

**ORDINANCE TO AMEND KENDALL COUNTY ORDINANCE 86-6 "KENDALL COUNTY
RAFFLE ORDINANCE"**

(Ordinance No. 14-20)

WHEREAS, on or about March 11, 1986, the Kendall County Board adopted Kendall County Ordinance 86-6 captioned "Kendall County Raffle Ordinance," which established a system for the licensing of organizations to operate raffles in Kendall County, Illinois pursuant to the Illinois Raffles Act; and

WHEREAS, effective June 10, 2014, Illinois Public Act 98-644 amended the Illinois Raffles Act by incorporating licensing requirements for poker runs into the statute and renaming the statute "The Raffles and Poker Runs Act"; and

WHEREAS, the Kendall County Board hereby seeks to amend the Kendall County Raffle Ordinance to also establish a system for the licensing of organizations to operate poker runs in unincorporated areas of Kendall County, Illinois, pursuant to the Illinois Raffles and Poker Runs Act, 230 ILCS 15/0.01 et seq.;

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Kendall, Illinois, the Kendall County Raffle Ordinance is hereby amended as follows:

Article I – Definitions

Recitals. The above identified recitals are incorporated as if fully set forth herein.

Section 1. State Law.

Whenever reference herein is made to "State Law" it shall mean and refer to The Illinois Raffles and Poker Runs Act, as amended, 230 ILCS 15/0.01 et seq.

Section 2. Net Proceeds.

"Net Proceeds" mean the gross receipts from the conduct of raffles or poker runs, 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.

Section 3. Licensing Agent.

The Raffle and Poker Run Licensing Agent for Kendall County is the Kendall County Clerk.

Section 4. Key Location.

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

Section 5. 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 the State Law.

Article II – Qualifications

Section 1. Applicants.

A license to operate a raffle or poker run shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, or veterans’ organizations, that operate without profit to their members, which have been in existence continuously for a period of five (5) years immediately before applying for a license, and which have had, during that entire five (5) year period, a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the County 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.

Section 2. Waiver for Poker Runs.

The Licensing Agent may waive the five (5) year requirement 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 affiliated with and chartered by a national or State organization that meets the five (5) year requirement.

Section 3. 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 to participate in the management or operation of a raffle or poker run as defined by State Law; or
- f) any organization in which a person defined in (a), (b), or (c) is an officer, director, or employee, whether compensated or not.

Article III – Application

Section 1. Required Information.

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

- a) the name and address of the applicant;
- b) the time period during which raffle chances will be sold or issued or a poker run will be conducted;
- c) the date, time and location at which winning chances will be determined;
- d) the place and date of chartering or incorporation of applicant, if applicable;

- e) the name, home address, telephone number, and date of birth of the presiding officer, secretary, and raffle or poker run manager of applicant;
- f) the area or areas within Kendall County in which raffle chances will be sold or issued or a poker run will be conducted;
- g) an itemized list of prizes and the retail value of each prize to be awarded in the raffle or poker run; and
- h) the price to be charged for each raffle ticket, participation voucher, or poker hand sold.

Section 2. Sworn Statement.

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 or poker run manager of the prospective licensee.

Section 3. Single Use.

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

Section 4. Location Owner.

A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Ordinance.

A premises 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.

Article IV - Regulations Governing Licensee

Section 1. Conduct of Raffles or Poker Runs.

Raffles and poker runs are subject to the following restrictions:

- a) The entire net proceeds of any raffle or poker run 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 or poker run.
- c) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- d) Raffle chances may be sold or issued only within the area or areas specified on the raffle license.
- e) Winning chances must be determined only at the time, date, and location specified on the license.
- f) Any person selling raffle chances or operating a poker run must carry a copy of the license issued for the raffle or poker run.
- g) A person under the age of 18 years may participate in conducting 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.

Section 2. Raffle or Poker Run Limits.

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

Section 3. Manager and Bond.

- a) All operation and conduct of raffles or poker runs shall be under the supervision of a single manager as designated on the license application.
- b) The 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 licensee organization and conditioned upon the 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 (30) days prior to its cancellation. If the retail value of the prizes exceeds \$15,000.00, such bond shall have a corporate surety.
- c) This bond requirement may only be waived by a unanimous vote of the members of the licensed organization. The waiver is only valid if specifically identified, in writing, on the license.

Section 4. 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 raffle or poker run programs shall be segregated from other revenue 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 and poker runs. The person who accounts for gross receipts, net proceeds and expenses from the operation of raffles and poker runs shall not be the same person who accounts for other revenues of the organization.

- c) Each licensee, within thirty (30) days after the conclusion of the raffle or poker run, shall report to its membership and to the Licensing Agent each of the following:
 - 1) all gross receipts generated by conducting the raffle or poker run;
 - 2) an itemized list of all expenses which have been deducted from the gross receipts;
 - 3) all net proceeds from conducting the raffle or poker run;
 - 4) an itemized list of the distribution of the net proceeds; and
 - 5) the name and all known contact information for all prize winners.
- d) Records required by this Section shall be preserved for three (3) years from the conclusion of the raffle or poker run, and the organization shall make available for public inspection their records relating to operating raffles or poker runs at reasonable times and places.

Section 5. Unlawful Gambling.

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

Article V – Fees

The licensee shall pay a fee for each license issued by the Licensing Agent pursuant to this Ordinance. Payment shall be issued in full prior to the receipt of the license. Failure to submit payment may result in immediate revocation of the license. The total amount of the fee to be paid by the licensee shall be determined by the aggregate prize value for the licensee’s raffle or poker run. The fee amount shall be as follows:

<u>Aggregate Prize Value</u>	<u>Fee</u>
Less than \$500.00	-0-
\$501.00 to \$5,000.00	10.00 per license
\$5,001.00 and over	10.00 per license

Article VI – Administration

Section 1. Administrator.

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

Section 2. Jurisdiction.

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. A poker run shall be licensed by the governing body with jurisdiction over the location wherein the poker run concludes and the prizes are awarded. The license granted by that governing body shall cover the entire poker run, including locations outside the jurisdiction of the licensing governing body. The license must identify the name and address of each location involved, including those outside the jurisdiction of the licensing governing body.

Section 3. Licensing Action.

The Licensing Agent shall act upon a license application within thirty (30) days from the date of receipt of the application.

Section 4. Intergovernmental Agreement.

The Chairman of the County Board and the County Clerk may enter into a written intergovernmental agreement with one or more Kendall County Municipalities which have adopted a raffle and poker run ordinance consistent with this Ordinance to jointly establish a system for the licensing of organizations to operate raffles or poker runs within the unincorporated area of Kendall County and within the corporate limits of any municipality that is a party of such agreement. Such agreement 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 guilty of a Class "C" Misdemeanor for each offense. Each day the violation continues shall be considered a separate offense. The Kendall County State's Attorney's Office has authority to prosecute all violations of this Ordinance.

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 poker runs or to retain, correct, or abate a violation of this Ordinance or of the condition of a raffle or poker run license issued pursuant hereto.

Article VIII - Severability Clause

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

Article IX - Effectiveness

These amendments to Kendall County Ordinance 86-6 shall be in full force and effect on and after the date signed below. The original language of Ordinance 86-6, not specifically amended herein, shall remain in full force and effect.

ADOPTED and APPROVED by the Kendall County Board this 5th day of August, 2014.



John Shaw, County Board Chairman

Attest: 

Debbie Gillette, County Clerk