

# **CITY OF NIAGARA FALLS**

## **A CONSOLIDATED BY-LAW**

Being **By-law No. 2003-172** as amended by:  
By-law 2010-93

**A by-law to establish a municipal bingo policy.**

**WHEREAS** Provincial Order in Council 1413/08 authorizes the licensing framework for eligible charitable or religious organizations to hold lottery events and sets out the limits of municipal and provincial licensing; and

**WHEREAS** the municipality may attach terms and conditions, in addition to those established by the province, provided that they do not conflict with provincial Terms and Conditions or policies; and

**WHEREAS** it has been deemed necessary to institute a late filing policy to deal with the delinquent submission of bingo reports.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. That By-law 2003-172 is amended by deleting Schedule "A" and that Schedule "A" attached hereto shall be inserted in lieu thereof.
2. That By-law 2005-32 is hereby repealed.
3. That the policy contained within this by-law shall come into effect on July 1, 2010.

(Originally) Passed this twenty-second day of September, 2003.

DEAN IORFIDA, CITY CLERK

WAYNE THOMSON, MAYOR

First Reading: September 22, 2003.  
Second Reading: September 22, 2003.  
Third Reading: September 22, 2003.

**CITY OF NIAGARA FALLS**

**MUNICIPAL BINGO POLICY**

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## **SECTION 1**

### **AUXILIARY ORGANIZATIONS**

#### **DEFINITION FOR LOTTERY LICENSING PURPOSES**

An auxiliary is an organization that is an offshoot of another organization. One organization is referred to as the parent organization and the other organization is the auxiliary. To be considered as a complete separate entity and not an auxiliary, an organization must be able to legitimately stand on its own and the following criteria should be met before consideration will be given to their status.

- Its own Constitution/Bylaws/Charter/Letters Patent
- It should have its own Board of Directors or Principal Officers
- A separate incorporation if organization is incorporated in the Province of Ontario
- It should have its own charitable aims and objectives.

Criteria that would result in an organization being considered auxiliary are:

- Joint financial support of one facility
- Identical signing officers
- Similar aims and objectives
- Joint funding of projects
- No separate incorporation

## **SECTION #2**

### **BANKING PROCEDURES**

The bingo procedures, in addition to the Provincial regulations as they relate to the banking practices of the bingo licensees are as follows:

- Copies of the Canadian bank statements and copies of the cancelled cheques are to be supplied to the Clerk's Department by the 30<sup>th</sup> of the month following the month in which they are issued. These statements must be attached to the Charitable Gaming Summary Report and individual session reports for each bingo operated during the month

- Where an organization chooses to operate from **one** designated lottery trust account system, in addition to the copies of the bank statements and cancelled cheques, copies of the individual ledgers must be submitted monthly.
- Once a year a budget or proposed budget is to be submitted to the licensing authority for the following year (generally requested in October) This is to be submitted to the licensing authority prior to the issuance of a bingo licence for the next calendar year. Where a budget year conflicts with the calendar year and no budget is available, written notification of this fact and an indication on when submission of this budget will occur.
- Any organization that ceases to remain in the bingo business, is required to submit all banking documents and/or ledgers on a monthly basis until such time as all funds have been dispersed from the lottery trust account. Proof of account closure will also be required.

### **CASHLESS**

The following procedures will be the basis of the “cashless” system used in conjunction with bingo events.

### **FLOATS**

- Floats will consist of: 2 - \$1,500.00 floats of each currency and 1 - \$3000.00 float of each currency. The \$1,500.00 floats will be rotated amongst each session. The \$3,000.00 float will be used for change and prize payouts. Should prizes be paid out of the \$3,000.00 float, replenishment of the float is to be done by cheque.
- Upon the arrival of at least two designated members at the bingo hall, the bingo float may be requested from the bingo the hall manager. This float will be in a sealed bank bag and will contain a verification sheet from the group who used the float last, itemizing the contents in the bag.
- Upon verification of the bingo float, if it is short or over in any way, the hall manager is to be notified immediately so this shortage/overage can be verified. A float error report will be kept and any discrepancies will be deducted or added to the group split at the end of the month.
- Upon completions of the bingo event, the group will prepare a new float with the specified denominations, complete the verification form, put the float and verification letter in a bag, seal it and return the float to the hall manager. Should you not have the correct denominations required, the \$3,000.00 float held by the manager may be used..

## **DEPOSITS**

- Hall management will make a deposit of all monies received at the end of each day and the deposit dropped in the provided safe. The designated company shall pick-up, each day from Monday-Friday (holidays excluded), shall pick up the dropped deposits and provide hall management with the respective deposit slip for those monies.
- Any shortages or overages will be applied to the individual organizations' split at the end of each month.

### **SECTION #3**

#### **BONA FIDE MEMBERS**

- An individual may only be involved in the bingo operation of (5) five charitable organizations in Niagara Falls.
- Any changes to an individual's choice of organization's be provided to the City of Niagara Falls, in writing, and that the information be provided to the organizations involved.
- That current municipal policy with respect to penalties be applied to this policy.

### **SECTION # 4**

#### **BONA-FIDE MEMBER/REIMBURSEMENT EXPENSE POLICY**

The the maximum bona-fide member reimbursement is as follows:

- \$40.00 per session (breakfast, afternoons and evenings inclusive)
- The Out of Pocket Expense Reimbursement is to be paid from the proceeds of the individual organization's split each month.
- Out of Pocket Expense Reimbursements of \$10.00 or less per person are payable without the necessity to provide receipts. Out of Pocket Expense Reimbursement sheet must be signed by each member accepting the \$10.00 fee.
- Out of Pocket Expense Reimbursements in excess of \$10.00 to a maximum of \$20.00 will be permitted with proper receipting.
- The reimbursement must be for actual expenses incurred.
- Acceptable expenses include, but are not limited to: child care (babysitting),

- meals, transportation (bus, taxi, or mileage [current government rate] ).
- Actual receipts must be provided. In the event that an expense cannot be receipted (e.g. bus fare), a written receipt from the person claiming the reimbursement must be included with any actual receipts.
- The receipts must be attached to the Out of Pocket Expense Reimbursement sheet that is provided to the bingo hall manager to be forwarded to the HCA (Hall Charity Association).
- The Out of Pocket Expense Reimbursement sheet (with attached receipts) will be provided to the Lottery Licensing Authority monthly, as part of the pooling submission.
- Expenses not indicated in the examples above must be approved by the Lottery Licensing Authority, prior to being claimed.

## **SECTION # 5**

### **BUSING OF BINGO PATRONS**

The practice of busing of patrons to bingo will not be permitted, unless specific permission is granted by the Municipality.

## **SECTION #6**

### **ELIGIBILITY**

In order to be eligible for a Provincial bingo licence in the City of Niagara Falls and be granted the necessary municipal approval, organizations must complete the APPLICATION FOR LOTTERY LICENSING IN NIAGARA FALLS and comply with the municipalities SPECIAL REQUIREMENTS

## **SECTION #7**

### **EVENT CALENDAR**

The event calendar reads as follows:

MORNING	- Monday thru Sunday	- 1 per day
AFTERNOON	- Monday thru Sunday	- 1 per day
LATE AFTERNOON	- Monday thru Sunday	- 1 per day
EVENING	- Monday thru Sunday	- 1 per day
LATE NIGHT	- Monday thru Sunday	- 1 per day

A morning bingo is operated between the hours of 8:15 a.m. and 12:15 p.m.

An afternoon bingo is operated between the hours of 11.15 noon and 3:15 p.m.

A late afternoon bingo is operated between 2:15 p.m. and 6:15 p.m.

An evening bingo is operated between 5:15 p.m. and 10:15 p.m.

A late night bingo is operated between 8:15 p.m. and 12:15 a.m.

## **SECTION #8**

### **NUMBER OF EVENTS**

No organization will be licensed to conduct more than 52 events in a calendar year.

## **SECTION #9**

### **PENALTIES**

Penalties for non-compliance with either Provincial Terms and Conditions and Municipal. Policy, will be as follows:

#### **SPECIFIC INCIDENTS**

1. Licensee arrives with insufficient number of bona-fide members and a late session start is required:
  - 1<sup>st</sup> occurrence                      Written warning
  - 2<sup>nd</sup> occurrence                      Probationary licence for six (6) months
  - 3<sup>rd</sup> occurrence                      Three (3) month licence suspension
  - 4<sup>th</sup> occurrence                      Six (6) month licence suspension
  - 5<sup>th</sup> occurrence                      Indefinite suspension
  
2. Licensee arrives with insufficient number of bona-fide members and cannot conduct the event: Bingo hall is allowed to “replace” the licensee for that event, in accordance with the Provincial Terms and Conditions, the licensee in violation can be subjected to the following:
  - 1<sup>st</sup> occurrence                      Written warning
  - 2<sup>nd</sup> occurrence                      Probationary licence for six (6) months
  - 3<sup>rd</sup> occurrence                      Three (3) month suspension
  - 4<sup>th</sup> occurrence                      Six (6) month suspension
  
3. If a replacement organization cannot be arranged, the event must be cancelled for that session and the bingo hall will “go dark”. time slot and the penalty for the “bingo hall going dark” will be as follows:
  - 1<sup>st</sup> occurrence                      Three (3) month licence suspension
  - 2<sup>nd</sup> occurrence                      Six (6) month licence suspension

- 3<sup>rd</sup> occurrence                      No longer permitted to conduct bingo

In order to properly apply the penalties with respect to bona-fide members and the ability to conduct the bingo event and provide an opportunity to replace organizations if necessary, the following policy with respect to Arrival Times will apply:

**Three (3) bona-fide members of the licensed organization must arrive at the hall, no later than 1 ½ hours prior to the start of their event. If those members are not present in time, the hall manager will than start the proceedings, as described above, for the “replacement of the licensee.”**

4. Licensee is “written up” for other infractions/incidents by either the hall manager or the hall charity association:

- 1<sup>st</sup> occurrence                      Written warning
- 2<sup>nd</sup> occurrence                      Probationary licence period for six (6) months
- 3<sup>rd</sup> occurrence                      Three (3) month licence suspension
- 4<sup>th</sup> occurrence                      Six (6) month licence suspension
- 5<sup>th</sup> occurrence                      Indefinite suspension

5. Licensee is not permitted to conduct an event/barred from the bingo hall for cause:

- The licensee will lose “ownership” of the time slot, will receive a licence suspension, length of time to be determined by the licensing authority and must then reapply for an opportunity to conduct bingo events. This charity will be placed on the bingo event waiting list and will be treated as a new applicant.

## **INCIDENT REPORTS**

The bingo halls in Niagara Falls will implement an Incident Report Policy. This will consist of preparing a standard form.. This form will be used by the bingo hall and the hall charity association to document any incidents that may occur with a particular licensee and copies shall be distributed as follows:

- Bingo Hall
- City of Niagara Falls
- Licensee
- Hall Charity Administrator

The form shall indicate whether or not the incident is :

- Non-compliance with Provincial and/or Municipal Terms
- Non-compliance with Bingo Hall and/or Hall Charity Association Terms
- Other

## **SECTION #10**

### **LATE FILING POLICY**

#### **OVERDUE MONTHLY CHARITABLE GAMING PACKAGE**

Bingo reports are to be submitted to the licensing authority by the end of the month following the bingo events (ie: January monthly report to be submitted by the end of February).

- 1<sup>st</sup> occurrence      Written request for submission of overdue report with deadline given.  
  
2<sup>nd</sup> Notice of overdue report and deadline given for submission.  
  
Failure to file by second deadline - suspension of bingo licence one event at a time until all documentation is received
- 2<sup>nd</sup> occurrence      Written request for submission of overdue report with deadline given  
  
Failure to file by deadline - suspension of bingo licence one event at a time until all documentation is received (no second notice given)
- 3<sup>rd</sup> occurrence      automatic one month suspension of bingo licence
- 4<sup>th</sup> occurrence      automatic three month licence suspension
- 5<sup>th</sup> occurrence      automatic six month suspension

#### **BINGO APPLICATION SUBMISSION - *failure to file by due date or incomplete***

Bingo applications are processed twice a year (May and November). With the November application, additional documentation is required.

- 1<sup>st</sup> occurrence            loss of one bingo event and new deadline given  
  
   failure to file by second deadline, one month suspension of bingo licence.  
  
   failure to submit by third deadline, three month suspension of bingo licence
- 2<sup>nd</sup> occurrence            loss of bingo licence for once month with deadline given  
  
   failure to file by second deadline, three month suspension of bingo licence.
- 3<sup>rd</sup> occurrence            six month suspension of bingo licence

## **FINANCIAL STATEMENTS**

Financial statements are required on a yearly basis, within 180 day of the organizations fiscal year end. Overdue financial statements will be handled as follows:

- Written request for submission of overdue report with deadline given.
- 2<sup>nd</sup> Notice of overdue report and deadline given for submission.
- Failure to file by second deadline - suspension of bingo licence one event at a time until all documentation is received

## **OTHER LOTTERY LICENCES**

Organizations who hold other lottery licences in addition to their bingo licences and the reports are overdue will be handled as follows:

- Written request for submission of overdue report with deadline given.
- 2<sup>nd</sup> Notice of overdue report and deadline given for submission.
- Failure to file by second deadline - suspension of bingo licence one event at a time until all documentation is received

Organizations in violation of the Late Filing Policy will be subject to a six (6) month Probationary Licence period. During this time, organizations may be denied additional licences or additional bingo licence events, where warranted.

Organizations in good standing for six months will be have their probationary status removed.

## **SECTION #11**

### **PRE-APPROVAL FOR BINGO ORGANIZATIONS**

Any organization wishing to be pre-approved for a bingo licence must comply with Section 5 of this policy.

A list of pre-approved organizations will be administered in the following manner:

- The list will be maintained by the Clerk's Department
- The groups will be placed on the list in the order in which they are approved.
- All openings in the bingo event calendar will be filled from the list of pre-approved organizations in order of their appearance on the waiting list.
- When an opening occurs, the opening will be first offered to currently licensed organizations who have expressed, in writing, a desire to change from their current bingo event. The event that becomes available following this procedure, will then be offered to the first organization on the waiting list. At that time, the organization must satisfy the Lottery Licensing Authority that the factors in determining their eligibility on the waiting list have not changed, thereby making the pre-approval still valid.

Only new openings will follow the above procedure. Temporary openings, including those resulting from licence suspensions, will be filled from the municipal waiting list until such time as a final decision as to the continued licensing of the organization involved has been determined.

## **SECTION #12**

### **REPORTING REQUIREMENTS**

An executive list or Board of Directors is to be submitted to the licensing authority on a yearly basis. This is to be submitted to the licensing authority prior to the issuance of a bingo licence for the next calendar year. Where an election of new officers has not

taken place, written notification is required which contains the date of election of officers and when the submission of this list will occur.

A budget is to be submitted to the licensing authority on a yearly basis. This is to be submitted to the licensing authority prior to the issuance of a bingo licence for the next calendar year. Where a budget has not been prepared at that time, written notification is required which indicates when the budget submission will be received.