## **CITY OF WAVERLY**

**ORDINANCE NO. 22-02**

**(revised Ordinance 18-7, May 2022)**

**AN ORDINANCE REGULATING THE LICENSING OF RAFFLES**

**FOR THE**

**CITY OF WAVERLY, MORGAN COUNTY, ILLINOIS**

**ADOPTED BY THE**

**CITY COUNCIL**

# OF THE

**CITY OF WAVERLY, MORGAN COUNTY, ILLINOIS**

**THIS \_\_\_\_ DAY OF MAY, 2022**

**Published in pamphlet form by authority of the City Council of the City of Waverly, Morgan County, Illinois this \_\_\_\_ day of May, 2022.**

**ORDINANCE NO. 22-02**

# AN ORDINANCE REGULATING THE LICENSING OF RAFFLES

**BE IT ORDAINED** BY THE City Council of the City of Waverly, Morgan, County, Illinois as follows:

**Section 1:** Chapter 178 of the Code of the City of Waverly is hereby amended by adding the following §178-18 Raffles.

**§178-18. Raffles.**

**§178-18.1 Definitions.** The following terms as used herein are hereby defined as follows:

**"Mayor"** shall mean the elected Mayor, acting Mayor or Mayor pro-tem of the City.

**“City"** shall mean the City of Waverly, Morgan County, Illinois.

**“Non-Profit”** shall mean an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

**"Business organization"** shall mean a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

**“Charitable organization"** shall mean 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 organization"** shall mean 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 organization"** shall mean 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.

**"Labor organization”** shall mean an organization composed of workers organized with the objective of betterment of the conditions of those engaged insuch pursuit and the development of a higher degree of efficiency in their respective occupations."

**"Raffle"** shall mean a form of lottery, as defined in Section 28-2(b) of the Illinois Criminal Code of 2012, conducted by an organization licensed under this article, in which:

1. The player pays or agrees to pay something of value for a chance, represented by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and
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.

**"Religious organization"** shall mean any church, congregation, society, or organization founded for the purpose of religious worship.

**"Veterans"** shall mean 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.

**§178-18.2 License required.**

No person, firm, organization or corporation shall conduct raffles or chances in the City without having first obtained a license therefor pursuant to this article.

**§178-18.3 License restrictions.**

**Location.** Sales of raffle chances shall be only at locations designated in the license application and which are within the City of Waverly.

**Eligibility for Raffle Licenses.** Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, education 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 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 nonprofit fund raising organization that the City Council determines is organized for the sole purpose of providing assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident of disaster.

**Duration of License.** Licenses shall permit the applicant to issue or sell raffle chances only for those dates stated in the application, but in no event shall the period of sales exceed one year (365 days).

Each license is valid for one raffle only or for a specified number of raffles to be conducted during a specified period not exceed one year and may be suspended or revoked for violation of this ordinance.

**Maximum value of Prizes.** The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed five hundred thousand dollars ($500,000.00). The maximum retail value of each prize awarded by a licensee shall not exceed five hundred thousand dollars ($500,000.00).

**Price of Chances.** The price charged for each raffle chance sold or issued shall not exceed one hundred dollars ($100.00).

**§178-18.4 License application.**

A. Each application for a license shall be in writing upon forms provided by the City Clerk and shall contain the following:

1. Name and address of individual making application on behalf of the organization;

2. The position or representative capacity of such person;

3. Name and address of organization applying for a license;

4. Approximate number of members of the organization that reside in the City of Waverly and the length of existence of the organization;

5. Name and address of the raffle manager;

6. The location(s) within the city at which raffle chances are to be sold or issued;

1. The time period during which raffle chances are to be sold or issued;
2. The amount charged for each chance;
3. The maximum retail value of each prize awarded by the licensee in such raffle;
4. The area or areas where the prize or prizes will be awarded;
5. A sworn statement, signed by the presiding officer and secretary, if there is one, of the organization attesting to the not-for-profit character of the organization, and attesting to the fact the organization is not otherwise ineligible to receive a license.

B. Each application for a license shall be accompanied by payment of a fee in the amount of ten dollars ($10.00).

C. Application for licenses shall be submitted to the City Council which shall act to either issue or deny the license within thirty (30) days.

**§178-18.5 License ineligibility.**

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 *A, B,* or *C* of this section 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 subsections *A, B,* or *C* of this section is an officer, director or employee, whether compensated or not;
6. Any organization in which a person defined in subsections *A, B,* or *C* of this section is to participate in the management or operation of a raffle.

**§178-18.6 Conduct of Raffles.**

The conducting of raffles is subject to the following restrictions:

1. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct the game.
2. No person except a bona fide member of the sponsoring organization may participate in the management of the raffle.
3. No person may receive any remuneration or profit for participating in the management of operation of the raffle.
4. 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 to conduct raffles.
5. Raffle chances may be sold or issued only at the locations specified on the license and winning chances may be determined only at those locations specified on the license.
6. A person under the age of eighteen (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 eighteen (18) years may be within the area where winning chances are being determined only when accompanied by a parent or guardian.

**§178-18.7 Raffle Manager - Bond.**

All operation of, and conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. At the time the application is submitted to the City Clerk the manager shall give a fidelity bond in the amount of the maximum dollar amount of all raffle chances to be sold, as stated on the application, in favor of the organization conditioned upon his or her honesty in the performance of his or her duties. Terms of the bond shall provide that notice shall be given in writing to the City Council not less than thirty (30) days prior to its cancellation. The above bond requirement may be waived by the unanimous vote of the members of the organization. The occurrence of said unanimous vote shall be evidenced by affidavit of the organization’s presiding officer and filed with the City Clerk.

**§178-18.8 Records and reports.**

A. Each organization licensed to conduct raffles and chances 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, 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 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 therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization should have separate records for 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.

C. Each organization licensed to conduct raffles shall report promptly after the conclusion of such raffle to its membership, and to the City Council, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this section. The report shall be presented for review by the City Council, utilizing the designated form, by the conclusion of the raffle or not later than the 30th of December every year of the raffle and prior to approval of the next year’s license.

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

**Section 2.** The invalidity of any section, part, provision, term, or phase of this ordinance shall not affect the validity of the remainder hereof.

**Section 3.** All ordinances or parts of ordinances in conflict or inconsistent with this ordinance shall be amended to confirm with the provisions of the Ordinance.

**Section 4.** This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed by the City Council of the City of Waverly, Morgan County, Illinois, on the \_\_\_\_\_\_ day of May, 2022.

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

Ayes: \_\_\_\_\_\_\_\_

Nays: \_\_\_\_\_\_\_\_

Absent: \_\_\_\_\_\_\_

Approved by the Mayor of the City of Waverly on the \_\_\_\_ day of May, 2022.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

STATE OF ILLINOIS )

) SS **CERTIFICATION**

COUNTY OF MORGAN )

I, Clerk of the City of Waverly, Morgan County, Illinois, do hereby certify that the attached copy of Ordinance No. 22-02 (revised Ordinance 18-7, May 2022) is a true and correct copy of an Ordinance passed by the City Council of the City of Waverly, at a regular meeting of said City Council held on the \_\_\_\_\_ day of May, 2022, all as the original of the same remains in the official records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City of Waverly, this \_\_\_\_ day of May, 2022.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

(SEAL)

STATE OF ILLINOIS )

) SS **PUBLICATION CERTIFICATE**

COUNTY OF MORGAN )

I, , certify that I am the Clerk of the City of Waverly, Morgan County, Illinois.

I further certify that on the \_\_\_\_ day of May, 2022, the City Council of the City of Waverly, Illinois, passed and approved Ordinance No. 22-02 (revised Ordinance 18-7, May 2022, entitled:

**AN ORDINANCE REGULATING THE LICENSING OF RAFFLES**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 22-02 (revised Ordinance 18-7, May 2022, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the City Hall, commencing on the \_\_\_\_ day of May, 2022, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the City Clerk.

DATED at Waverly, Illinois, this \_\_\_\_ day of May, 2022.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

(SEAL)