

**VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS**

Ordinance No.
2019-10

AN ORDINANCE AMENDING THE VILLAGE OF MT. ZION CODE OF ORDINANCES
TITLE XI: BUSINESS REGULATIONS CHAPTER 112 LICENSE TO CONDUCT RAFFLES

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2019-10, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on April 15, 2019.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 15th day of April, 2019.



Dawn Reynolds, Village Clerk

SEAL

ORDINANCE NO. 2019-10

**AN ORDINANCE AMENDING THE VILLAGE OF MT. ZION CODE OF ORDINANCES
TITLE XI: BUSINESS REGULATIONS CHAPTER 112
LICENSE TO CONDUCT RAFFLES**

WHEREAS, the Village Board of Trustees, Mt. Zion, Illinois, adopted an ordinance to license and conduct raffles on December 7, 1981, which has subsequently been amended; and

WHEREAS, 230 ILCS 15/0.10, et seq., "An Act to provide for licensing and regulating certain games of chance and amending certain Acts herein named," has been amended by Public Act 82-0711, and

WHEREAS, the Village Board of Trustees, Mt. Zion, Illinois, finds it necessary and in the public interest to repeal said Ordinance in lieu thereof,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Chapter 112 License to Conduct Raffles shall be repealed in its entirety and replaced to read as follows:

Definitions:

Net Proceeds - 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.

Raffle - A form of lottery, as defined in Section 28(b) of the Criminal Code of 2012, conducted by an organization under the Raffles and Poker Runs Act, 230 ILCS 15/1, et seq. 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 chance 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.
- (3) "Raffle" does not include a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 42.7 of the Illinois Credit Union Act, Section (12 U.S.C. 25a) or Section 4 of the Home Owners' Loan Act. (12 U.S.C. 1463)

Non-profit - An organization or institution organized and conducted on a not-for-profit basis with no personal profit insuring 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.

Hardship - A non-profit fundraising organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license that the County determines to be 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.

S 112.01 Licensing System Established.

The Village of Mt. Zion under the authority of the Raffles and Poker Runs Act, 230 ILCS 15/1-9 of the State of Illinois, hereby establishes a system for the licensing of organizations to operate raffles.

S 112.02 Village Clerk to Issue Licenses.

The Village Clerk shall have the authority to issue licenses for raffles subject to the limitations of this chapter.

S 112.03 Issuance Requirements.

It shall be unlawful to sell or offer for sale, in the Village of Mt. Zion under the jurisdiction of this ordinance, any raffle chance without first obtaining a license to operate a raffle or in violation of the terms of said license.

The license and application for license must specify the time period during which raffle chances will be sold or issued, the time determination of winning chances and the location or locations at which winning chances will be determined.

A license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and secretary of the organization.

Licenses issued pursuant to this Ordinance shall be valid for one (1) raffle; or a specified number of raffles to be conducted during a specified period of time not to exceed one (1) year.

The maximum number of days during which raffle chances may be issued or sold for any one (1) raffle shall be one (1) year.

Licenses for raffles shall be issued only to bonafide religious, charitable, labor, business, fraternal, educational or veterans' organizations which are located within the corporate limits of the Village of Mt. Zion and which 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 bonafide membership engaged in carrying out their objectives, 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, as well as law enforcement agencies and statewide associations that represent law enforcement officials.

The following groups or individuals are ineligible for any raffle license:

- (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 organization in which a person described in subsections (1), (2) or (3) of this section has a proprietary equitable, or credit interest or in which such person is active or employed;
- (5) Any organization in which a person described in subsections (1), (2) or (3) of this section is an officer, director, or employee, whether compensated or not; and
- (6) Any organization in which a person described in subsections (1), (2) or (3) of this section is to participate in the management or operation of a raffle.

S 112.04 License Application.

Any person or organization seeking to conduct or operate a raffle shall file an application with the Village Clerk on forms provided by the Village Clerk. Applications must be submitted to the Village Clerk at least five (5) days prior to the first day raffle tickets will be sold. Such application shall be accompanied by the appropriate filing fee as required herein.

All fees shall be payable at the time the application is filed, and in the event that the application for the license is denied, the fee shall be returned to the applicant by the Village Clerk.

S 112.05 License Fees and Terms.

The license fees, which must be paid before the license is issued, shall be \$30 for each raffle conducted; the fees shall not exceed \$120 per day. If any organization conducts more than two raffles in one day the total fee for all subsequent raffles that day shall be \$15.00. No raffle shall be conducted within the Village of Mt. Zion unless a raffle license has been issued to the person, organization, group, association, partnership, corporation, trust or combination thereof conducting the raffle. All licenses issued under this chapter are non-transferable to another person, group, association, partnership, or corporation. The licensee, person, organization, group, association, partnership, corporation, trust or combination thereof conducting the raffle, must comply with the terms of the license including but not limited to reporting to the Village of all gross income and expenses from the raffle.

S 112.06 Raffle Ticket Requirements.

Each raffle ticket, chance or other raffle token shall state on its face the name and address of the licensee, the date or dates of the drawing, and the prize or prizes to be awarded, provided however, this requirement shall not apply to any raffle in which the prizes to be awarded are of an aggregate value under \$200.00. No such ticket, chance or token shall be sold or issued more than 362 days before the determination of the winning chance or chances.

S 112.07 Value of Prizes.

- A. The maximum aggregate retail value of all prizes or merchandise awarded in a single raffle shall be \$3,000,000.00.
- B. The maximum retail value of each prize awarded in a single raffle shall be \$1,000,000.00.
- C. The maximum price which may be charged for each raffle chance shall be \$1,000.00.

S 112.08 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 organization permitted to conduct that game;
- B. No person except a bonafide member of the sponsoring 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. A licensee may rent a premises on which to determine the winning chances in a raffle only from an organization which is also licensed under this Ordinance;
- E. The winning chances may be determined only at those locations specified on the license;

- F. No person under the age of 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by a parent or guardian.

S 112.09 Raffle Manager and Bond.

All operation and conduct of raffles shall be under the supervision of a single raffle manager designated by the licensed organization.

The raffle manager shall provide a Fidelity Bond in a sum equal to the aggregate retail value of all prizes or merchandise to be awarded in the raffle, with two (2) sureties thereon who are residents of the State of Illinois and who are acceptable to the issuing authority, or with a solvent surety company licensed to do business in the State of Illinois, in favor of the sponsoring licensee, conditioned upon his honesty and performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the Village Clerk not less than thirty (30) days prior to its cancellation. The issuing authority shall consider the bond and shall have the right to disapprove the bond.

Fidelity bonds shall be conditioned upon the faithful observance by the licensee of this Ordinance upon the provisions of all laws of the State of Illinois and the United States of America applying to raffles.

The issuing authority may, in its discretion, waive the bond requirement only subject to the following conditions:

- A. Upon the unanimous vote to the members of the licensed organization that said requirement may be waived;
- B. A written waiver is filed with the application for the license;
- C. The license application must contain a sworn statement attesting to the unanimous vote of the members of the licensed organization, signed by the presiding officer and the secretary of said organization.

S 112.10 Record keeping of gross receipts; Expenses; Net proceeds.

Each licensee shall 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 or other records indicating the amount, description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds over \$600.00 shall be itemized as to payee, amount and date of payment.

Each licensee shall report to its membership and to the Village its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds.

S112.99 Penalties.

Any person or organization violating any provision of this Ordinance shall be guilty of a Class C Misdemeanor, and a separate offense shall be deemed committed each day during or on which the violation occurs or continues.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, ON THE 15TH DAY OF APRIL, 2019.

Mose absent

Johnson yea

Ritchie yea

Scales absent

Kernan yea

Fritzsche absent

Wells yea



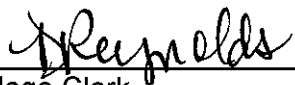
Village Clerk

Approved:



Village President

ATTEST:



Village Clerk