

## ORDINANCE

**WHEREAS**, State law permits the County to license raffles and poker runs; and

**WHEREAS**, the County and City of Danville have entered into an intergovernmental agreement for the licensing of raffles; and

**WHEREAS**, the Illinois State Legislature has amended the Raffles Act to include poker runs and the City of Danville does not believe they can add poker runs to the intergovernmental agreement because of the wording of the new amendment; and

**WHEREAS**, it would be appropriate for the County to license both raffles and pokers runs to the extent we are going to license poker runs; and

**WHEREAS**, an ordinance is required to operate such licensing and set the requirements and fees.

**BE IT THEREFORE ORDAINED THAT THE COUNTY** now enacts a licensing ordinance for raffles and poker runs in the words and figures that follow, which shall be effective upon its passage:

*Section (1)* No person, firm, corporation, voluntary association, or other organization shall operate or conduct a raffle or poker run within the boundaries of the County, and no chance connected with any raffle shall be sold within the boundaries of the County, unless such person, firm, corporation, voluntary association, or other organization shall have first obtained from the County Board a license to operate or conduct such raffle or poker run as provided in this section.

*Section (2). Definitions.* For the purposes of this ordinance the terms defined in this Section have the meanings given them.

"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 or poker run.

"Key location" means the location where the poker run concludes and the prize or prizes are awarded.

"Poker run" means an event organized by an organization licensed under this Act in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric

score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

"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.

*Section (3). Licensing.*

(A) No license shall be issued under this section if:

(1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle exceeds \$200,000;

(2) The maximum retail value of each prize awarded by a licensee in a single raffle exceeds \$100,000;

(3) The maximum price which may be charged for each raffle chance issued or sold by the licensee exceeds \$200;

(4) The maximum number of days during which chances may be issued or sold by the licensee for a single raffle exceeds 90; or

(5) The maximum period of time during which chances may be issued or sold by the licensee for a specified number of raffles exceeds one year.

(B) Each applicant for a license to be issued under this section shall complete and execute under oath a written application to be filed with the County Board Office upon such form as the County Board Office may prescribe providing the following information:

(1) The area or areas within the boundaries of the County in which raffle chances will be sold or issued or a poker run will be conducted;

(2) The time period during which raffle chances will be sold or issued or a poker run will be conducted;

(3) The time of determination of winning chances and the location or locations at which winning chances will be determined;

(4) A sworn statement attesting to the non-profit character of the applicant and that the applicant meets the time period requirements and is otherwise compliant with the requirements of the ordinance;

(5) The application shall be signed by the presiding officer and the secretary of the organization.

(C) The following are ineligible for any license under this ordinance and shall be denied a license notwithstanding compliance with the application procedures:

(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 described in division (C)(1), (2), or (3) above has a proprietary, equitable, or credit interest or in which such a person is active or employed;

(5) Any organization in which a person described in division (C)(1), (2), or (3) above is an officer, director, or employee, whether compensated or not; or

(6) Any organization in which a person described in division (C) (1), (2), or (3) above is to participate in the management or operation of a raffle or poker run.

(D) In order to obtain a license under this section, the applicant must pay to the County a license fee of \$10 for each application. Licenses issued pursuant to this section 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. Any license issued hereunder may be suspended or revoked by the County Board Chairman for any violation of this section. The County Board shall act on properly completed and filed license applications within 30 days from the date of application. No license under this section shall be issued without approval of the County Board.

(E) 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 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority 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 an illness, disability, accident or disaster. The County may waive the 5-year requirement under this subsection (b) for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement.

For purposes of this ordinance, the following definitions apply. Non-profit: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation. 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. 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. Religious: Any church, congregation, society, or organization founded for the purpose of religious worship. 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. Veterans: An organization or association comprised 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. 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. 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.

(F) Poker runs shall be licensed by the governing body with jurisdiction over the key location. The license granted by the key location shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each predetermined location.

*Section 4. Conduct of raffles and poker runs.*

(a) The conducting of raffles and poker runs is subject to the following restrictions:

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

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

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

(4) 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 Act. A premise where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

(5) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license for a raffle.

(6) A person under the age of 18 years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(b) If a lessor rents premises where a winning chance or chances on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of

winning chances does not hold a license issued by the governing body of any county or municipality under the provisions of this Act.

*Section 5. Manager; bond.* All operation of and the conduct of raffles and poker runs shall be under the supervision of a single manager designated by the organization. The manager shall give a fidelity bond in an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than 30 days prior to its cancellation. The County may waive this bond requirement by including a waiver provision in the license issued to an organization under this Act, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the County.

*Section 6. Records.*

(a) Each organization licensed to conduct raffles and chances or poker run events shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run 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 raffles programs or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles and poker runs. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

(c) Each organization licensed to conduct raffles or poker runs shall report promptly after the conclusion of each raffle or poker run to its membership, and to the licensing local unit of government, its gross receipts, expenses and net proceeds from raffles or poker runs, and the distribution of net proceeds itemized as required in this Section.

(d) Records required by this Section shall be preserved for 3 years, and organizations shall make available their records relating to operation of raffles or poker runs for public inspection at reasonable times and places.

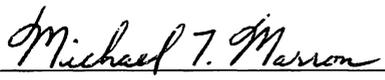
Section 7. Violation of any provision of this Act is a business offense for which a fine not to exceed \$1,000.00.

Section 8. Nothing in this Act shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles or poker runs as provided for herein.

**PRESENTED, APPROVED AND ORDAINED** by the County Board of Vermilion County, Illinois at the April 21, 2015 A.D. Session.

DATED this 21<sup>st</sup> day of April, 2015 A.D.

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Chairman, Vermilion County Board

ATTEST:

  
Clerk of the County Board

  
Approved to Form: State's Attorney

ORDINANCE 15-0402

Executive/Legislation Committee:

Mike Marron      Y N A  
Bob Fox            Y N A  
Larry Davis       Y N A  
Bruce Stark        Y N A

Bill Wright        Y N A  
Kevin Green       Y N A  
Steve Fourez      Y N A