

LICENSE APPLICATION FOR RAFFLES
CITY OF OAKBROOK TERRACE

The licensing of raffles in the City of Oakbrook Terrace is governed by the provisions of Title XI (Business Regulations), Chapter 116 (Raffles) of the Code of Ordinances of the City of Oakbrook Terrace, regulating the licensing of raffles in the City of Oakbrook Terrace, and all amendments thereto now in force and effect.

Applicant:

Name of organization: _____

Mailing address: _____

Telephone number: _____ Facsimile number: _____

Nature of organization: _____

Note: The applicant must be a bona fide religious, charitable, labor, business, fraternal, educational or veterans' organization that has operated without profit and has been in existence and has operated continuously as such for a period of five (5) years prior to applying for a raffles license, and that has had, during that five (5)-year period, a bona fide membership engaged in carrying out the objects of such organization; or the applicant must be a non-profit fundraising organization that is organized for the sole purpose of providing financial assistance to an identified group of individuals suffering under extreme financial hardship as a result of illness, disability, accident or disaster.

Name of person managing
or operating the raffle: _____

Home address: _____

Home telephone number: _____

Note: The person managing or operating the raffle must provide a bond in the amount determined by the City Clerk in favor of the organization operating the raffle, conditioned upon the manager or operator's honesty in the performance of his/her duties.

The Raffle(s):

Number of raffles to be conducted: _____

For each such raffle, state the following:

Dates during which chances will be sold: _____

Area or areas within the City in which
Raffle chances will be sold or issued: _____

Dates on which drawing will be held: _____

Location in which drawing will be held: _____
Note: A licensee may rent premises on which to conduct the drawing of the winning chance or chances only from an organization that is also licensed under Chapter 116 of the Oakbrook Terrace Code of Ordinances.

Aggregate value of all prizes or merchandise
to be awarded in a single raffle: _____
Note: Maximum permitted aggregate value of all prizes or merchandise to be awarded in a single raffle is \$200,000.00.

Maximum retail value of each prize
to be awarded in a single raffle: _____
Note: Maximum permitted retail value of each prize to be awarded in a single raffle is \$200,000.00.

Maximum price to be charged for each raffle chance: _____
Note: Maximum price to be charged for each raffle chance is \$100.00.

Number of days during which chances
will be issued or sold: _____
Note: Maximum number of days during which chances may be issued or sold is one hundred eighty (180) days.

The following statement must be signed by the presiding officer of the organization and attested by its secretary:

(Name of Organization)

I do hereby swear or affirm that _____ is a not-for-profit organization that has been in existence and has operated as such continuously for not less than five (5) years prior to this application, and that has had, during that five (5)-year period, a bona fide membership engaged in carrying out the objects of such organization. I do further swear or affirm that such organization shall conduct the raffle(s) described in this application in full compliance with all laws of the State of Illinois and all ordinances and regulations of the City of Oakbrook Terrace, Illinois.

Its President

Attest:

Its Secretary

CHAPTER 116: - RAFFLES

§ 116.01 - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. A voluntary organization composed of individuals and businesses that have joined together to advance the commercial, industrial and civic 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 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 who otherwise would be cared for by the government.

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.

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.

NON-PROFIT. A corporation, organization or institution organized as such under the laws of the State of Illinois and conducted on a not-for-profit basis with no personal profit injuring to anyone as a result of the operation, as evidenced by an appropriate certificate issued by the State of Illinois.

RAFFLE. A form of lottery, as defined in § 28-2 (b) of the Criminal Code of 1961, conducted by an organization licensed under this chapter, 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 chances 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.

RELIGIOUS. Any church, congregation, society, or an 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 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.

(Ord. 09-44, passed 2-23-10)

§ 116.02 - License required; eligibility for license.

- (A) No person, firm, or corporation shall conduct a raffle in the city without having first obtained a license therefor pursuant to this chapter.
- (B) Licenses shall be issued only as follows:
 - (1) To bona fide non-profit religious, charitable, labor, business, fraternal, educational or veterans' organizations, and which have been in existence continuously for a period of five years and have had, during that entire five-year period, a bona fide membership engaged in carrying out their objectives; or
 - (2) To a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified group of individuals suffering under extreme financial hardship as a result of illness, disability, accident or disaster.
- (C) The following persons are ineligible for a license under this chapter:
 - (1) Any person who has been convicted of a felony;
 - (2) Any person who is not of good moral character;
 - (3) Any person who is or has been a professional gambler or gambling promoter;
 - (4) Any firm or corporation in which a person identified in divisions (C)(1), (2) or (3) above has a proprietary, equitable or credit interest, or in which such a person is active or employed;
 - (5) Any organization in which a person identified in paragraphs divisions (C)(1), (2) or (3) above is to participate in the management or operation of a raffle as defined in this chapter;
 - (6) Any organization in which a person identified in divisions (C)(1), (2) or (3) of this section, is an officer, director or employee, whether compensated or not.

(Ord. 09-44, passed 2-23-10)

Cross reference— Penalty, see § 116.02

§ 116.03 - License application; fee; issuance of licenses.

- (A) Applications for all licenses required by this title shall be made in writing to the City Clerk or a designee on a form provided by the city. The application for a license must specify the following:
- (1) The area or areas within the city in which raffle chances will be sold or issued;
 - (2) The calendar dates during which raffle chances will be sold or issued;
 - (3) The calendar dates on which winning chances will be determined;
 - (4) The location or locations at which winning chances will be determined;
 - (5) A sworn statement attesting to the non-profit character of the applicant organization, signed by the presiding officer and the secretary of such organization.
- (B) The fee for each license shall be \$25 and shall be valid for one raffle.
- (C) Within 30 days from the date of application, the City Clerk or a designee shall issue a raffle license to any qualified applicant who has satisfactorily completed the application and provided all required documents. Licenses issued pursuant to this chapter may be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year, unless suspended or revoked for any violation of this chapter.

(Ord. 09-44, passed 2-23-10)

§ 116.04 - Conduct of a raffle.

- (A) The conducting of a raffle 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 such raffle;
 - (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of a raffle;
 - (3) No person may receive any remuneration or profit for participating in the management or operation of a 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 under this chapter;
 - (5) Raffle chances may be sold or issued only within the area 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 18 years of age may participate in the conduct of a raffle only with the permission of a parent or guardian. A person under the age of 18 years of age may be within the area where winning chances are determined only when accompanied by his or her parent or guardian; and
 - (7) Any raffle conducted within the city shall be subject to the following limitations:

- (a) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall be \$200,000;
- (b) The maximum retail value of each prize awarded by licensee in a single raffle shall be \$200,000;
- (c) The maximum price which may be charged for each raffle chance issued or sold shall be \$250; and
- (d) The maximum number of days during which chances may be issued or sold shall be 365 days.

(B) If a lessor rents premises where a winning chance or chances will be determined, the lessor shall not be criminally liable if the person who uses the premises for the determination of winning chances does not hold a license issued by the city.

(Ord. 09-44, passed 2-23-10)

§ 116.05 - Supervision; bond.

All operation and conduct of any raffle shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in favor of the licensed organization in the amount of \$10,000. Such bond shall be conditioned upon the honesty of the raffles manager in the performance of all required duties. Terms of the bond shall provide that notice shall be given in writing to the city not less than 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 chapter, provided that any license containing such waiver provision shall be granted only by a unanimous vote of the members of the licensed organization.

(Ord. 09-44, passed 2-23-10)

§ 116.06 - Records.

- (A) Each organization licensed to conduct a raffle 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 a raffle shall be segregated and placed in a separate account from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to a license therefor issued by the Department of Revenue of the State of Illinois. Each organization shall have separate records of

its raffles. The person who accounts for gross receipts, expenses and net proceeds from the conduct of a raffle shall not be the same person who accounts for other revenues of the organization.

- (C) Each organization licensed to conduct a raffle shall report promptly after the conclusion of each raffle to its membership and to the city, its gross receipts, expenses, and net proceeds from such raffle, and the distribution of net proceeds itemized as required in this section.
- (D) Records required by this section shall be preserved for three years, and licensed organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(Ord. 09-44, passed 2-23-10)

§ 116.99 - Penalty.

- (A) Any person who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to the general penalties provided for in § 110.99(A) of this title. Each day a violation continues shall be deemed a separate violation.
- (B) In addition to any other penalty, any license issued pursuant to the provisions of this chapter may be suspended for up to 30 days, or revoked by the Mayor or a designee, at any time during the term of such license, as provided for in § 110.99(B) of this title.

(Ord. 09-44, passed 2-23-10; Am. Ord. 13-54, passed 11-12-13)