

City of Marseilles
209 Lincoln Street
Marseilles, IL. 61341
(815) 795-2133

CITY OF MARSEILLES
ORDINANCE NO. 1510

AN ORDINANCE AUTHORIZING AND LICENSING OF RAFFLES

WHEREAS, the Illinois "Raffles Act" (230 ILCS par. 15/0.01 et seq.) authorizes the governing body of an Illinois municipality to establish a system of licensing of raffles; and,

WHEREAS, this City Council has determined that it is in the best interest of the welfare and safety of the city that raffles within the City of Marseilles be licensed and regulated;

NOW, THEREFORE, BE IT ORDAINED that the following Subsection 135.06 RAFFLE REGULATION AND LICENSE be added to CHAPTER 135 GAMBLING OFFENSES of TITLE XIII: GENERAL OFFENSES of the CODE OF MARSEILLES as follows:

§ 135.06 RAFFLE REGULATION AND LICENSE.

(A) Definitions.

All definitions contained in the Illinois Raffles Act shall apply to this ordinance, and in case of any conflict between the provisions of this ordinance and the provisions of the Illinois Raffles Act as amended, the Illinois Raffles Act shall control.

BUSINESS: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civil interests of a community.

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.

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.

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LABOR: An organization composed of workers organized with the objective of betterment of the conditions of a higher degree of efficiency in their respective occupations.

NET PROCEEDS: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees and other reasonable operating expenses incurred as a result of operating a raffle.

NON-PROFIT: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

RAFFLE: A form of lottery, as defined in the Illinois Criminal Code of 1961, conducted by an organization licensed under the Illinois Raffles Act, in which the player pays or agrees to pay something of value for a chance or ticket, represented and differentiated by a number or by a combination of numbers or by some other medium (one or more of which chances are to be designated as the winning chance or ticket) and the winning chance or ticket 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: Any church, congregation, society or organization founded for the purpose of religious worship.

VETERANS: An organization or association comprised of members of which substantially all are individuals who are veterans of military service, 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.

(B) License Required.

No person, firm or corporation or other entity shall conduct a raffle without first having obtained a license for such pursuant to this Ordinance. Any 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. No raffle license shall extend beyond one year.

(C) Eligibility.

Licenses shall be issued only to bona fide religious charitable, labor, business, fraternal, educational or veterans' organizations as defined in Section (A) which operate without a profit to their members and which have been in existence continuously for a period of five (5) years

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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 objectives, or to a non-profit fund raising organization organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardships as the result of an illness, disability, accident or disaster.

The following are ineligible for any license under this ordinance:

- (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 defined in (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 (1), (2) or (3) is an officer, director or employee, whether compensated or not;
- (6) Any organization in which a person defined in (1), (2) or (3) is to participate in the management or operation of a raffle as defined in the Illinois Raffles Act.

(D) Limitations.

Raffles are subject to the following limitations:

- (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this ordinance is limited to \$50,000.00.
- (2) The maximum retail value of each prize awarded by a licensee in a single raffle is limited to \$35,000.00.
- (3) The maximum price which may be charged for each raffle ticket issued or sold is limited to \$200.00.

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- (4) The maximum number of days during which chances may be issued or sold is limited to 364 days.

(E) Restrictions.

Raffles are subject to the following restrictions:

- (1) Proceeds. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that raffle.
- (2) Participation in management. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (3) Remuneration. No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (4) Premises. A licensee may rent a premise on which to determine the winning ticket or tickets in a raffle only from an organization which is also licensed under this Ordinance.
- (5) Locations. Raffle tickets may be sold or issued and the winning ticket(s) within the City of Marseilles.
- (6) Age. A person under the age of 18 years may participate in the conducting of raffles only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where drawings are held only when accompanied by their parent or guardian.

(F) Applications.

Applications shall be made in writing on the form prescribed by the City of Marseilles and filed with the City Clerk at least thirty (30) days prior to the first day intended for the sale of the raffle chances.

(G) License Fee.

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The fee for a license to conduct a raffle(s) shall be \$5.00. No application for a license will be approved prior to receipt of the license fee.

(H) Records.

(1) Each organization licensed to conduct a raffle shall keep such records and shall also keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning tickets are determined.

(2) Gross receipts from the operation of each raffle 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 therefore issued by the Department of Revenue of the State of Illinois, and shall be placed in a separate account. Each organization shall have 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 organization.

(3) Each organization licensed to conduct raffles shall report in writing within 30 days after the conclusion of each raffle to its membership, and to the City Clerk its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in the Illinois Raffles Act. Where an organization is licensed to conduct more than one raffle, the report may be filed within thirty (30) days after the conclusion of the last raffle drawing.

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

(I) Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed except as so repealed shall be and remain in full force and effect.

(J) Validity of License.

Each such license shall be valid for one raffle or for a specified number of raffles during a specified period not to exceed one year, and may be suspended or revoked by the Corporate Authorities in the event of violation of the terms of this ordinance or of any applicable State law.

(K) Records.

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(1) Each organization licensed to conduct raffles and chances shall keep such records and shall also keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which chances are determined.

(2) Gross receipts from the operation of raffles programs 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 therefore issued by the Department of Revenue of the State of Illinois, and shall be placed in a separate account. Each organization shall have 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 organization.

(3) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the City Clerk, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.

(4) Records required by this section shall be preserved three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(L) Manager and Bond.

All operations of and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. The manager shall give a fidelity bond in the sum of the total value of the prizes to be awarded in the raffle conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the city not less than thirty (30) days prior to its cancellation. The city may waive this bond requirement by including a waiver provision in the license issued to an organization under this article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the City Council.

(M) Suspension/Revocation.

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Any license granted under this ordinance may be suspended or revoked by the city at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this ordinance may be suspended or revoked in whole or in part at any time that the raffle is conducted contrary to the license or to any State or city law, or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any raffle which license has been suspended or revoked.

(N) Punishment.

Any raffle permit issued under this ordinance shall be revoked or suspended if the permit holder violates any terms of the license or any other provisions of this ordinance. Any violation of this ordinance shall be subject to a fine up to seven hundred fifty dollars (\$750). Each day that a violation hereof exists shall be considered a separate offense. Each raffle held in violation hereof shall be considered a separate offense.

(O) Validity

If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed and approved this ___ day of ____, 2013.

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City of Marseilles

By _____
Mayor

Attest:

By _____
City Clerk

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**APPLICATION FOR RAFFLE UNDER THE
CITY OF MARSEILLES RAFFLE ORDINANCE**

1) Proper applicant name: _____

Applicant may only be a bona fide religious charitable, labor, business, fraternal, educational or veterans' organizations (as defined in Section A of Section 135.06 Raffle Regulations and License in the Code of Marseilles) which operate without a 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, or to a non-profit fund raising organization organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardships as the result of an illness, disability, accident or disaster.

2) Mailing address for all notices: _____

3) Presiding Officer of any entity:

Name _____ Telephone _____ Cell phone _____

Mailing address _____

-Firm or corporation employing above in which above holds a proprietary, equitable or credit interest: _____

-Organization in which above is an officer, directed or employee and whether or not they are compensated: _____

-Name of any other organization in which you participate in the management or operation of a raffle: _____

4) Secretary of any entity:

Name _____ Telephone _____ Cell phone _____

Mailing address _____

-Firm or corporation employing above in which above holds a proprietary, equitable or credit interest: _____

-Organization in which above is an officer, directed or employee and whether or not they are compensated: _____

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-Name of any other organization in which you participate in the management or operation of a raffle: _____

5) Designated Raffle Manager: (must be a bona fide member of applicant organization)

Name _____ Telephone _____ Cell phone _____

Mailing address _____

-Firm or corporation employing above in which above holds a proprietary, equitable or credit interest: _____

-Organization in which above is an officer, directed or employee and whether or not they are compensated: _____

-Name of any other organization in which you participate in the management or operation of a raffle: _____

5) The undersigned Presiding Officer, Secretary, and Raffle Manager, being duly sworn upon oath, state:

- that they have not been convicted of a felony,
- that they are not professional gamblers or gambling promoters;
- that they are of good moral character;

6) Is the application for:

_____ one raffle anticipated to begin on _____ and end of _____.
(time period may not exceed 1 year)

_____ a number of raffles anticipated to be conducted as follows all of which will end not later than 1 year after the issuance of a license:

7) Description of each prize and retail value of prize:

(No prize or merchandise may exceed \$35,000
(Aggregate of all prizes or merchandise may not exceed \$50,000)

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8) Price per raffle chance issued or sold \$_____ (may not exceed \$200.00)

9) Date, time, and location where winning chances will be determined:
(must be in City of Marseilles)

10) The undersigned certify as follows:

a) They intend to conduct a "Raffle" being defined as a form of lottery, as defined in the Illinois Criminal Code of in which:

(1) the player pays or agrees to pay something of value for a chance or ticket, 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 or ticket; and

(2) the winning chance or ticket 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.

b) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

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

d) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

e) A licensee may rent the premises described above where the winning chance or chances will be determined but the rental premises can only be from an organization which is also licensed under this ordinance.

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f) Raffle chances may be sold or issued only within the City of Marseilles and the winning chances may be determined only at those locations specified above.

g) A person under the age of 18 years may participate in the conducting of raffles or chances 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 are being determined only when accompanied by his parent or guardian.

h) If a lessor rents premises where a winning chance or chances on a raffle are 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.

i) All operation and conducting of the raffle(s) shall be under the supervision of the above name Raffle Manager.

j) Applicant will 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, 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.

k) Gross receipts from the operation of raffle programs 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. 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 organization.

l) Applicant shall report within 30 days after the conclusion of each raffle to the City of Marseilles its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as identified above.

m) Applicant shall preserve records for 3 years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

11. Violations of Ordinance.

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Any license granted under this ordinance may be suspended or revoked by the City at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this ordinance may be suspended or revoked in whole or in part at any time that the raffle is conducted contrary to the license or to any State or City law, or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any raffle which license has been suspended or revoked. Any raffle permit issued under this ordinance shall be revoked or suspended if the permit holder violates any terms of the license or any other provisions of this ordinance. Any violation of this ordinance shall be subject to a fine up to seven hundred fifty dollars (\$750). Each day that a violation hereof exists shall be considered a separate offence. Each raffle held in violation hereof shall be considered a separate offence.

12) Manager and Bond.

All operations of and conduct of raffles shall be under the supervision of a single raffle manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle. The manager shall give a bond in the sum of twice the total value of the prizes to be awarded in the raffle conditioned upon their honesty in the performance of their duties. The City may waive this bond requirement by including a waiver provision in the license issued to an organization under this article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the City Council.

The undersigned affirm that they have read §135.06 Raffle Regulations and License in the Code of Marseilles. The undersigned further affirm that they have read the foregoing application and the statements made therein are true and correct.

_____ \$5.00 filing fee is attached.

Presiding Officer

Secretary

Raffle Manager

Subscribed and sworn to before me
this date of _____

Notary Public

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BOND OF RAFFLE MANAGER

The undersigned Raffle Manager, together with sureties, bind themselves to the People of the State of Illinois and City of Marseilles that the Raffle Manager will honestly and properly perform all the duties as Raffle Manager for any Raffle License issued based upon the attached application and pursuant to the terms of any such Raffle License, pursuant to SECTION 135.06 RAFFLE REGULATION AND LICENSE of THE CODE OF MARSEILLES and the State of Illinois RAFFLE ACT found at 230 ILCS par. 15/0.01 et seq.

The obligation of this bond is limited to \$ _____.

As Principal

_____ of _____
As Surety

_____ of _____
As Surety

Subscribed and sworn to before me
this date of _____

Notary Public

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RAFFLE LICENSE

Take notice by this document that the applicant _____ to the attached APPLICATION FOR RAFFLE UNDER THE CITY OF MARSEILLES RAFFLE ORDINANCE is issued a RAFFLE LICENSE pursuant to the terms set forth on the attached application.

Approved By:

Mayor

City Clerk

Dated this:
