

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: December 3, 2018 (B of T) Date: December 6, 2018

TITLE: Amending Title XI, Chapter 123, Section 123.04(A)(4) - Raffles
Renting A Premises - Clarification

SUBMITTED BY: Janet Downer, Business Administrator 

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance amending Title XI, Chapter 123, Section 123.04(A)(4) of the Lombard Village Code clarifying "renting a premises" for selecting the winning chance(s) of a raffle.

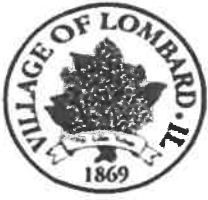
Please place this item on the December 6, 2018 Board of Trustees agenda for consideration.

Staff is requesting a waiver of first reading due to the cancellation of the remaining Village Board meeting.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott Niehaus, Village Manager
FROM: Janet Downer, Business Administrator
DATE: December 3, 2018

A handwritten signature in black ink, appearing to be "J. Downer", is written over the "FROM:" line.

**SUBJECT: Ordinance Amending Title XI, Chapter 123, Section 123.04(A)(4)
Renting a Premises for Selecting the Winning Chance(s) Clarification**

Currently, Village Code Title XI, Chapter 123, Section 123.02 states that a raffle license shall be issued only to religious, charitable, labor, fraternal, education or veterans' organization that operate without profit to their members.

Chapter 123, Section 123.04(A)(4) of the Lombard Code of Ordinances states:

"A license may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article."

The existing local ordinance language mirrors statutory language requiring the same under the Illinois Raffles and Poker Runs Act. One interpretation of this provision has been that a raffle licensee can only rent a premise for purposes of determining the winning chances of a raffle from an organization that is also a not-for-profit. This interpretation precludes licensees from having winning raffle chances drawn at a local restaurant or other for-profit business.

Staff has met with Village Counsel to get further clarification of this provision as well as seek a definition of the term "rent". After researching this request, Village Counsel prepared the attached ordinance for staff's review. The language of Section 123.04(A)(4) now defines the term "rent" under the ordinance and specifies that a premises shall only be considered to have been "rented" if the contract for the use of the premises for the event sets forth an itemized separate charge for the use of the premises, in addition to the charge per person for the food and drinks. This amendment provides clarity that licensees may conduct raffles on premises that are not owned by a not-for-profit (such as a restaurant or hotel) so long as they are not paying a set rental fee beyond per person charges for food and beverages consumed.

Attached is an ordinance amending Village Code Title XI, Chapter 123, Section 123.04(A)(4) clarifying and adding new language to Section 123.04(4)(A) in this regard. Staff is requesting a waiver of first reading.

If you have any questions, please feel free to contact me.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
TITLE XI, CHAPTER 123, SECTION 123.04(A)(4)
OF THE LOMBARD VILLAGE CODE
IN REGARD TO RAFFLES**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 123, Section 123.04(A)(4) of the Lombard Village Code is amended to read in its entirety as follows:

“(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Chapter. For purposes of this subsection, renting a premises shall mean that a monetary payment is made specifically to secure the use of the premises for the determination of the winning chance or chances. Where the use of the premises involves the provision of food and/or drinks to those in attendance, for a pre-paid fee as part of the event, the premises in question shall only be considered to have been “rented” if the contract for the use of the premises for the event sets forth an itemized separate charge for the use of the premises, in addition to the charge per person for the food and drinks.”

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 on first reading this _____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ___ day of _____, 2018.

Passed on second reading this _____ day of _____, 2018,
pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2018.

Sharon Kuderna, Village Clerk