

COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2016-09-13-A

AN ORDINANCE AMENDING ORDINANCE NO. 2014-08-12-B REGULATING THE LICENSING AND REGULATING CERTAIN GAMES OF CHANCE AND ESTABLISHING A SYSTEM FOR THE LICENSING AND REGULATING OF POKER RUNS

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 13th DAY OF SEPTEMBER, 2016

PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS _____ DAY OF SEPTEMBER, 2016

ORDINANCE NO. 2016-09-13-A

AN ORDINANCE AMENDING ORDINANCE NO. 14-08-12-B
REGULATING THE LICENSING AND REGULATING CERTAIN GAMES
OF CHANCE AND ESTABLISHING A SYSTEM FOR THE LICENSING AND
REGULATING OF POKER RUNS

WHEREAS, Fayette County, Illinois (the "County"), has heretofore been duly organized and is now operating as a county under the provisions of the Illinois Counties Code, and all laws amendatory thereof and supplementary thereto (the "Code"); and

WHEREAS, the Fayette County Board has previously determined, in Ordinance No. 14-08-12-B, that it is in the best interest of the welfare and safety of its citizens and that the conduct or operation of raffles within the county be licensed and regulated and is need of updating; and,

WHEREAS, Illinois "Raffles and Poker Runs Act," 230 ILCS 15/00.01 *et seq.*, , authorizes the governing body of any county within the State of Illinois to establish a system of licensing of poker runs; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF FAYETTE COUNTY, ILLINOIS:

Section 1: The County Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by the reference.

Section 2: Ordinance No. 14-08-12-B regarding regulating the licensing and regulating certain games of chance and establishing a system for the licensing and regulating of poker runs is hereby amended as follows:

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

1. 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.
2. Charitable organization: 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 organization: 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. Fraternal organization: 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.
5. Hardship: A non-profit fundraising organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license that the County determines to be 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.
6. Key location: The location where the poker run concludes and the prize or prizes awarded.
7. Labor organization: An organization composed of workers organized with the objective of betterment of the condition of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
8. Licensee: An organization which has been issued a license to operate a raffle.
9. 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 or poker run.
10. Non-profit: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.
11. Poker run: An event organized by an organization licensed under this chapter 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.

12. Raffle: A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:
 - a. The player pay 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;
 - 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.
13. Religious Organization: Any church, congregation, society or organization founded for the purpose of religious organization.
14. Veterans' organization: An organization or association comprised of members of whom 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 as way as to confer a public benefit.

Requirement of License.

1. It shall be unlawful for any person, firm, business, corporation organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for a value a chance on a raffle without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act."
2. It shall be unlawful for any person, firm, business, corporation, or organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act."

Application for a License for a Raffle.

1. Any person, firm, business, corporation, or organization or other entity seeking to conduct or operate a raffle shall file an application

therefore with the County Clerk on the forms provided by the County Clerk.

2. Application for licenses under this Section must contain the following information:
 - a. The name and address of the applicant organization;
 - b. The type of organization that is conducting the raffle, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other;
 - c. The length of existence of the organization and, if incorporated, the date and state of incorporation;
 - d. The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
 - e. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
 - f. The maximum retail value of each prize awarded by a licensee in a single raffle;
 - g. The maximum price which may be charged for each raffle chance issued or sold;
 - h. The maximum number of days during which chances may be issued or sold;
 - i. The area in which raffle chances will be sold or issued;
 - j. The time period during which raffle chances will be sold or issued;
 - k. The date, time, name and address of the location or locations at which winning chances will be determined;
 - l. A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the representative of that organization; and
 - m. A certificate signed by a representative of the applicant organization attesting to the fact that the information contained in the application is true and correct.

3. An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable \$10.00 fee. Such fee shall be paid by cash, cashier's check or money order to the County Clerk's Office.

Application for a License for Poker Run

1. Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the County Clerk on the forms provided by the County Clerk.
2. Applications for licenses under this Section must contain the following information:
 - a. The name and address of the applicant organization;
 - b. The type of organization that is conducting the raffle or poker run, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other;
 - c. The length of existence of the organization and, if corporate, the date and state of incorporation;
 - d. The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run
 - e. The time period during which the poker run will be conducted;
 - f. The time of determination of winning chances and the location or locations at which the winning chances will be determined;
 - g. A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the representative of that organization; and
 - h. A certificate signed by a representative of the applicant organization attesting to the fact that the information contained in the application is true and correct.
3. An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable \$10.00 fee. Such fee shall be paid by cash, cashier's check or money order to the County Clerk's Office.

Licensee Qualifications

1. Raffle licenses and poker run licenses shall 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 5 years immediately before making application for license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the County Board 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. The County Board may waive the 5-year requirement under this subsection for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement. The following are ineligible for any raffle or poker run license:
 - a. Any person who has been convicted of a felony;
 - b. Any person who is or has been a professional gambler or gambling promoter;
 - c. Any person who is not of good moral character;
 - d. Any organization in which a person defined in subsection (1), (2), or (3) of this section has a proprietary, equitable, or credit interest or in which such person is active or employed;
 - e. Any organization in which a person defined in subsection (1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not; and
 - f. Any organization in which a person defined in subsection (1), (2), or (3) of this section is to participate in the management or operation of a poker run as defined in this section.

License Issuance.

1. The County Clerk shall review all raffle and poker run applications within ten (10) days from the date of application and shall, within thirty (30) days from the date of application, approve or deny a license application. If an application is approved, the county clerk shall forthwith issue a license to the applicant.

2. A raffle license shall be valid for a period of one year from the effective date.
3. The county clerk may approve a raffle license up to ninety days (90) days prior to the effective date of the license.
4. A poker run license shall be valid for one event.
5. The county clerk shall keep an accurate record of the licenses and numbers issued. The license shall include the name and address of each predetermined location.

Conduct of Raffles and Poker Runs

1. The operation and conduct of raffles and poker runs are subject to the following restrictions:
 - a. The entire proceeds of any raffle or poker run must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.
 - b. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
 - c. No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
 - d. 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. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for the premises.
 - e. Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for the raffle. A playing card or equivalent may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.

- f. A person under the age of eighteen (18) years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian.
 - g. A person under the age of eighteen (18) years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.
2. If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

Manager-Bond

1. All operations of and conduct of raffles and poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle or poker run must be a bona fide member of the organization holding the license for such a raffle or poker run and may not receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
2. The manager shall give a fidelity bond equal in amount to the aggregate retail value of all prizes to be awarded in favor of the licensee 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 County not less than thirty (30) days prior to its cancellation.
3. The County Board is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Ordinance, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

Records

1. Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gather 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 raffles or poker runs 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 therefore 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 or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of the raffles or poker runs shall not be the same person who accounts for other revenues of the organization.
3. Each organization licensed to conduct raffles or poker runs shall report monthly to its membership, and to the County Clerk of Fayette County, Illinois, its gross receipts, expenses and net proceeds from raffles or poker runs, and the distribution of net proceeds itemized as required herein.
4. Records required by this Section shall be preserved from three (3) years, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.
5. The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, 50 ILCS 205/1 *et seq.*

Penalty

1. Persons or organizations who violate any provisions of this Ordinance shall be fined in an amount not less than \$10 nor more than \$100.

Terms and Fees for Raffle Licenses

1. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed \$100,000, unless approved by the County Board.
2. The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed \$100,000, unless approved by the County Board.

3. The maximum price which may be charged for each raffle chance issued or sold shall not exceed \$500, unless approved by the County Board.
4. The maximum number of days during which chances may be issued or sold shall not exceed 270 days for each raffle.
5. Licenses issued pursuant to this Ordinance shall be valid for one raffle and may be suspended or revoked for any violation of this Ordinance.

Section 3: Limited Construction: Nothing in this Ordinance shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

Section 4: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 5: All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

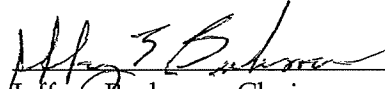
Section 6: This ordinance shall be in full force and effect upon its passage, approval and publication, if required, according to law.

ADOPTED by the County Board of the Fayette County, Illinois on the 13th day of September, 2016, upon yea and nay vote as follows:

| | |
|----------------------|-----------|
| JEAN B. FINLEY | Yea _____ |
| JAKE HARRIS | Yea _____ |
| JOHN C. DANIELS, JR. | Yea _____ |
| JEFFREY BECKMAN | Yea _____ |
| GLEN W. DANIELS | Yea _____ |
| JOHN BLYTHE | Yea _____ |
| DEAN J. BERNHARDT | Yea _____ |
| KEITH COLE | Yea _____ |
| DARRELL SCHAAL | Yea _____ |
| JOE E. KELLY | Yea _____ |

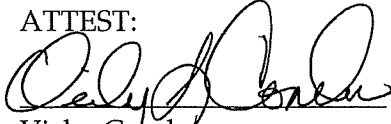
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|------------------|---------------|
| GLENN GURTNER | <u>Absent</u> |
| TROY L. PATTILLO | <u>Yea</u> |
| WADE WILHOUR | <u>Absent</u> |
| CHAD AUSTIN | <u>Yea</u> |

APPROVED by the Chairman of the Fayette County Board, Illinois on the 13th day of September, 2016.



Jeffery Beckman, Chairperson
Fayette County Board, Illinois

ATTEST:



Vicky Conder
Fayette County Clerk

{SEAL}