

Ordinance

CB-O-0004-18

AMENDING DU PAGE COUNTY CODE CHAPTER 28 - RAFFLES

WHEREAS, the County of DuPage enacted an ordinance regulating and licensing raffles pursuant to 230 Illinois Compiled Statutes 15/1 et seq.; and said ordinance is codified in the County Code as Chapter 28, Raffles; and

WHEREAS, it is necessary, convenient, and in the best interest of the citizens of DuPage County to review and amend its ordinances from time to time.

NOW, THEREFORE, BE IT ORDAINED that the County Code, Chapter 28, Raffles, be and is hereby renamed "Raffles and Poker Runs" and is amended in the manner indicated in the attached Chapter 28 (revised); and

BE IT FURTHER ORDAINED that the revised Chapter 28 become effective at 12:01 a.m. January 1, 2018; and

BE IT FURTHER ORDAINED that the DuPage County Clerk transmit certified copies of this Ordinance to the DuPage County Board Office and Finance Department; as well as the DuPage County: State's Attorney's, Auditor, Sheriff's Office, and Treasurer.

Enacted and approved this 12th day of December, 2017 at Wheaton, Illinois.

DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: _____
PAUL HINDS, COUNTY CLERK

Article I – General Provisions

28-1: Purposes

1. The purpose of this chapter is to regulate and license raffles and poker runs as defined in 230 Illinois Compiled Statutes 15/1 et seq.

28-2: Definitions

1. For this chapter of the DuPage County Code, the following words and phrases shall have meaning respectively ascribed to them in this section:
 - a) **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.
 - b) **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.
 - c) **Educational:** An organization or institution organized and operated to provide systematic instruction in useful branches of learning 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.
 - d) **Fraternal:** An organization of persons having a common 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 government.
 - e) **“Key location”** means the location where the poker run concludes and the prize or prizes are awarded.
 - f) **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.
 - g) **Law enforcement agency:** an agency of this State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

- h) 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.
- i) Nonprofit: An organization or institution organized and conducted on a not for profit basis with no personal profit incurring to any one as a result of the operation.
- j) “Poker run” means a prize-awarding event organized by an organization licensed under this Act in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. “Poker run” includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.
- k) Raffle: A form of lottery, as defined in Section 28-2(b) of the "Criminal Code of 2012," conducted by an organization licensed under this chapter, in which:
 - i. The player pays or agrees to pay something of value for a chance, represented or differentiated by a number or by a combination of numbers or by some other medium, one (1) or more of which chances is to be designated the winning choice;
 - ii. The winning choice 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.
- l) Religious: Any church, congregation, society or organization founded for the purposes of religious worship.
- m) Veterans: An organization or association comprise 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.

28-3 through 28-9: Reserved

Article II – Licenses, Classifications, Fees, and Regulations

28-10: License Required

1. No person, firm or corporation shall conduct a raffle or sell chances for a raffle in the County without first having obtained a license pursuant to this article. Licenses for raffles shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations which operate without profit to their members, which have been in existence continuously for a period of five (5) years immediately before making application for a license and have had during the entire five (5) year period a bona fide membership engaged in carrying out their objectives and which maintain an office in the County. Law enforcement agencies and statewide associations that represent law enforcement officials may organize raffles. Raffles organized by a law enforcement agency or a statewide association that represents law enforcement officials must only be licensed by the governing body of the county or municipality in which the key location for that raffle is located, even if raffle tickets are sold beyond the borders of that governing body of the county or municipality. A raffle organized by a law enforcement agency or a statewide association that represents law enforcement officials must abide by any restrictions established in this Ordinance.
2. No person, firm or corporation shall conduct a poker run in the County without first having obtained a license pursuant to this article. Licenses for poker runs shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations which operate without profit to their members, which have been in existence continuously for a period of five (5) years immediately before making application for a license and have had during the entire five (5) year period a bona fide membership engaged in carrying out their objectives. The County may waive the 5-year requirement under this subsection 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 that is affiliated with and chartered by a national or State organization that meets the 5-year requirement.
3. Licenses for poker runs shall be issued for the following purposes: (i) 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 or (ii) to maintain the financial stability of the organization.

28-11: Classification of Raffle and Poker Run Licenses

1. The County of DuPage shall have the right to grant raffle licenses upon proper application and pursuant to all the conditions set forth hereinafter.
 - a) Single Event Raffle: A single event raffle license shall permit the conduct of a raffle or raffles on one (1) date with a maximum cash prize or aggregate of cash prizes awarded not to exceed two hundred fifty thousand dollars (\$250,000.00); the maximum retail value of a noncash prize or prizes awarded not to exceed two hundred fifty thousand dollars (\$250,000.00) individually or in the aggregate.

- b) Application for a single event raffle shall be made in writing no fewer than ten (10) days before the intended sale of raffle chances on forms provided by the County Clerk's Office.
 - c) Each raffle must be authorized by a separate license and must be conducted in accordance with this article. The fee for each license shall be fifty dollars (\$50.00). Each raffle license shall be valid for the duration of the contest.
 - d) All fees for licenses required under this article shall be paid to the County Clerk at the time of application. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general fund or in such other fund designated by the County Board.
2. The County of DuPage shall have the right to grant poker run licenses upon proper application and pursuant to all the conditions set forth hereinafter.
- a) Single Event Poker Run: A single event poker run license shall permit the conduct of a poker run or poker runs on one (1) date with a maximum cash prize or aggregate of cash prizes awarded not to exceed two hundred fifty thousand dollars (\$250,000.00); the maximum retail value of a noncash prize or prizes awarded not to exceed two hundred fifty thousand dollars (\$250,000.00) individually or in the aggregate.
 - b) Application for a single event poker run shall be made in writing no fewer than ten (10) days before the intended sale of poker run chances on forms provided by the County Clerk's Office.
 - c) Each poker must be authorized by a separate license and must be conducted in accordance with this article. The fee for each license shall be twenty-five dollars (\$25.00). Each poker run license shall be valid for the duration of the contest.
 - d) All fees for licenses required under this article shall be paid to the County Clerk at the time of application. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general fund or in such other fund designated by the County Board.

28-12: Application for License

1. Each license and application for license shall contain the following information:
 - a) The name and address of the applicant;

- b) The area within the County in which the raffle chances or poker run will be sold and issued;
 - c) The time period during which raffle chances or poker run will be sold or issued;
 - d) The date, time, manner and location(s) of determining the winning chances;
 - e) A sworn statement attesting to:
 - i. the nonprofit character of the applicant signed by its presiding officer and secretary; and
 - ii. that no owner, shareholder, employee or agent of applicant has been convicted of a felony, is a professional gambler or promoter or a person described in Section 28-23 of this chapter;
 - f) Such other information as the County Clerk's Office may require.
2. The County Clerk shall act on raffle license application within ten (10) days from the date of application.
 3. The County Clerk shall act on poker run license application within thirty (30) days from the date of application.

28-13: Restrictions on Licensees

1. No raffle or poker run shall be issued to:
 - a) Any person whose felony conviction will impair the person's ability to engage in the licensed position;
 - 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 Subsections a, b, or c of this section has a proprietary, equitable or credit interest, or in which such person is active or employed;
 - e) 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;

- f) 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 as defined in this article.

28-14: Applicant Convictions

1. The County shall not require applicants to report the following information and shall not consider the following criminal history records in connection with an application for licensure:
 - a) Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987.
 - b) Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult.
 - c) Records of arrest not followed by a conviction.
 - d) Convictions overturned by a higher court.
 - e) Convictions or arrests that have been sealed or expunged.
2. The County, upon a finding that an applicant for a license was previously convicted of a felony shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which a license is sought:
 - a) The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought;
 - b) Whether 5 years since a felony conviction or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;
 - c) If the applicant was previously licensed or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;
 - d) The age of the person at the time of the criminal offense;

- e) Successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;
 - f) Evidence of the applicant's present fitness and professional character;
 - g) Evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and
 - h) Any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which a license or employment is sought.
3. If the County refuses to issue a license to an applicant, then the applicant shall be notified of the denial in writing with the following included in the notice of denial:
- a) A statement about the decision to refuse to issue a license;
 - b) A list of the convictions that the County determined will impair the applicant's ability to engage in the position for which a license is sought;
 - c) A list of convictions that formed the sole or partial basis for the refusal to issue a license; and
 - d) A summary of the appeal process or the earliest the applicant may reapply for a license, whichever is applicable.
4. No later than May 1 of each year, the County must prepare, publicly announce, and publish a report of summary statistical information relating to new and renewal license applications during the preceding calendar year. Each report shall show, at a minimum:
- a) The number of applicants for a new or renewal license under this Act within the previous calendar year;
 - b) The number of applicants for a new or renewal license under this Act within the previous calendar year who had any criminal conviction;
 - c) The number of applicants for a new or renewal license under this Act in the previous calendar year who were granted a license;

- d) The number of applicants for a new or renewal license with a criminal conviction who were granted a license under this Act within the previous calendar year;
- e) The number of applicants for a new or renewal license under this Act within the previous calendar year who were denied a license; and
- f) The number of applicants for a new or renewal license with a criminal conviction who were denied a license under this Act in the previous calendar year in whole or in part because of a prior conviction.

28-15 through 28-19: Reserved

Article III: Conduct of Raffles and Poker Runs

28-20: Conduct of Raffles and Poker Runs

1. The conducting of raffles in the County is subject to the following:
 - a) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization 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) A licensee may rent a premises on which to determine the winning chance or chances only from an organization which is also licensed under this Act. 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.
 - e) If lessor rents premises where a winning chance or chances or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premise does not hold a license issued by the County.
 - f) Raffle chances may be sold or issued only within the area or area specified on the license.
 - g) Winning chances must be determined only during the period of time and at the location specified on the Single Event license.

- h) A person under the age of 18 years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of eighteen (18) 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.
- i) The maximum fee which may be charged for each raffle chance sold or issued shall not exceed one thousand dollars (\$1,000.00). All such fees shall be paid in currency or by a check.

28-21: Raffle Manager and Bond

1. All operations and conduct of raffles shall be under the supervision of a single raffle manager as designated on the license application.
2. A manager shall give a fidelity bond in the sum of the aggregate retail value of the prizes set out on the application. The bond shall be in favor of the organization conditioned on the raffle 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 the cancellation period. If the retail value of the prizes exceeds fifteen thousand dollars (\$15,000.00), such bond shall be by a corporate surety.
3. The County or its designee may waive the bond requirement for a manager of an organization applying for a raffle license, if the organization, by the unanimous vote of its members, requests such a waiver in writing at the time of the license application.
4. This section shall not apply to poker runs.

28-22: Raffle Tickets

1. 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 drawings and the prize or prizes to be awarded; provided, however, that his requirement shall not apply to any raffle in which prizes in aggregate value under fifty dollars (\$50.00) are awarded, or to any raffle in which raffle chances are sold only on the date of the drawing during the event at which the drawing is to be conducted. No such ticket, chance or token shall be sold or issued more than ninety (90) days before the determination of the winning chances or chances.
2. If any raffle for which a license is issued under this article is cancelled, or if any such raffle is not conducted on the date contained in the application for license, the licensee shall refund all money paid for any raffle chances issued or sold to the persons to whom such

raffle chances were issued or sold within forty-five (45) days after cancellation of the raffle, whichever is sooner.

28-23: Reserved

28-24: Records

1. Gross receipts from the operation of raffle programs and poker runs shall be segregated from other revenues 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 or poker runs. The person who accounts for gross receipts and expenses from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.
2. Each licensee shall keep records of gross receipts, expenses, and net proceeds for each single raffle or poker run at which winning chances are determined. All reasonable operating expenses deducted from gross receipts for each single raffle or poker run 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 receipt. The distribution of the net proceeds shall be itemized as to payee, purpose, amount and date of payment.
3. Each licensee, within thirty (30) days of the raffle or poker run, shall report to its membership and to the office of the County Clerk each of the following:
 - a) Gross receipts generated by the conducting of the raffle or poker run;
 - b) An itemized list of all reasonable operating expenses which have been deducted from the gross receipts;
 - c) Net proceeds from the conducting of the raffle or poker run;
 - d) An itemized list of the distribution of the net proceeds;
 - e) A list of prize winners.
4. Records required by this section shall be preserved for three (3) years and the organization shall make available for public inspection their records relating to the operation of a raffle or poker run at reasonable times and places.
5. Nothing in this chapter shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided by state law.

28-25 through 28-29: - RESERVED.

Article IV: Administration

28-30: County Clerk

1. The County Clerk shall be charged with the administration of the ordinance.

28-31: Territory

1. The authority and jurisdiction of DuPage County to issue a raffle license to a prospective licensee shall extend only to that area of DuPage County which is both within the borders of DuPage County and outside the borders of any municipality.
2. Poker runs shall be licensed by the County with jurisdiction over the key location. The license granted by the key location shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each predetermined location.

28-32: Cooperation with Municipalities for Raffles

1. The chairman of the County Board and the County Clerk may enter into a written contract with one (1) or more DuPage County municipalities which have adopted a raffle ordinance consistent with this chapter to jointly establish a system for licensing of organizations to operate raffles within the unincorporated area of DuPage County and within the corporate limits of any municipality that is a party of such contract. Such contract shall be consistent with the limitations of this chapter except that a license issued by one (1) government unit shall be valid throughout the jurisdiction of all parties to the contract.

28-33: Cooperation with Counties for Poker Runs

1. The chairman of the County Board and the County Clerk may enter into a written contract with one (1) or more counties which have adopted a poker run ordinance consistent with this chapter to jointly establish a system for licensing of organizations to operate poker runs within the DuPage County and within the corporate limits of any county that is a party of such contract. Such contract shall be consistent with the limitations of this chapter except that a license issued by one (1) government unit shall be valid throughout the jurisdiction of all parties to the contract.

28-34 through 28-39: Reserved

Article V: Enforcement

28-40: Penalties

1. Failure to comply with any of the requirements of this chapter shall constitute a violation. Whoever violates any of the provisions of this chapter is subject to "petty offense" provisions, which are a fine up to one thousand dollars (\$1,000.00). Each day the violation continues shall be considered a separate offense.

28-41: Abatement

1. 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 restrain, correct or abate a violation of this chapter or of the conditions of a raffle license or poker run issued pursuant hereto.

28-42 through 28-49: Reserved

Article VI: Severability

28-50: Severability

1. If any provision of this chapter 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 chapter 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 chapter are declared severable.