

TO: CITY MANAGER 1998 MARCH 04

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: BYLAWS RESPECTING THE OPERATION OF SLOT MACHINES
IN GAMING FACILITIES

PURPOSE: To provide Council with background information concerning the bylaws on this subject appearing on tonight's agenda.

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

Arising from discussion at the Council meeting of 1998 March 02 concerning slot machines in licenced gaming facilities, a motion was passed asking staff to prepare and advance bylaw amendments to create two classes of casinos, in order that Council might determine through a rezoning process the suitability of proposals for casinos containing slot machines on a case-by-case basis when proposals are received for use of the sites for such purposes.

Accordingly, appearing on tonight's agenda are bylaws prepared by the City Solicitor for this purpose.

Bylaw #10707, which is presented for First, Second and Third Readings, is a bylaw pursuant to Section 680(b) of the Municipal Act prohibiting slot machines except in a gambling facility permitted under the zoning bylaw to have slot machines, i.e. a "gaming house".

Bylaw #10708, presented for First Reading and intended to be submitted to the Public Hearing set for 1998 March 24, provides an amendment to the Burnaby Zoning Bylaw, to create an additional class of gaming establishment, one including slot machines, and to make provision for this land use only in a zoning district having a C3d designation, subject to such use being included as part of a comprehensive development plan.

Upon adoption, these bylaws will enable Burnaby to effectively regulate and control the presence of slot machines in Burnaby, in that casinos with slot machines would be capable of being approved only after due consideration of an application for Comprehensive Development rezoning including submission of the matter to a Public Hearing. It would be unlawful to operate a gaming facility with slot machines on any other basis.

Both bylaws incorporate by reference the definition of "slot machine" from the Criminal Code of Canada. This definition is quite broad and includes any automatic gaming machine, other than one that dispenses as prizes only free games on the machine. It would therefore include not only slot machines as the term is commonly understood, but also video lottery terminals.

This background is provided for the information of Council. If the Bylaws are advanced, staff will inform prospective operators of casinos of the necessity for and the procedure to submit an application for rezoning of any site intended for such purposes.



D. G. Stenson
Director Planning and Building

DGS:lf
cc: City Solicitor

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