

KENDALL COUNTY RAFFLE ORDINANCE

(Ordinance No. 86-6)

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WHEREAS, the County of Kendall may, pursuant to Public Act 81-1365 as amended, enacted by the 81st General Assembly of the State of Illinois, established a system for the licensing of organizations to operate raffles;

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Kendall, Illinois, as follows:

Article 1 - Definitions

Section 1. State Law.

Whenever reference herein is made to "State Law" it shall mean and refer to an Act of the General Assembly of the State of Illinois, entitled "an Act to Provide for Licensing and regulating certain games of chance and amending certain Acts herein named," approved August 5, 1981, as amended.

Section 2. Net Proceeds

Net Proceeds mean 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.

Section 3.

Raffle Licensing Agent for Kendall County is the Kendall County Clerk.

Section 4. Other

Unless the contest 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 this State Law.

Article II -- Qualifications

Section 1. Applicants.

A license to operate a raffle shall be issued only to a bona fide religious, charitable, labor, fraternal, educational, or veteran's 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 objectives.

Section 2. No license shall be issued to:

- (a) any person who has been convicted of a felony;
- (b) any person who is or has been a professional gambler or gambling promoter;
- (c) any person who is not of good moral character;
- (d) any firm or corporation in which a person defined in (a), (b), or (c) has a proprietary, equitable, or credit interest, or in which such a person is active or employed;
- (e) any organization in which such a person defined in (a), (b), or (c) is an officer, director or employee, whether compensated or not;
- (f) any organization in which a person defined in (a), (b), or (c) is to participate in the management or operation of a raffle as defined by State Law.

Article III -- Application

Section 1. Required Information.

Application forms shall be furnished by the Raffle Licensing Agent and filed with same. Said applications shall show the following:

- (a) the name and address of the applicant;
  - (b) the date, time and location at which winning chances will be determined;
  - (c) place and date of chartering or incorporation of applicant, if applicable;
  - (d) name, address, telephone number, Social Security number and date of birth of presiding officer, secretary, and raffle manager of applicant; \_\_\_\_\_
  - (e) the area or areas in which raffle tickets will be sold;
  - (f) a list of prizes and the retail of each prize to be awarded in a single raffle; and
  - (g) the price to be charged for each ticket sold.
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**Section 2.**

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.

**Section 3.**

An application for a license under this ordinance is valid for one raffle only.

**Section 4.**

Any raffle in which the aggregate value of the prizes is less than \$500 shall be considered automatically licensed without necessity of an application.

**Article IV -- Regulations Governing Licensee**

**Section 1. Conduct of Raffles.**

The conducting of raffles is subject to the following restrictions:

- (a) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the licensee permitted to conduct that game.
- (b) No person except a bona fide member of the licensee organization may participate in the management or operation of the raffle.
- (c) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (d) Raffle chances may be sold or issued only within the area or areas specified on the license.
- (e) Winning chances must be determined only at the time, date, and location specified on the license.
- (f) Any person selling raffle chances must carry a copy of the license issued for the raffle.

**Section 2. Raffle Limits.**

- (a) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, shall not exceed \$50,000.00.
- (b) The maximum retail value of each prize awarded by a licensee in a single raffle, shall not exceed \$50,000.00.
- (c) The maximum price which may be charged for each raffle chance issued or sold, shall not exceed \$100.00.
- (d) The maximum number of days during which chances may be issued or sold, shall not exceed 180.
- (e) The license shall not be valid for more than 210 days.

**Section 3. Raffle Manager and Bond.**

- (a) All operation and conduct of raffles shall be under the supervision of a single raffle manager as designated on the license application.
- (b) 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 days prior to its cancellation period. If the retail value of the prizes exceed \$15,000, such bond shall be a corporate surety.

**Section 4. Records.**

- (a) 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 of Illinois), 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.
- (b) 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.
- (c) Each licensee, within thirty days (30) 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;

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- (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.
- (d) Records required by this Section 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.

Section 5.

Nothing in the Ordinance shall be construed to authorize the conducting or operation of any gambling scheme, enterprise, activity, or device other than raffles as provided by State Law.

Article V -- Fees

Aggregate Prize Value	Fee
Less than \$500	- 0 -
\$501 to \$5000	10.00
\$5001 and over	10.00

Article VI -- Administration

Section 1.

The Raffle Licensing Agent shall be charged with the administration of this Ordinance.

Section 2. The authority and jurisdiction of Kendall County to issue a license to a prospective licensee shall extend only to that area of Kendall County which is both within the borders of Kendall County and outside the borders of any municipality.

Section 3.

The Raffle Licensing Agent shall act upon a license application within ten (10) days from the date of the application.

Section 4.

The Chairman of the County Board and the County Clerk may enter into a written contract with one or more Kendall County Municipalities which have adopted a raffle Ordinance consistent with this Ordinance to jointly establish a system for the licensing of organizations to operate raffles within the unincorporated area of Kendall 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 Ordinance except that a license issued by one Government unit shall be valid throughout the jurisdiction of all parties to the contract.

Article VII -- Enforcement

Section 1. Penalties.

Failure to comply with any of the requirements of this Ordinance shall constitute a violation. Whoever violates any of the provisions of this Ordinance is subject to Class "C" Misdemeanor Provisions, which are thirty (30) days imprisonment and/or a fine of \$500.00 (five hundred dollars). Each day the violation continues shall be considered a separate offense.

Section 2. Abatement.

The imposition of the penalties herein prescribed shall not preclude the State's Attorney from instituting appropriate action to prevent unlawful raffles or to restrain, correct, or abate a violation of this Ordinance or of the conditions of a raffle license issued pursuant hereto.

Article VIII -- Severability Clause

If any provision of this Ordinance or the applicant thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provisions or applications; and to this end, the provisions of this Ordinance are declared severable.

The Ordinance will be effective March 11, 1986.