

**VILLAGE OF BLOOMINGDALE**

**DU PAGE COUNTY, ILLINOIS**

---

**ORDINANCE NO. 2004-39**

**AN ORDINANCE REPEALING ORDINANCES 82-8, 84-38 AND 2001-35  
AND ADDING CHAPTER 17 TO THE BLOOMINGDALE  
COMPREHENSIVE CODE TO ESTABLISH A SYSTEM  
FOR THE LICENSING OF ORGANIZATIONS  
TO OPERATE RAFFLES WITHIN THE VILLAGE OF BLOOMINGDALE  
(CHAPTER 17 - RAFFLE LICENSING)**

---

ADOPTED BY THE PRESIDENT AND  
BOARD OF TRUSTEES OF THE  
VILLAGE OF BLOOMINGDALE  
THIS 26th DAY OF JULY, 2004

---

Published in pamphlet form  
by authority of the President  
and Board of Trustees of the  
Village of Bloomingdale,  
DuPage County, Illinois this  
26th day of July, 2004.

**ORDINANCE NO. 2004-39**

**AN ORDINANCE REPEALING ORDINANCES 82-8, 84-38 AND 2001-35  
AND ADDING CHAPTER 17 TO THE BLOOMINGDALE  
COMPREHENSIVE CODE TO ESTABLISH A SYSTEM  
FOR THE LICENSING OF ORGANIZATIONS  
TO OPERATE RAFFLES WITHIN THE VILLAGE OF BLOOMINGDALE  
(CHAPTER 17 - RAFFLE LICENSING)**

**WHEREAS**, the Village of Bloomingdale had previously adopted Ordinances 82-8, 84-38 and 2001-35 relating to the system for the licensing of organizations to operate raffles within the Village of Bloomingdale; and

**WHEREAS**, it is deemed desirable to include such regulations with the Bloomingdale Comprehensive Code; and

**WHEREAS**, it is deemed desirable to establish and maintain reasonable licensing requirements, consistent with sound governmental policies and procedures.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BLOOMINGDALE, DU PAGE COUNTY, ILLINOIS** pursuant to its Home Rule Powers that:

**SECTION 1:** Ordinances 82-8, 84-38 and 2001-35 are hereby repealed in their entirety and a new chapter is hereby added to the Bloomingdale Comprehensive Code to be known as Chapter 17 – Raffle Licensing with the following provisions:

## **CHAPTER 17**

### **PART 1: RAFFLE LICENSING**

#### **17-1-1: DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this Chapter:

(1) 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.

(2) 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.

(3) 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.

(4) Religious: Any church, congregation, society or organization founded for the purpose of religious worship.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) Raffle: A form of lottery, as defined in Section 28-2(b) of the “Criminal Code of 1961” (720 ILCS 5/28-2), conducted by an organization licensed under this Ordinance, in which:

- a) 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 chances; and
- b) 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.

(10) 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.

(11) Auxiliary or Affiliates: Whenever used in this Ordinance, the word “organization” shall include an auxiliary or affiliate of a licensee.

**17-1-2: LICENSE REQUIRED**

No person, firm or corporation shall conduct a raffle without first having obtained a license pursuant to this Ordinance.

**17-1-3: AUTHORITY FOR ISSUANCE**

The Village Clerk or his/her designee (herein referred to as “Village Clerk”) shall have the authority to issue licenses for raffles subject to the limitations set forth in Section 17-1-4: Licenses hereof.

**17-1-4: LICENSES**

Licenses shall be issued only to bona fide non-profit, religious, charitable, labor, business, fraternal, educational 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 five (5) year period a bona fide membership engaged in carrying out their objectives, or to a non-profit fundraising organization that the licensing authority 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, or to Political Committees in accordance with the requirements set forth in 230 ILCS 15/8.1.

A license issued by the Village shall authorize the sale of raffle chances only within the borders of the Village. The Village Clerk shall act on a license application within thirty (30) days from the date of application. Each raffle license shall be valid for the duration of the contest as stated in the license application.

**17-1-5: APPLICATION FOR LICENSE**

Application for a license shall be made in writing, no fewer than thirty (30) days before the intended sale of raffle chances, on forms provided by the Village Clerk.

Each license and application for license shall contain the following information:

- (1) The name and address of the applicant;
- (2) The area within the Village in which the raffle chances will be sold and issued;
- (3) The time period during which raffle chances will be sold or issued;
- (4) The date, time, manner and location(s) of determining the winning chances;
- (5) A sworn statement attesting to the non-profit character of the applicant signed by its presiding officer and secretary;
- (6) A copy of the applicant's Articles of Incorporation and/or Charter; and
- (7) Such other information as the Village Clerk may require.

Each license issued under this Ordinance shall be valid for one (1) raffle, or for multiple raffles as specified in the application, covering a period of no more than one (1) year, unless suspended or revoked for violation of this Ordinance.

### **17-1-6: LICENSE FEE**

Each raffle must be authorized by a separate license, except as authorized by Section 17-1-5, and must be conducted in accordance with the applicable provisions of this Ordinance.

The fee for each license shall be as set forth in the following schedule:

- (1) Class A: Where the aggregate value of all prizes awarded in any raffle does not exceed Fifty Thousand Dollars (\$50,000.00), no license fee shall be required.
- (2) Class B: Where the aggregate value of all prizes awarded in any raffle is greater than Fifty Thousand Dollars (\$50,000.00), the license fee shall be One Hundred Dollars (\$100.00).

The fee for a Class B raffle license may be waived by an affirmative vote of the Board of Trustees.

All fees for licenses required under this Ordinance shall be paid to the Village Clerk at the time of application and shall be immediately turned over to the Village Treasurer. 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 Board of Trustees.

### **17-1-7: RESTRICTIONS ON LICENSEES**

No raffle license shall be issued to:

- (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 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 this Ordinance.

**17-1-8: CONDUCT OF RAFFLES**

The conducting of raffles in the Village of Bloomingdale is subject to the following:

- (1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (4) The maximum fee, which may be charged for each raffle chance sold or issued, shall not exceed One Hundred Dollars (\$100.00), except as modified pursuant to Section 17-1-13, Exceptions to Limits.
- (5) A licensee may rent premises on which to determine the winning chance or chances in a raffle only from an organization, which is also licensed under this Ordinance.
- (6) 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.
- (7) 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.

**17-1-9: MANAGER, BOND**

All operation of and the conduct of raffles shall be under the supervision of a single raffle manager designated by the organization. The manager shall provide a fidelity bond in the sum of an amount determined by the Village of Bloomingdale in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the Village of Bloomingdale not less than thirty (30) days prior to its cancellation.

The Village Administrator may waive this bond requirement when, due to the nature, past experience or competence of the organization involved, the Village Administrator determines that such bond would be unnecessarily burdensome. The Village Administrator shall give notice of such waiver to the Village President and Village Board not less than forty-eight (48) hours before the license becomes effective. Within such forty-eight (48) hour period, the Village President or any member of the Village Board may, through notice to the Village Administrator, cause this waiver to be stayed. In such case the matter will be formally presented to the Village Board at their next regular Board meeting for decision.

**17-1-10: RAFFLE TICKETS**

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 this 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 two hundred forty (240) days before the determination of the winning chance or chances.

If, any raffle for which a license is issued under this Ordinance 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 the date on which the raffle was to be conducted or within forty-five (45) days after cancellation of the raffle, whichever is sooner.

**17-1-11: PRIZES**

The maximum cash prize awarded in any raffle shall be One Hundred Thousand Dollars (\$100,000.00); the maximum retail value of a non-cash prize awarded in any raffle shall be One Hundred Thousand Dollars (\$100,000.00). The aggregate value of all prizes awarded in any raffle shall not exceed Two Hundred Thousand Dollars (\$200,000.00), except as modified pursuant to Section 17-1-13, Exceptions to Limits.

**17-1-12: RECORDS**

- (1) 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.

- (2) 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 non-profit 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, expense 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 Village 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 for three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

**17-1-13: EXCEPTIONS TO LIMITS**

Should the applicant wish to request either a higher dollar cost for each raffle chance and/or a higher individual or total prize value, said request shall be referred to the Board of Trustees for consideration of such an exception.

## **PART 2: PENALTY**

### **17-2-1: PENALTY**

Any person, firm or corporation found guilty of violating any provision of this Ordinance shall be subject to the same penalties as provided in the State Statute for a Class C Misdemeanor.

## **PART 3: CONSTRUCTION**

### **17-3-1: CONSTRUCTION**

Nothing in this Ordinance shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than a raffle provided for herein.

## **PART 4: SEPARABILITY OF ORDINANCE SECTIONS**

### **17-4-1: SEPARABILITY**

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder of this Ordinance but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which judgment or decree shall be rendered.

## **PART 5: REGULATIONS**

### **17-5-1: REGULATIONS**

The Village Clerk may publish rules and regulations consistent with this Code or Illinois law governing the conduct of raffles licensed hereunder.

**SECTION 2:** That 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 this 26<sup>th</sup> day of July, 2004.

AYES: Trustees Czernek, Von Huben, Bolen and Dabrowksi

NAYS: None

ABSENT: Trustee Gebis and Reyes

ABSTAIN: None

APPROVED this 26th day of July, 2004.

---

Village President

ATTEST:

---

Village Clerk