

State of Illinois )  
 ) ss:  
County of Marshall)

# 17-26

ORDINANCE REGULATING RAFFLES IN MARSHALL COUNTY, ILLINOIS WHEREAS, ILLINOIS Compiled Statutes, Chapter 230, Section 15-0.01, et seq., known as the Raffles Act (hereinafter "Act"), provides that a County outside the corporate limits of any municipality may establish a system for the licensing of raffles pursuant to the terms of the Act; and

WHEREAS, the County of Marshall a body politic and corporate (hereinafter "County") desires to establish a system for the licensing of raffles pursuant to the terms of the Act.

NOW, THEREFORE, BE IT ORDAINED by the County of Marshall, acting by and through its County Board in regular meeting assembled; as follows:

Section 1: Definitions. For the purpose of this ordinance, the words and phrases listed hereunder have the meanings designated herein, except when a particular content clearly requires a different meaning.

**Business Organizations:** A voluntary non-profit organization composed of individuals and business who have joined together to advance the commercial, financial, industrial and civic interests of a community.

**Charitable Organization:** A non-profit 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 upon the public.

**Educational Organization:** A non-profit 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 Organization:** A non-profit 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 who otherwise would be cared for by the government.

**Labor Organization:** A non-profit organization composed of workers organized with the objective of the betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

**Licensee:** An authorized non-profit organization which has been issued a license to operate a raffle.

**Non-profit:** Organized, operated and conducted on a not-for profit basis with no personal profit incurring to anyone as a result of said operation.

**Person:** An individual, firm, organization, public or private corporation, government, partnership or unincorporated association.

Raffle: A form lottery, as defined in Section 28-2(b) of Criminal Code of 1961 conducted by an organization licensed under this ordinance which:

- (A) 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 means, one or more of which chances is to be designated the sinning chance; and
- (B) 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.

Religious Organization: Any non-profit church, congregation, society or organization founded for the purpose of religious worship.

Veterans Organization: A non-profit organization or association comprised of members or 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.

Section 2: License Requirements. It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle unless said raffle has been licensed in accordance with this ordinance.

Section 3: Multiple Raffles. A license issued under this ordinance shall apply for all raffles conducted by the licensee during the calendar year for which the license is issued.

Section 4: Application. Any person seeking to conduct or operate a raffle shall file an application therefor with the County Clerk on forms provided by said Clerk. Said application shall contain the following information:

- (A) The name, address and type of organization
- (B) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (C) The name, address, telephone number, social security number and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
- (D) The estimated annual aggregate retail value of all prizes to be awarded;
- (E) The maximum retail value of each prize to be awarded;
- (F) The maximum price charged for each raffle chance issued or sold;
- (G) The estimated gross annual sales of chances;
- (H) The geographic area or areas in which raffle chances will be sold or issued;
- (I) The maximum number of days during which raffle chances are sold;
- (J) The times and locations at which winning chances will be determined. (Note: the application may be amended by telephone call from an officer of the organization to the county clerk not less than (3) days prior to the drawing and confirmed in writing by the organization.);
- (K) A sworn statement attesting to the not-for-profit character of the applicant organization, signed by its presiding officer and secretary;

- (L) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

Section 5: Licensee Qualifications: Raffle licenses shall be issued only to bona fide charitable, education, fraternal, labor, business, religious and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years or more immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objections, or to a non-profit fund raising organization that the County Clerk determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of illness, disability, accident or disaster. The formation of an Illinois non-for-profit corporation shall not disqualify an organization that has been in existence for a period of five (5) years prior to incorporation. The following are ineligible for any raffle license:

- (A) Any person who has been convicted of a felony;
- (B) Any person who is or has been professional gambler or gambling promoter;
- (C) Any person who is not of good moral character;
- (D) Any organization in which a person defined in (A), (B) or (C) above has a proprietary, equitable or credit interest, or in which such person is active or employed;
- (E) Any organization in which a person defined in (A), (B) or (C) above is an officer, director or employee, whether compensated or not;
- (F) Any organization in which a person defined in (A), (B) or (C) above is to participate in the management or operation of a raffle as defined herein.

Section 6: License Issuance. The County Clerk shall review all license applications within ten (10) days from the date of application and shall, within thirty (30) days from the date of application, approve or deny a raffle license application. If an application is approved, the County Clerk shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for the calendar year in which it is issued.

Section 7: License Revocation: The County Board Chairman and the County Board Law Committee may revoke any license issued by the County if it is determined that the License has violated any provisions of this ordinance for other good cause. However, no such license shall be revoked except after a public hearing by the County board Chairman and Law Committee with a three (3) day written notice to Licensee of the hearing date, affording Licensee an opportunity to appear and defend at said hearing.

The County Board Chairman and law Committee shall, within three (3) days after such hearing, if they determine after such hearing that the license shall be revoked, state their reason or reasons for determination in a written order of revocation and shall serve a copy of such order within three (3) days upon the licensee.

Section 8: Conduct of Raffles: The operation and conduct of raffles are subject to the following restrictions:

- (A) The entire net proceeds of any raffles must be exclusively devoted to the lawful purpose of the License;
- (B) No person except a bona fide member of the License may participate in the management or operation of the raffle;

- (C) No person may receive remuneration or profit for participating in the management or operation of the raffle;
- (D) A Licensee may rent premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this ordinance;
- (E) Raffle chance may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license; and winning chances be determined only at the location specified on the license;
- (F) No person under the age of eighteen (18) years may participate in the operation or conduct of raffles. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by a parent or legal guardian.

Section 9: Raffles Manager: The operation and conduct of a raffle shall be under the supervision of a single raffle manager designated by the license. The manager shall give fidelity bond equal in the amount to the aggregate retail value of all prizes to be awarded in favor of the license condition upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the County Clerk no less than thirty (30) days prior to its cancellation.

Section 10: Records: Each License shall:

- (A) Keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts of 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 the date of payment;
- (B) Segregate gross receipts from the operation of raffles from other revenues of the licensee, including bingo gross receipts. If bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the State Department of Revenue, proceeds must be placed in a separate account. Each license shall keep separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee;
- (C) Report to its membership and to the County Clerk its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required herein. Such report shall be made promptly after the conclusion of each raffle;
- (D) Preserve raffle records for three (3) years and organization shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

Section 11: Fee Schedule: A licensing fee of twenty-five dollars (25) shall be paid to the County Clerk at the time the application for a raffle license is filed. All application fees are non-refundable even if the license is denied. The license shall be applicable only for the calendar

year in which it is issued and there shall be no proration of application fees for any partial calendar year.

Section 12: Penalties: Failure to comply with any of the requirements of this ordinance shall constitute a violation; and any person, upon conviction thereof, shall be fined not more than five hundred dollars (\$500) for each offense. Each day the violation constitutes shall be considered a separate offense.

Section 13: Appeals: Any person whose application is denied may appeal the denial to the Law Committee of the Marshall County Board. Such appeal shall be in writing and must be filed with the County Clerk within ten (10) days of the date of the written notice of denial. The Law Committee shall hear the appeal at its next regularly scheduled meeting. Any person appealing a denial may be represented by an attorney, may call witnesses and may cross-examine witnesses. The Chairman of the Law Committee shall preside over such appeal, and the majority vote (including the chairman) of the Committee present in favor of issuance or denial shall prevail.

Section 14: Severability Clause: If any provision of this ordinance is held to be unconstitutional or invalid, such ruling shall not affect any other provision of this ordinance not specifically included in such ruling and to this ruling, the provision of this ordinance are declared severable.

Section 15: Extra-territorial Jurisdiction. Pursuant to section 152 of Act, the County Board Chairman, for and on behalf of the County may enter into a written contract with any one or more municipalities providing for the establishment of a system for the licensing or organizations to operate raffles within any area of contiguous county territory not contained within the city.

Section 16: Effective date and Publication. This ordinance shall be effective immediately from and after its passage, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> day of April, 2017

**10-AYES**  
**1-NAY**  
**2-ABSENT**

  
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GARY KROESCHEN, CHAIRMAN  
MARSHALL COUNTY BOARD

ATTEST:  
  
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JILL M. PIPER, MARSHALL COUNTY CLERK

**\* WITH THE EXCEPTION IF A CITY PERMIT HAS ALREADY BEEN ISSUED**