

ORDINANCE NO. 2020-26

AN ORDINANCE AMENDING CHAPTER 10 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING THE REGULATION OF RAFFLES IN THE VILLAGE OF STICKNEY

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Municipal Code, Village of Stickney, Illinois (the “Village Code”) does not currently set forth regulations regarding raffles; and

WHEREAS, a municipality may regulate raffles within its corporate boundaries pursuant to the Illinois Raffles and Poker Runs Act (230 ILCS 15/0.01 *et. seq.*) (the “Act”); and

WHEREAS, the Act has established minimum standards which municipalities must impose in connection with an ordinance regulating raffles; and

WHEREAS, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend the Village Code to include regulations regulating raffles; and

WHEREAS, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 10 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 10 of the Village Code to add regulations related to raffles, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 10 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY,
ILLINOIS**

SECTION 3. AMENDMENT OF CHAPTER 10

That Chapter 10 of the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adding Article VII as follows:

ARTICLE VII. – RAFFLES.

Sec. 10-206. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civil interest of a community.

Charitable: An organization or institution organized and operated to benefit an indefinite number of the public and is licensed by the state as charitable. The service rendered to those eligible for benefits must also confer some benefit on the public.

Educational: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government and is a local detachment of a state or national fraternal organization.

Labor: An organization composed of workers organized with the objective of betterment of the conditions of a higher degree of efficiency in their respective occupations.

Net proceeds: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees, and other operating expenses incurred as a result of operating a raffle.

Non-profit: An organization or institution organized and conducted on a not-for profit basis with no personal profit inuring to anyone as a result of the operation and is licensed as such by the State of Illinois.

Raffle: Means a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

- (1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

"Raffle" does not include any game designed to simulate: (1) gambling games as defined in the Riverboat Gambling Act, (2) any casino game approved for play by the Illinois Gaming Board, (3) any games provided by a video gaming terminal, as defined in the Video Gaming Act, or (4) a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act, or Section 4 of the Home Owners' Loan Act.

Religious: Any church, congregation, society, or organization founded for the purposes of religious worship.

Veterans: An organization or association comprised of members of which substantially all are individuals who are veterans of military service, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Section 10-207. – License Required.

- (a) Except as provided herein, it shall be unlawful for any person to conduct or operate a raffle or a raffle event in the village, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license issued pursuant to and in accordance with the provisions of this article.
- (b) Raffles conducted by Political Committees licensed by the State Board of Elections pursuant to 230 ILCS 15/8.1 are exempt from the requirements of this article.
- (c) Law enforcement agencies and statewide associations that represent law enforcement officials may conduct raffles within the village and are exempt from the requirements of this article.

Section 10-208. – Application.

- (a) Applications shall be made in writing through the village clerk's office at least twenty (20) days prior to the first day intended for the sale of the raffle chances. The applications may be submitted on a form provided by the clerk, if such a form is available, or via a letter of the letterhead of the organization where the

letter contains all of the information required in subsection (b) herein.

(b) Applications for license under this article must contain the following information:

Name of applicant;

A copy of applicant's not-for-profit articles of incorporation and/or charter;

Address;

Purpose of raffle;

Area within the village where the raffle is to be conducted;

Time period during which chances will be sold or issued;

Sworn statement attesting to not-for-profit character of the prospective licensee organization, signed by the presiding officer and secretary of the organization;

Date, time and location at which winning chances will be determined;

The aggregate retail value of all the prizes or merchandise to be awarded by a single raffle;

The maximum to be charged for each raffle chance and the number of chances to be issued for each raffle; and

The name(s) and address(es) of the operator of the raffle if not an office or member of the applicant organization.

(c) Each such license shall be valid for one (1) raffle or for a specified number of raffles during a specified period not to exceed one (1) year and may be suspended or revoked by the corporate authorities in the event of violation of the terms of this article or of any applicable state law. A license shall authorize the holder of such license to sell raffle chances throughout the State, including beyond the borders of the village.

(d) The following persons are ineligible for any license under this article:

(1) Any person whose felony conviction will impair the person's ability to engage in the licensed position. The village, upon a finding that an applicant for a license was previously convicted of a felony shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which a license is sought:

a. The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought;

b. Whether five (5) years since a felony conviction or three (3) years since release from confinement for the conviction,

whichever is later, have passed without a subsequent conviction;

- c. If the applicant was previously licensed or employed in this state or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;
 - d. The age of the person at the time of the criminal offense;
 - e. Successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;
 - f. Evidence of the applicant's present fitness and professional character;
 - g. Evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under section 5-5.5-10 of the Unified Code of Corrections; and
 - h. Any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which a license or employment is sought;
- (2) Any person who is or has been a professional gambler or professional gambling promoter;
 - (3) Any person who is not of good moral character;
 - (4) Any organization in which a person defined in paragraph (1), (2) or (3) of this subsection has a proprietary, equitable or credit interest, or in which such person is active or employed;
 - (5) Any firm or corporation in which a person defined in paragraph (1), (2) or (3) of this subsection is an officer, director, or employee, whether compensated or not; or
 - (6) Any organization in which a person defined in paragraph (1), (2) or (3) of this subsection is to participate in the management or operation of the raffle for which the license is being sought.
- (e) A raffle license shall be issued only to bona fide non-profit religious, charitable, labor, fraternal, educational, veterans' or other bona fide not-for-profit organizations which operate without profit to their members and which have been in existence continuously for a period of at least five (5) years immediately before making application for a license and which have during that entire five (5) year period been engaged in carrying out their objectives, or to a non-profit

fund raising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to the identified individual or group of individuals suffering extreme financial hardships as the results of an illness, disability accident or disaster.

(f) *Limitations.*

(1) The maximum price which may be charged for each raffle chance issued or sold is limited to \$100.00.

(2) Licenses issued shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year and may be suspended or revoked for any violation of state statute or of this article.

(g) The fee for a raffle license to conduct a raffle shall be \$25.00. The fee may be waived for charitable organizations requesting such waiver in writing, upon approval of a majority of the village board.

(h) The village shall, within twenty (20) days, evaluate and either approve or disapprove of said application. The village's approval of an application for a license shall constitute the license for the conduct of the raffle applied for the applicant.

Section 10-209. – Conduct of raffles.

The conducting of raffles is subject to the Illinois Raffles Act requirements, and to the following restrictions:

(a) *Proceeds.* The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.

(b) *Participation in management.* No person except a bona fide director, officer, employee, or member of the sponsoring organization may manage or participate in the management of the raffle.

(c) *Remuneration.* No person may receive any remuneration or profit for managing or participating in the management of the raffle.

(d) *Premises.* A licensee may rent a premises on which to determine the winning chance or chances in a raffle provided that the rent is not determined as a percentage of receipts or profits from the raffle.

(e) *Locations.* Raffles chances may be sold throughout the State, including beyond the borders of the licensing municipality or county and winning chances may be determined only at those locations specified on the license.

(f) *Age of participants.* No person under the age of eighteen (18) years may participate in the conducting of raffles or chances or the purchase of chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

Section 10-210. – Records.

- (a) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- (b) Gross receipts from the operation of each single raffle shall be segregated from other revenues of the organization, including bingo receipts, if bingo games are also conducted by the same nonprofit organization pursuant to a license issued by the state department of revenue, and placed in a separate account. Each organization shall have separate records of each separate raffle. The person who accounts for gross receipts, expenses, and net proceeds from the operation of each raffle shall not be the same person who accounts for other revenues of the organization.
- (c) Each organization licensed to conduct a raffle under the provisions of this chapter shall report to its membership, and to the village, its gross receipts, expenses and net proceeds from each raffle and to the distribution of the net proceeds itemized as required in this section. Such report to the village shall be made within ten (10) business days after the conclusion of each raffle.
- (d) Each organization licensed to conduct raffles shall, for each and every raffle, keep records of the name and address of each person to whom a raffle chance has been sold or issued, and the number of raffle chances sold or issued to such person.
- (e) Each organization licensed to conduct raffles shall report monthly to its membership, or, if the organization does not have members, to its governing board, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section. Such reports shall be filed with the village clerk.
- (f) Each organization licensed to conduct raffles shall report monthly to its membership, and to the village, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section. Such reports shall be filed with the village clerk.
- (g) Records required by this section shall be kept for three (3) years and organizations shall make available their records relating to the operation of any raffle for public inspection at reasonable times and places.

Section 10-211. – Bond required.

All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of \$500.00 or two (2) times the aggregate value of prizes, whichever is less, in favor of the license conditioned upon his or her honesty in the performance of his or her duties. The bond shall provide that notice shall be given in writing to the village not less

than thirty (30) days prior to its cancellation. A bond as provided for in this section may be waived by the corporate authorities by including a waiver provision in the license issued to the organization, provided that a license containing such waiver provision shall be granted only by the affirmative unanimous vote of the requisite number of members of the licensed organization or, if the licensed organization does not have members, of members of the governing board of the organization, to constitute an affirmative action of the licensed organization.

Section 10-212. - Suspension/revocation.

Any license granted under this article may be suspended or revoked by the village at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this article may be suspended or revoked in whole or in part at any time that the raffle is conducted contrary to the license or to any state or village law, or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any raffle which license has been suspended or revoked. The village administrator shall have the authority to suspend or revoke a license in accordance with this article; any license holder may appeal such decision to suspend or revoke if filed within thirty (30) days by requesting a hearing before the village board. Such hearing shall be conducted pursuant to public notice given by posting on the village website and at the village hall not less than forty-eight (48) hours prior to the hearing and said hearing shall be held within ten (10) days of the request for appeal.

Section 10-213. - Penalty.

Any raffle permit issued under this article shall be revoked or suspended if the permit holder violates any terms of the license or any other provisions of this article. Any violation of this article shall be subject to a fine up to \$750.00. Each day that a violation hereof exists shall be considered a separate offense. Each raffle held in violation hereof shall be considered a separate offense. The penalties provided for herein are exclusive of and in addition to any other remedies available to the village at law or in equity.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III.

**HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage, approval and publication in accordance with Illinois law.

PASSED this 15th day of December, 2020.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos and White

NAYS: None

ABSENT: Trustee Torres

ABSTENTION:

APPROVED by me this 15th day of December, 2020.

Jeff Walik, President

ATTESTED AND FILED in my
office this 16th day of December, 2020.

Audrey McAdams, Village Clerk