

VILLAGE OF DOWNERS GROVE
Report for the Village
12/20/2022

SUBJECT:	SUBMITTED BY:
An Ordinance Repealing Sections 8.23 through 8.29 of Chapter 8 of the Downers Grove Municipal Code Regarding Raffle Licensing	Rosa Berardi Village Clerk

SYNOPSIS

An ordinance has been prepared repealing Sections 8.23 through 8.29 of Chapter 8 of the Downers Grove Municipal Code regarding Raffle Licensing.

STRATEGIC PLAN ALIGNMENT

The goals for the 2021-2023 includes *Exceptional Municipal Services*

FISCAL IMPACT

No fiscal impact as the Village does not currently collect fees related to raffle licensing.

RECOMMENDATION**UPDATE & RECOMMENDATION**

This item was discussed at the December 13, 2022 Village Council meeting. Staff recommends approval on the December 20, 2022 Active Agenda.

BACKGROUND

The Village's current regulations regarding raffle licensing are consistent with Illinois State Law (20 ILCS 15/.01 *et seq.* The Village Clerk's Office processes an average of 26 applications for raffle licenses per year. The Village does not assess any fees for the application or license. The repeal of these sections of the Downers Grove Municipal Code will have no detrimental effect as State Law still governs raffles, and this will also lessen the administrative burden to Village staff, allowing them to focus on other job duties.

ATTACHMENTS

Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: December 20, 2022
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to adopt "AN ORDINANCE REPEALING CHAPTER 8, ARTICLE 5 OF THE MUNICIPAL CODE CONCERNING RAFFLES", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall repeal Chapter 8, Article 5 of the Downers Grove Municipal Code concerning raffles.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE REPEALING CHAPTER 8, ARTICLE 5
OF THE MUNICIPAL CODE CONCERNING RAFFLES**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by redline/underline; deletions by ~~strikeout~~):

Section 1. That Article 8.V Raffles is hereby repealed in its entirety:**Article 8.V ~~Raffles~~ Repealed.****Sec 8.23 Definitions**

~~For the purposes of this Article, the terms recited herein shall have the definitions set forth in the Illinois Raffles Act, (the "Act") as now or hereafter amended.~~

~~(230 ILCS 15/0.01 et seq.)~~

~~(3780, Amended, 09/18/1995; 3654, Enacted, 06/20/1994)~~

Sec 8.24 Construction Of Article

~~Nothing in this Article shall be construed to authorize the conduct or operation of any gambling scheme, enterprise, activity or device other than raffles as provided for in this Article.~~

Sec 8.25 License; Required

~~No person, firm or corporation shall conduct a raffle in the Village without first having obtained a license therefor pursuant to the provisions of this Article. Such licenses shall be issued pursuant and subject to the provisions of the Act. Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit 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 during that entire 5-year period been engaged in carrying out their objects, or to a non-profit fundraising organization that the Village 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 any law enforcement agencies and State-wide associations that represent law enforcement officials.~~

~~(Ord. 5772, Amended, 09/10/2019)~~

Sec 8.26 Application

~~Application for a raffle license shall be made on forms provided by the Village at least fourteen (14) calendar days prior to the sale of raffle chances. Such applications shall contain the following information:~~

1. ~~Name and address of the applicant.~~
2. ~~The time period during which raffle chances will be sold or issued.~~
3. ~~The time or times of determination of winning chances and the location or locations at which winning chances will be determined.~~
4. ~~A sworn statement attesting to the not-for-profit character of the prospective licensee organization.~~
5. ~~A statement that the applicant agrees to comply with all laws of the State of Illinois, the United States, and the Village in the conduct of the raffle.~~

(Ord. 5772, Amended, 09/10/2019; 3654, Enacted, 06/20/1994)

Sec 8.27 Issuance, Denial

~~Within fourteen (14) calendar days from the date of an application for a license, the Village Manager or his/her designee shall either issue a license or advise the applicant in writing of the reason for denial of a license. No such license shall be issued except as authorized under the Act. Any appeal from a notice of denial shall be pursuant to DGMC Section 8.8 of this Chapter.~~

(Ord. 5772, Amended, 09/10/2019; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 4463, Amended, 12/03/2002; 3654, Enacted, 06/20/1994)

Sec 8.28 Restrictions

1. ~~Each license is valid for one raffle, only.~~
2. ~~No more than six (6) raffle licenses shall be issued to any person, corporation or organization in any calendar year.~~
3. ~~The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed fifty thousand dollars (\$50,000.00). Provided, the Village Council may authorize raffles in excess of fifty thousand dollars (\$50,000.00) upon request of the applicant.~~
4. ~~For raffles where the cost of a single chance is less than fifty dollars (\$50.00), the maximum number of days during which chances may be issued or sold and winners determined shall not exceed six (6) months. For raffles where the cost of a single chance is fifty (\$50.00) or more, the maximum number of days which chances may be issued or sold and winners determined shall not exceed twelve (12) months.~~
5. ~~Each licensee shall keep records as required under the Act.~~
6. ~~The conduct of raffles within the Village is subject to applicable restrictions and conditions as set forth in the Act.~~

(Ord. 5402, Amended, 08/12/2014; 3654, Enacted, 06/20/1994)

Sec 8.29 Raffle Manager; Bond

~~All management, operation and conduct of raffles shall be under the supervision of a single raffle manager designated by the organization. The raffle manager shall give a fidelity bond in an amount not less than the anticipated gross receipts for the raffle. The bond shall be in favor of the organization and conditioned upon the raffle manager's honesty and the performance of his/her duties. The terms of the bond shall provide that notice shall be given in writing to the Village not less than thirty (30) days prior to its cancellation. Provided, the Village Manager may waive this bonding requirement when, due to the nature, past experience or competence of the organization involved, the Village Manager determines that such bond would be unnecessarily burdensome. The Village Manager shall give notice of such waiver to the Mayor and Village Council not less than forty eight (48) hours before the license becomes effective. Within such 48 hour~~

~~period, the Mayor or any member of the Village Council may, through notice to the Village Manager, cause this waiver to be stayed. In such case the matter will be formally presented to the Village Council at its next regular council meeting for decision.~~

~~(Ord. 5772, Amended, 09/10/2019; Ord. 4852, Amended, 02/20/2007, his to his/her(s); 3654, Enacted, 06/20/1994)~~

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk