall be considered unless the appropriate fee therefor accompanies the application. And the fees so collected shall ~~be~~ paid and kept by the office staff.

8. The Municipality shall report annually, on or before the first day of February in each year, on a form approved by the Attorney-General, such particulars as are required of lotteries licensed by it during the previous calendar year.

9. In addition to any special terms, conditions or restrictions which may be imposed on a licensee by the Municipality in granting a licence, the following terms and conditions shall apply to any licence issued, and to any licensee;

(a) The licensee shall comply with Sections 179 and 179A of the Criminal Code of Canada, as amended;

(b) Any peace officer, or any person appointed by the Municipality to act as a licensing officer pursuant to Section 10 of this by-law, shall have unencumbered access to any place for which a licence pursuant to this by-law is granted;

(c) The Municipality may appoint auditors for any licensee, and the fees of the auditor shall be paid by the licensee.

10. Notwithstanding anything herein contained, no licence shall be granted to any organization pursuant to this by-law permitting dice games, three-card monte, punch board or coin table.

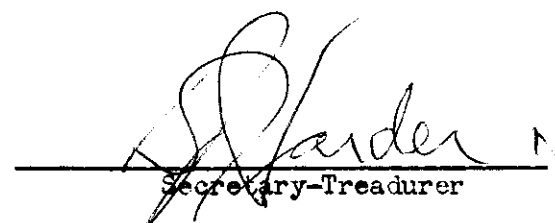
11. The Municipality may appoint a person to act as licensing officer whose duties shall be to supervise the use made of licences approved and issued by the Municipality, and to report to the Municipality on same as required.

12. In the event that any provision of this by-law is declared to be ultra vires the Municipality, or contrary to the provisions of The Criminal Code of Canada, as amended, or said Order-in-Council No. 282/70, that provision shall be without force and effect, and the provisions of the said Criminal Code or Order in Council shall apply; but the non-offending portions of this by-law shall remain in full force and effect notwithstanding the ineffective portion of this by-law.

DONW AND PASSED by the Rural Municipality of Morris, in Council duly assembled, this 8th day of ~~Mar~~ April, A.D. 1971.

The Rural Municipality of Morris:


Reeve


Secretary-Treasurer