

AN ORDINANCE ADDING CHAPTER 10, AMUSEMENT AND ENTERTAINMENTS, ARTICLE IV, RAFFLES AND CHANCES LICENSE, OF THE MUNICIPAL CODE OF THE VILLAGE OF NEW LENOX, ILLINOIS

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**WHEREAS**, the Village President and Board of Trustees of the Village of New Lenox, Will County, Illinois has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, the General Assembly of the State of Illinois has enacted the Raffles Act (230 ILCS 15/0.01 et. seq.), which allows the governing body of a county or municipality in Illinois to establish a system for the licensing of organizations to operate raffles; and

**WHEREAS**, the Village President and Board of Trustees of the Village of New Lenox desire to exercise the power granted unto them by the General Assembly under the Raffles Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:**

**SECTION 1.** The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct and complete and are hereby incorporated by reference thereto and made a part hereof.

**SECTION 2.** That Chapter 10, Amusement and Entertainments, Article IV, Raffles and Chances License, shall be added to the Village of New Lenox Municipal Code:

**ARTICLE IV. Raffles and Chances License**

**Sec 10-80. Raffles and chances license**

There is hereby established a "Raffles and Chances License," which license 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 the license as provided for in this subchapter and which have had during the entire five year period a bona fide membership engaged in carrying out their objectives and who have complied with the provisions of this subchapter and the provisions of the Raffles Act, 230 ILCS 15/0.01 et seq., as amended, or to a non-profit

fundraising organization that the Village 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.

**Sec 10-81      Limitation on value of prize awarded**

A limitation in the amount of \$750,000.00 is hereby imposed upon the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle. A limitation in the amount of \$750,000.00 is hereby imposed upon the maximum retail value of each prize awarded by a licensee in a single raffle. A limitation in the amount of \$1,000.00 is hereby imposed upon each raffle chance which is issued or sold in a single raffle.

**Sec 10-82      Validity**

Licenses issued pursuant to this ordinance 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 this ordinance.

**Sec 10-83      Time for issuance**

The President and Board of Trustees of the Village of New Lenox shall act upon any application for licenses submitted to and pursuant to the provisions of this subchapter within thirty (30) days from the date such application shall have been filed with the Village Clerk.

**Sec 10-84      Sale of raffle chances**

Raffle chances authorized to be issued or sold pursuant to the provisions of this subchapter may be sold only within the boundaries specified on the license.

**Sec 10-85      License restrictions**

A. A license issued pursuant to the provisions of this subchapter shall be subject to the following restrictions:

- 1) No person, firm or corporation shall conduct a raffle governed by the provisions of this subchapter without first having obtained a license therefor as provided for in this subchapter.
- 2) An application for a license pursuant to the provisions of this subchapter must specify the area or areas within the Village within which raffle chances may be sold or issued, the time period during which raffle chances may be sold or issued, and the time and place for the determination of the winning chance.
- 3) The license issued pursuant to the provisions of this subchapter must specify the area or areas within the Village within which raffle chances may be sold or

issued, the time period during which raffle chances may be sold or issued, and the time and place for the determination of the winning chance or chances.

- 4) An application for a license pursuant to the provisions of this subchapter must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization and that the organization meets all the requirements of this subchapter and the Raffles Act, 230 ILCS 15/0.01 et seq., as amended, and must be signed by the presiding officer and secretary of such organization.

**Sec 10-86 Denial of license**

A. The following are ineligible for any license issued pursuant to this subchapter:

- 1) Any person who has been convicted of a felony;
- 2) Any person who 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 subparagraphs 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 a person defined in subparagraphs 1), 2) or 3) is to participate in the management or operation of a raffle as defined in this subchapter;
- 6) Any organization which fails to meet all the requirements of this subchapter and the Raffles Act, 230 ILCS 15/0.01 et seq., as amended; and
- 7) The President and the Board of Trustees of the Village of New Lenox determine that it is not in the best interest of the Village.

**Sec 10-87 Raffle restrictions**

A. Each raffle conducted pursuant to a Raffle and Chances License issued as provided in this subchapter shall be subject to the following restrictions:

- 1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct the raffle;
- 2) No person except a bona fide member of the sponsoring 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) A licensee may rent a premise on which to determine the winning chances in a raffle only from an organization which is also licensed under the provisions of this subchapter;
- 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; and
- 6) No person under 18 years may participate in the conducting of raffles or chances. A person under the age of 18 may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

**Sec 10-88 Fidelity bond required**

All operations of and the conduct of raffles as provided for in this subchapter shall be under the supervision of a single manager designated by the organization. Such manager shall give a fidelity bond in the sum of \$5,000.00 or two times the aggregate value of prizes, whichever is less, in favor of the licensee conditioned upon his honesty in the performance of his duties. The bond shall provide that notice shall be given in writing to the Village of New Lenox not less than thirty (30) days prior to cancellation. Bonds as provided for in this Section may be waived by the Village by the inclusion of a waiver provision in the license provided that a license containing such a waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

**Sec 10-89 Records to be kept**

Each organization licensed pursuant to the provisions of this subchapter to conduct a raffle shall keep records of its gross receipts, expenses and net proceeds for each single raffle. All deductions from gross receipts for each single raffle shall be documented with receipts or other records indicating the amount, a description of the purchased items or service or other reason for deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment. Gross receipts from the operation of each single raffle shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit 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 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. Each organization licensed to conduct a raffle under the provisions of this subchapter shall report to its membership, and to the Village of New Lenox, its gross receipts, expenses and net proceeds from each raffle and the distribution of net proceeds itemized as required in this Section.

Records required by this Section shall be preserved for three (3) years, and organizations shall make available their records relating to operation of any raffle for inspection by the Village at reasonable times and places.

**Sec 10-90      Scope of regulations**

Nothing contained in this subchapter shall be construed to authorize the conducting or operating of any gambling scheme, enterprise activity or device other than raffles as provided for in this subchapter.

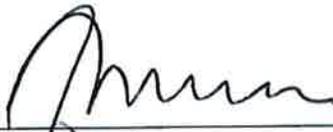
**Sec 10-91      Penalties**

Any person, firm or corporation violating or failing to comply with any provision of this subchapter shall be fined not less than Two Hundred Fifty Dollars (\$250.00) and no more than Seven Hundred and Fifty Dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PRESENTED and passed by the Board of Trustees on a roll call vote on the 24<sup>th</sup>  
day of September, 2012 with 6 trustees voting AYE, with -0-  
trustees voting NAY, and with -0- trustees ABSENT, the Mayor voting aye; and  
said vote being BUTTERFIELD aye, TUMINELLO aye,  
BOWDEN aye, SMITH aye, DYE aye, and MADSEN aye.

  
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VILLAGE CLERK

APPROVED this 24<sup>th</sup> day of September, 2012.

  
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MAYOR

ATTEST:

  
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VILLAGE CLERK