

STATE OF ILLINOIS)

COUNTY OF DE KALB)

ORDINANCE 2000-20

AN ORDINANCE AMENDING THE DE KALB COUNTY CODE BY ADDING

CHAPTER 7 TO THE CODE

WHEREAS, the De Kalb County Board finds it to be in the best interests of the citizens of De Kalb County to amend the De Kalb County Code by adding the following Chapter as follows:

De Kalb County Code Chapter 7

Sec. 7-1 . Licenses for raffles.

(a) Whenever reference herein is made in this section to "state law" it shall mean and refer to an act of the General Assembly of the State of Illinois, entitled "Raffles Act", effective September 6, 1990

As used in this section the term "net proceeds" means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle. As used in this section the term "raffle licensing agent" means the county clerk. Unless the context otherwise requires, all words and phrases used herein shall have the same meaning as the same or similar words or phrases defined and used in state law.

(b) Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five-year period a bona fide membership engaged in carrying out their objectives. For purposes of this section, the following definitions apply:

(1) Nonprofit: 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.

(2) Charitable: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(3) 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.

(4) Religious: Any church, congregation, society or organization founded for the purpose of religious worship.

(5) 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.

(6) Veterans: An organization or association composed of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, 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.

(7) Labor: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(8) Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(c) No license shall be issued to:

(1) Any person who has been convicted of a felony;

(2) Any person who is or has been a professional gambler or gambling promoter;

(3) Any person who is not of good moral character;

(4) Any firm or corporation in which a person defined in (1), (2), or (3) has a proprietary, equitable, or credit interest, or in which such a person is active or employed;

(5) Any organization in which such a person defined in (1), (2), or (3) is an officer, director or employee, whether compensated or not;

(6) Any organization in which a person defined in (1), (2), or (3) is to participate in the management or operation of a raffle as defined by state law.

(d) Application forms shall be furnished by the raffle licensing agent and filed with same. Said applications shall show the following:

(1) The name and address of the applicant;

(2) The date, time and location at which winning chances will be determined;

(3) Place and date of chartering or incorporation of applicant, if applicable;

(4) Name, address, telephone number, social security number and date of birth of presiding officer, secretary, and raffle manager of applicant;

(5) The area or areas in which raffle tickets will be sold;

(6) A list of prizes and the retail of each prize to be awarded in a single raffle; and

(7) The price to be charged for each ticket sold.

The license application shall contain a sworn statement attesting to the accuracy of the information provided and to the not-for-profit character of the prospective licensee. Said statement shall be signed by the presiding officer, secretary, and raffle manager of that prospective licensee. An application for a license under this section is valid for one raffle only. Any raffle in which the aggregate value of the prizes is less than one thousand dollars (\$1000.00) shall be considered automatically licensed without necessity of an application.

(e) The conducting of raffles is subject to the following restrictions:

(1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the licensee permitted to conduct that game.

(2) No person except a bona fide member of the licensee organization may participate in the management or operation of the raffle.

(3) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(4) Raffle chances may be sold or issued only within the area or areas specified on the license.

(5) Winning chances must be determined only at the time, date, and location specified on the license.

(6) Any person selling raffle chances must carry a copy of the license issued for the raffle.

(f) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, shall not exceed fifty thousand dollars (\$50,000.00). The maximum retail value of each prize awarded by a licensee in a single raffle, shall not exceed fifty thousand dollars (\$50,000.00). The maximum price which may be charged for each raffle chance issued or sold, shall not exceed one hundred dollars (\$100.00). The maximum number of days during which chances may be issued or sold shall not exceed one hundred eighty (180). The license shall not be valid for more than two hundred ten (210) days.

(g) All operation and conduct of raffles shall be under the supervision of a single raffle manager as designated on the license application. A manager shall give a fidelity bond in the sum of the aggregate retail value of the prizes as set out on the application. The bond shall be in favor of the organization conditioned upon the raffle manager's honesty in the performance of his duties. Said bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation period. If the retail value of the prizes exceeds fifteen thousand dollars (\$15,000.00), such bond shall be a corporate surety.

(h) Gross receipts from the operation of raffle programs shall be segregated from other revenues of the licensee; (including bingo gross receipts, if bingo games are also conducted by the same licensee pursuant to license issued by the department of revenue of the state), and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts and expenses from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

Each licensee shall keep records of gross receipts, expenses, and net proceeds for each single raffle at which winning chances are determined. All reasonable operating expenses deducted from gross receipts for each single raffle 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.

Each license, within thirty (30) days of the raffle, shall report to its membership and to the raffle licensing agent each of the following:

- (1) Gross receipts generated by the conducting of the raffle;
- (2) An itemized list of all reasonable operating expenses which have been deducted from the gross receipts;
- (3) Net proceeds from the conducting of the raffle;
- (4) An itemized list of the distribution of the net proceeds; and
- (5) A list of prize winners.

Records required by this subsection shall be preserved for three (3) years, and the organization shall make available for public inspection their records relating to the operation of a raffle at reasonable times and places.

(i) Nothing in this section shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles as provided by state law.

(j) The fee to be paid to the county for such a license shall be as follows:

Aggregate Prize Value	Fee
Less than \$1000.00	None
\$1001.00 and over	\$5.00

(k) The raffle licensing agent shall be charged with the administration of this section.

(l) The authority and jurisdiction of the county to issue a license to a prospective licensee shall extend only to that area of the county which is both within the borders of the county and outside the borders of any municipality.

(m) The raffle licensing agent shall act upon a license application within ten (10) days from the date of the application.

(n) The chairman of the county board and the county clerk may enter into a written contract with one or more county municipalities which have adopted a raffle ordinance consistent with this section to jointly establish a system for the licensing of organizations to operate raffles within the unincorporated area of the county and within the corporate limits of any municipality that is a party of such contract. Such contract shall be consistent with the limitations of this section except that a license issued by one government unit shall be valid throughout the jurisdiction of all parties to the contract.

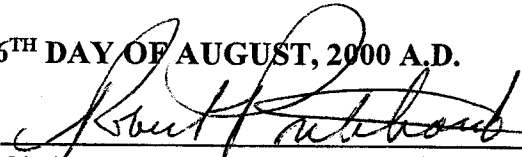
(o) Failure to comply with any of the requirements of this section shall constitute a violation. A violation of any of the provisions of this section is a Class C misdemeanor.

Each day the violation continues shall be considered a separate offense.

State law reference - Raffles Act, 230 ILCS 15/0.01 et seq.


NOW, THEREFORE, BE IT ORDAINED, that the De Kalb County Board has determined that it is in the best interest of the citizens of De Kalb County to Amend the County Code by adding Chapter 7.

ADOPTED BY THE COUNTY BOARD THIS 16TH DAY OF AUGUST, 2000 A.D.



Chairman, De Kalb County Board

ATTEST:



County Clerk