



VILLAGE OF Diamond

APPLICATION FOR LICENSE TO CONDUCT RAFFLES

INTERNAL USE ONLY:

Approved: _____

Denied _____

Date Issued: _____

License Class: _____

License Number: _____

1. **Name of Organization:** _____

2. **Address:** _____
In Village of Diamond? Yes ___ No ___

3. **Mailing Address:** _____
(if different from above)

4. **Type of Organization:** Please read the definitions in Chapter 112A. (Attach documentary evidence, such as copy of Charter, articles of incorporation, IRS/Illinois tax exemption letter, etc.)

Charitable _____ Religious _____ Fraternal _____ Labor _____

Education _____ Veterans _____ Business _____

Non-profit Fund-raising Organization _____

5. **Date of Incorporation:** _____ **State of Incorporation:** _____

6. **Length of existence of the organization:** _____

7. **Number of Members in Good Standing:** _____

8. **Type of Raffle License Requested:** Class A _____ Class B _____ Class C _____

(Date of Birth)

(Telephone #)

17. **Other Members Responsible for Conduct and Operation:** Provide the name, residence address, telephone number, and date of birth of any other members responsible for the conduct and operation of the raffle; attach sheet if necessary:

18. **Maximum Retail Value of Each Prize Awarded:** (List the retail value of each) _____

19. **Aggregate Retail Value of all Prizes to be awarded in Each Raffle to be Conducted:** (for entire license period)

\$ _____

20. **Maximum Price Charged for Each Chance Sold:** \$ _____

21. **Estimated Gross Annual Sales of Tickets:** (Total income from Sales of tickets)

\$ _____

22. **License Fee:** \$ _____

23. **Effective Period for License:**

All licenses are valid for one year. The license can be effective upon issuance by the Village Deputy Clerk or be approved up to 60 days prior to the effective date. No ticket sales can occur under the license until the effective date. Please specify one:

Effective upon issuance (for one year)

Effective from: (specify one year range) _____ to _____

Attestation B: (For nonprofit fundraising organizations which have been 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 illness, disability, accident or disaster.)

“The undersigned attest that the above-named organization is a nonprofit fundraising organization which has been 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 illness, disability, accident or disaster. The undersigned do hereby state under penalties of perjury that all statements in the foregoing application are true and correct; that officers, operators, and workers of the games are bona fide members of the sponsoring organization and are all of good moral character, have not been convicted of a felony, and have never been professional gamblers or gambling promoters; that if a license is granted hereunder, the undersigned will be responsible for the conduct of the games in accordance with the provisions of the laws of the State of Illinois and Village of Diamond governing the conduct of such games.”

SIGNATURES:

Presiding Officer

Secretary

Subscribed and sworn (or affirmed) to before me this _____ day of _____, 20____.

(Seal)

Notary Public

Attestation C:

“The undersigned, as owners of the location where _____ proposed to conduct raffles if issued a raffles license by the Village of Diamond, attests that the undersigned is aware of and understands the provisions of Chapter 112A applicable to the owners of locations where raffles are conducted and that the undersigned shall abide by the same at all times in connection with the conduct of any such raffles.”

SIGNATURES:

Signature of Raffles Location Owner

Subscribed and sworn (or affirmed) to before me this _____ day of _____, 20____.

(Seal)

Notary Public

REQUEST FOR WAIVER OF RAFFLE MANAGER'S BOND

The raffle manager must obtain a bond as specified in Section 112A.10 of Chapter 112A. This requirement can be waived when this form is completed certifying that the members of the organization had unanimously approved the waiver of the bond.

(Please note: Raffle manager cannot waive own bond. Please also note that bond waivers are only available for Class A and Class B raffle licenses).

The _____
(Name of Applicant or Organization)

hereby requests that the Village of Diamond waive the requirement for the Raffle Manager's Bond in connection with the raffle license for which the attached application is made.

We/I, the undersigned, being the _____
(Presiding Officer or Secretary)

of the aforesaid organization, do hereby attest to the fact that, by unanimous vote of the Members of the organization/applicant have requested and agree to such waiver.

(Signature)

(Date)

Notary Public

Subscribed and sworn (or affirmed) to before me this _____ day of _____, 20_____.

(Seal)

Notary Public

VILLAGE OF DIAMOND

ORDINANCE NO. 2017-15

AN ORDINANCE ESTABLISHING A SYSTEM FOR LICENSING OF RAFFLES

WHEREAS, the Village of Diamond, Grundy and Will Counties, Illinois (the “Village”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the Illinois Raffles Act, 230 ILCS 15/0.01 et. seq. provides that no person, firm or corporation shall conduct a raffle without first having obtained a license from the county or municipality in which the raffle is to be conducted; and

WHEREAS, the Village of Diamond has determined that it is in the best interest of the citizens of the Village of Diamond that bona fide religious, charitable, labor, business, fraternal, educational or veterans’ organizations, as well as non-profit fund raising organizations 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 be authorized to conduct raffles in the Village of Diamond pursuant to the Illinois Raffles Act.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE VILLAGE OF DIAMOND, GRUNDY AND WILL COUNTY, ILLINOIS AS FOLLOWS:

Section 1 Recitals: - The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: - Creation of Chapter 116 of the Village of Diamond Code of Ordinances: - The following text shall hereby be codified as a new Chapter 116 of the Village of Diamond Code of Ordinances, to be entitled “Chapter 116 - Raffles”:

116.01 Definitions

All definitions contained in the Illinois Raffles Act shall apply to this Chapter, and in case of any conflict between the provisions of this Chapter and the provisions of the Illinois Raffles Act as amended, the Illinois Raffles Act shall control.

a. “Business”: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civil 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.

raffle shall not exceed \$50,000.00, and the aggregate value of all prizes in a single Class A raffle shall not exceed \$250,000.00.

l. “Class B Raffle”: A raffle, as hereinabove defined, where the prize(s) offered consist solely of cash. The value of any individual prize in a Class B raffle shall not exceed \$50,000.00, and the aggregate value of all prizes in a single Class B raffle shall not exceed \$250,000.00.

m. “Class C Raffle”: A raffle, as hereinabove defined, where the prize(s) offered consist solely of cash. The value of any individual prize in a Class C shall be any amount in excess of the permitted Class B individual prize amount, provided, however, that if the amount of an individual cash raffle prize cannot be determined prior to the sale of the first chance or ticket for such raffle, then such raffle shall be deemed to be a Class C raffle, without regard to the eventual or ultimately determined amount of any prize for such raffle. Likewise, the aggregate value of all cash prizes awarded in a Class C raffle shall be any amount in excess of the permitted aggregate Class B prize amount, provided, however, that if the aggregate value of all cash prizes in a given raffle cannot be determined prior to the sale of the first chance or ticket for such raffle, then such raffle shall be deemed to be a Class C raffle, without regard to the eventual or ultimately determined aggregate amount of any prizes for such raffle.

116.02 License Required

No person, firm or corporation shall conduct a raffle without having first obtained a license therefor pursuant to this Chapter and the Illinois Raffles Act. Notwithstanding the foregoing, political committees licensed to conduct a raffle from the State Board of Elections shall be exempt from the provisions of this Chapter 116, and shall be permitted to engage in such activities as may be permitted by the terms of any such license so issued. Class A licenses shall be valid for one year from the date of issuance, and shall permit the holder thereof to conduct not more than one Class A raffle per month. Class B licenses shall be valid for one year from the date of issuance and shall permit the holder thereof to conduct not more than four Class B raffles per month. Class C licenses shall be valid for a period of one year, during which a Class C licensee shall be permitted to conduct not more than one Class C raffle at a given time, provided, however, that there shall otherwise be no limitation on the number of raffles that a Class C licensee may conduct during a given calendar year. A single applicant/licensee may apply for and if otherwise eligible, simultaneously receive and hold Class A, Class B and Class C raffle licenses, but no applicant shall hold more than one license of any class at any given time.

116.03 Eligibility for Raffle License

Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans’ organizations as defined in Chapter 116.01 which operate without a profit to their members and which have been in existence continuously for a period of 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 non-profit fund raising organization organized for the sole purpose of providing financial assistance to an

b. Participation in management. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

c. Remuneration. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

d. Premises. A licensee may rent premises on which to determine the winning ticket or tickets in a raffle only from an organization which is also licensed under this Chapter.

e. Locations. Raffle tickets may be sold or issued only within the area specified on the license and winning tickets may be drawn or determined only at the single location specified on the license application.

f. Age. A person under the age of 18 years may participate in the conducting of raffles only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where drawings are held only when accompanied by his parent or guardian.

g. Manager. All raffle licensees must designate one member of the licensee organization to serve as its raffle manager. A raffle manager shall be responsible for the organization and conduct of the raffle generally, and shall further be responsible for collecting and accounting for all raffle proceeds, including but not limited to payment of prizes, payment of applicable taxes, and the disposition in accordance with this Chapter of the remaining proceeds accruing to the licensee organization.

h. Legal and Tax Compliance. All raffle licensees shall comply with all applicable laws and regulations pertaining to the conduct of raffles, and the collection, payment of and accounting for raffle prizes and proceeds, including but not limited to all applicable State and Federal income tax laws and regulations.

116.06 Applications

Applications for a license shall be made on a form provided by the Village for such purpose and must contain at least the following information:

- a. Name of applicant.
- b. Address.
- c. Purpose of raffle(s).
- d. Area(s) where tickets will be sold.
- e. Time period(s) during which tickets will be sold or issued.
- f. Sworn statement attesting to not-for-profit character of the prospective licensee organization, signed by presiding officer and secretary of organization.

116.09 Records

a. Each organization licensed to conduct a raffle shall keep such records and shall also keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning tickets are determined.

b. Gross receipts from the operation of each raffle 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 shall be 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.

c. Each organization licensed to conduct raffles shall report in writing within thirty (30) days after the conclusion of each raffle to its membership, and to the office of the Village Clerk, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in the Illinois Raffles Act and as may be required by this Chapter. Where an organization is licensed to conduct more than one raffle, the report may be filed within thirty (30) days after the conclusion of the last raffle drawing.

d. Records required by this Section shall be preserved three (3) years, and organizations shall make available their records relating to operation of raffles for inspection by the Village within five (5) days of the Village's request to inspect or audit such records.

116.10 Manager's Bond

All operations of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization in its application. The manager of the organization shall give a fidelity bond in an amount equal to the aggregate value of the prizes to be awarded in favor of the organization conditioned upon manager's honesty in the performance of his/her duties. All such bonds shall provide, as an express term thereof, that notice shall be given in writing to the Village not less than thirty (30) days prior to the cancellation or expiration of the bond. In the event that a Class C raffles license applicant cannot determine the aggregate value of the prizes to be awarded in a given raffle, the amount of the manager's fidelity bond for such license shall be set at an amount not less than \$250,000.00, or double the amount of the then-current aggregate prize value, as determined from time to time.

116.11 Suspension or Revocation

Licenses issues under this Chapter may be suspended or revoked by a notice thereof issued the Village Mayor if the licensee or any person managing a raffle under any such license violates any provision of this Chapter, or any other applicable ordinance of the Village or law of the State of Illinois or United States that reflects unfavorably on the fitness of the licensee or its manager to conduct raffles.

PASSED this 26th day of September, 2017, with 4 members voting aye, 0 members voting nay, with 1 member absent, abstaining or passing, and said vote being:

Carolyn Wilson	<u>AYE</u>	David Warner	<u>ABSENT</u>
Mark Adair	<u>AYE</u>	Jeff Kasher	<u>AYE</u>
Teresa Kernc	<u>AYE</u>		

Approved this 26th day of September 2017.

Teresa Kernc, Mayor

Attest: _____
Lori Holmes, Village Clerk