

CITY OF MARSHALL

ORDINANCE NO. 2015-O-01

AN ORDINANCE AMENDING CHAPTER 22 BUSINESSES. ARTICLE III. RAFFLES. SECTION 22.51. DEFINITIONS. SECTION 22-53. CONDUCT GENERALLY. SECTION 22-55. RAFFLE MANAGER; BOND. SECTION 22-56. RECORDS. SECTION 22-60. REQUIRED; ELIGIBILITY. SECTION 22-61. FILING OF APPLICATION; ACTION ON APPLICATION. SECTION 22-62. FILING FEE.

ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall, Clark County, Illinois, this 9  
day of February, 2015.

ORDINANCE NO. 2015-O- 21

AN ORDINANCE AMENDING CHAPTER 22 BUSINESSES. ARTICLE III. RAFFLES. SECTION 22.51.DEFINITIONS. SECTION 22-53. CONDUCT GENERALLY. SECTION 22-55. RAFFLE MANAGER; BOND. SECTION 22-56. RECORDS. SECTION 22-60. REQUIRED; ELIGIBILITY. SECTION 22-61. FILING OF APPLICATION; ACTION ON APPLICATION. SECTION 22-62. FILING FEE.

BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

Section 1. That an ordinance amending Chapter 22 Businesses. Article III. Raffles. Section 22.51.Definitions. Section 22-53. Conduct Generally. Section 22-55. Raffle Manager; Bond. Section 22-56. Records. Section 22-60. Required; Eligibility. Section 22-61. Filing of Application; Action on Application. Section 22-62. Filing Fee. of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

**Sec. 22-51. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Enabling act* means the "Raffles Act" (230 ILCS 15/0.01 et seq.).

*Net proceeds* means the gross receipts from the conduct of raffles, less reasonable sums expending for prizes, license fees as provided in this article, and other reasonable operating expenses incurred as a result of operating a raffle. **Sec. 22-51. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Enabling act* means the "Raffles Act" (230 ILCS 15/0.01 et seq.).

*Net proceeds* means the gross receipts from the conduct of raffles, less reasonable sums expending for prizes, license fees as provided in this article, and other reasonable operating expenses incurred as a result of operating a raffle.

*Raffle* means a form of lottery as defined in section 28-2(b) of the Criminal Code of 1961 (720 ILCS 5/28-2(b)), conducted by an organization licensed under the terms of this article, 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.

(b) For purposes of this article, the terms "nonprofit," "charitable," "educational," "religious," "fraternal," "veterans," and "labor," all referring to organizations or institutions established for such purposes, shall have the same meanings as are given to such terms pursuant to section 2(b) of the enabling act.

*Poker Run* means an event organized by an organization licensed under this Ordinance in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. 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 at each location.

**Sec. 22-52. Penalty for violation of article.**

Any person violating the provisions of this article shall upon conviction thereof be fined as provided in section 1-5 of this Code.

Raffle and Poker Run means a form of lottery as defined in section 28-2(b) of the Criminal Code of 1961 (720 ILCS 5/28-2(b)), conducted by an organization licensed under the terms of this article, in which: 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.

- (3) 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.

(b) For purposes of this article, the terms "nonprofit," "charitable," "educational," "religious," "fraternal," "veterans," and "labor," all referring to organizations or institutions established for such purposes, shall have the same meanings as are given to such terms pursuant to section 2(b) of the enabling act.

**Sec. 22-52. Penalty for violation of article.**

Any person violating the provisions of this article shall upon conviction thereof be fined as provided in section 1-5 of this Code.

**Section 22-54. Prizes; sale of chances.**

The following limitations shall apply as to prizes, merchandise and chances in connection with any Raffle and Poker Run conducted within the city:

- (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in connection with a single raffle shall not exceed \$100,000.00
- (2) The maximum retail value of each prize awarded by a licensee in a single Raffle and Poker Run shall not exceed \$50,000.00.

**Section 22-55. Raffle Manager; bond.**

All operation of and the conduct of raffles and poker runs within the city shall be under the supervision of a single raffle manager designated by the organization. The manager shall give a fidelity bond in an amount equal to the aggregate retail value of all prizes or merchandise to be awarded by the licensee in connection with the raffle, in favor of the organization, conditioned upon the honesty of such manager in the performance of his or her duties. The terms of the bond shall provide that notice shall be given in writing to the city, by filing the notice with the office of the city office manager, not less than 30 days prior to the cancellation of such bond.

Notwithstanding the provisions of this section, no bond shall be required by any raffle manager of a raffle or poker run wherein the aggregate retail value of all prizes or merchandise to be awarded does not exceed \$1,000.00. The city office manager may waive the bond requirement, provided the

request for waiver is included in the application and the request for waiver is approved only by unanimous vote of the members of the licensed organization.

**Section 22-60. Required; eligibility.**

- (a) No person, firm or corporation shall conduct raffles or chances or poker runs within the city without first having obtained a license therefor as provided in this division.
- (b) Licenses may be issued only to bona fide 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 years immediately before making application for a license and which have had during that entire five-year period a bona fide membership engaged in carrying out their objects, or to a nonprofit fund raising organization that the city 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.
- (c) Notwithstanding any contrary provision contained in this division, the following are ineligible for any license under this division:
  - (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 subsection (c)(1), (2) or (3) 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 subsection (c)(1), (2) or (3) of this section is an officer, director or employee, whether compensated or not.
  - (6) Any organization in which a person defined in subsection (c)(1), (2) or (3) of this section is to participate in the management or operation of a raffle.

**Section 22-61. Filing of application; action on application.**

- (a) Any person applying for a raffle and poker run license pursuant to the provisions of this division shall file a written application therefor in the office of the city office manager. Such application shall be in writing and shall contain the following information:
- (1) The area or areas within the city in which raffle and poker run chances will be sold or issued;
  - (2) The time period during which raffle and poker run chances will be sold or issued;
  - (3) The time of determination of winning chances;
  - (4) The location or locations at which winning chances will be determined; and
  - (5) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.
- (b) Any such application for a raffle and poker run license filed pursuant to this section shall be acted upon by the city office manager within 30 days from the date on which it is filed.
- (c) There are two classes of licenses created under this section:
- (d) 1. Class A- a license issued for single event raffles and poker runs which are not of a continuing nature or conducted on a regular basis.
- (e) 2. Class B- an annual license which conducts raffles and poker runs on a continuous and frequent basis throughout the calendar year.

**Section 22-62. Filing fee.**

Each application for a raffle and poker run license filed pursuant to this division for a Class A raffle and poker run license filed pursuant to this division shall be accompanied by a nonrefundable filing fee in the amount of \$20.00, to be paid at the time of filing. Each application for a Class B raffle and poker run license filed pursuant to this division shall be accompanied by a nonrefundable filing fee in the amount of \$50.00 to be paid at the time of the filing.

Section 2. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Gary Wallace	✓		
Cathy Macke			✓
Mark Strait	✓		
Warren J. Le Fever	✓		
James McKittrick	✓		
Cheryl A. Raisner	✓		
Tim J. Sanders	✓		
Vickie Wallace			✓

PASSED this 9 day of February, 2015.

APPROVED this 9 day of February, 2015.

*Ramie Sanders*  
MAYOR

ATTESTED, filed in my office,  
and published in pamphlet form  
this 9 day of February, 2015.

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CITY CLERK *John W. Jeff*

(SEAL)