

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 91-97

AN INTERIM CONTROL BY-LAW TO PROHIBIT
THE USE OF LANDS, BUILDINGS AND
STRUCTURES IN THE CITY OF NORTH BAY
FOR CERTAIN CHARITY GAMING
CLUBS OR VIDEO LOTTERY TERMINALS

WHEREAS Council has directed that a study be undertaken in respect of land use planning policies regarding the use of land for charity gaming clubs or video lottery terminals;

AND WHEREAS Council deems it desirable to enact an interim control by-law to prohibit the use of lands in the City of North Bay for these uses until the study is complete pursuant to section 38 of the Planning Act, R.S.O. 1990, Ch. P.13;

AND WHEREAS the City Clerk shall give notice within 30 days after the passing of this By-law to interested persons and public bodies prescribed under the Regulations of the Act in order to allow an appellant to appeal within 60 days to the Ontario Municipal Board.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

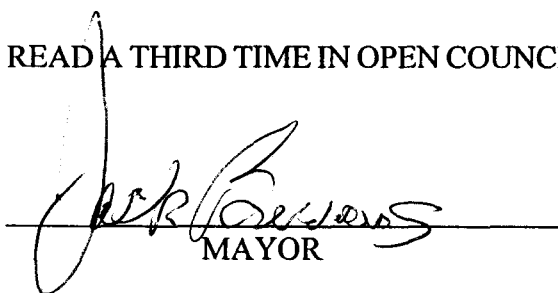
- 1) For the purposes of this by-law:
 - a) **“Charity Gaming Club”** shall mean a building, structure, use, or facility operated on a full-time basis under licence as such from the Province of Ontario or its Gaming Control Commission for the purpose of providing gaming tables, video lottery tables or any other form of lottery game, proceeds of which will be distributed to registered charities, but excluding bingo, nevada or raffle games of chance or Monte Carlo events.
 - b) **“Video Lottery Terminal”** shall mean an electronically powered video screen, terminal or machine used in connection with gaming or any game under licence from the Province of Ontario or its Gaming Control Commission.
 - c) **“Video Lottery Terminal Arcade”** shall mean an indoor or roofed area with four (4) or more video lottery terminals.
 - d) **“Casino”** shall mean a building or structure or portion thereof which is under licence, as such, from the Province of Ontario or its Gaming Control Commission and used or intended to be used for the principal purpose of providing gaming tables, video lottery tables or any other form of lottery game, proceeds of which will be distributed to registered charities, but excluding bingo, nevada or raffle games of chance.

- e) **“Amusement Arcade”** shall mean a building or part of a building in which four or more video, or other similar coin or token operated devices are provided for public amusement or games of chance.
 - f) **“Principal Use”** shall mean the predominant purpose for which any land, building, structure or premises, or part thereof, is used, designed, arranged, occupied or maintained.
 - g) **“Accessory Use”** shall mean a use, building or structure that is naturally and normally incidental, subordinate and exclusively devoted to the principal use, building or structure and located on the same lot therewith.
 - h) **“Use”** shall mean the purpose for which a lot or building or a structure or any combination thereof is designed, constructed, arranged, occupied or maintained.
- 2) Notwithstanding any other provisions of Zoning By-law No. 28-80, as amended, no lands, buildings, structures or premises, or part thereof in the City of North Bay shall:
- a) have as its principal use,
 - i) a casino with video lottery terminals;
 - ii) a charity gaming club with video lottery terminals; or
 - iii) video lottery terminal arcade which uses video lottery terminals;
 - b) have as an accessory use any video lottery terminal.
- 3) Should any section, or part of a section of this By-law be declared by a court of competent jurisdiction to be ultra vires, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section had been struck out.
- 4) This by-law shall be in effect until September 1, 1998.

READ A FIRST TIME IN OPEN COUNCIL THE 22nd DAY OF September, 1997.

READ A SECOND TIME IN OPEN COUNCIL THE 22nd DAY OF September, 1997.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 22nd DAY of September, 1997.


MAYOR


CITY CLERK