

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: March 10, 2020 (B of T) Date: March 19, 2020

TITLE: Amending Title XI, Chapter 123 - Raffles 

SUBMITTED BY: Janet Downer, Business Administrator

**BACKGROUND/POLICY IMPLICATIONS:**

Attached for your consideration is an ordinance amending Title XI, Chapter 123-Raffles relative to adding a definition of "Law Enforcement Agency" as well as updating language to allow a person under the age of 18 years to participate in the conducting of raffles with the permission of a parent or guardian.

Please place this item on the March 19, 2020 Board of Trustees agenda for consideration.

Staff is requesting a waiver of first reading.

**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:** March 10, 2020



**SUBJECT: Ordinance Amending Title XI, Chapter 123 - Raffles**

At the February 6, 2020 Village Board meeting, amendments to the Village's Raffle Code (Title XI, Chapter 123) were approved by Ordinance 7778 (copy attached) in order to reflect the revisions made to the Illinois Raffles and Poker Run Act pursuant to Public Act 101-0109.

Upon further review of Village Code, it was determined that the following revisions were overlooked:

- Section 123.02(A) - Add the definition of "Law Enforcement Agency" as it is a permitted type of entity that can conduct a raffle.
- Section 123.04(A)(6) –Change current language to allow a person under the age of 18 years to participate in the conducting of raffles or chances only with the permission of a parent or guardian. Currently no person under the age of 18 years can participate in a raffle but are allowed to be within the area where winning chances are being determined when accompanied by a parent or guardian.

Village Counsel prepared the attached ordinance for consideration at the March 19, 2020 Village Board meeting. Staff is requesting a waiver of first reading in order to effectuate these amendments.

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

**ORDINANCE NO. 7778**

**COPY**

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 123  
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 123.01 of the Lombard Village Code is amended as follows:

A. The following definition is hereby added thereto:

*"Key Location. The location where the winning chances in the raffle are determined."*

B. The definition of "net proceeds", as contained therein, is amended by revising the reference therein to "other reasonable operating expenses" to read, "other operating expenses".

C. The definition of "raffle", as contained therein, is amended as follows:

1. The reference therein to "720 ILCS 5/28-2", is revised to read, "720 ILCS 5/28-2(b)".

2. The following is hereby added to the end thereof:

*"Raffle does not include any game designed to stimulate: (1) gambling games as defined in the Riverboat Gambling Act; (2) any casino game approved for play by the Illinois Gaming Board; (3) any games provided by a video gaming terminal, as defined in the Video Gaming Act; or (4) a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act, or Section 4 of the Home Owners' Loan Act."*

**SECTION 2:** That Title XI, Chapter 123, Section 123.02(A) of the Lombard Village Code is amended as follows:

A. The first sentence thereof is amended to read in its entirety as follows:

*"Raffle licenses shall be issued only to: (1) bona fide religious, charitable, labor, business, fraternal, educational, veterans' or other bona fide not-for-profit organizations that operate without profit to their members, which*

have been in existence continuously for a period of five (5) years immediately before making application for a raffle license, and which have, during that entire five (5) year period, engaged in carrying out their objects; (2) to a non-profit fund-raising 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 (3) to any law enforcement agencies and statewide associations that represent law enforcement officials. The aforementioned five (5) year requirement is hereby waived for a bona fide religious, charitable, labor, business, fraternal, educational or veterans' organization, if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the five (5) year requirement."

- B. That the following definition is hereby added to the list of definitions contained therein:

*"Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community."*

**SECTION 3:** That Title XI, Chapter 123, Section 123.02(B) of the Lombard Village Code is amended as follows:

- A. Subsection (1) thereof is amended to read in its entirety as follows:

"(1) Any person whose felony conviction will impair the person's ability to engage in the licensed position."

- B. Subsection (2) thereof is amended by revising the reference to "gambling promoter", as contained therein, to read, "professional gambling promoter".

- C. Subsection (4) thereof is amended by revising the reference to "firm or corporation", as contained therein, to read, "organization".

**SECTION 4:** That Title XI, Chapter 123, Section 123.03(A) of the Lombard Village Code is amended as follows:

- A. Subsection (1) thereof is amended to read in its entirety as follows:

"(1) No person, firm or corporation shall conduct raffles or chances, in relation to which the Key Location is within the corporate boundaries of the Village, without having first obtained a license therefor pursuant to this Chapter."

**B. Subsection (2) thereof is amended to read in its entirety as follows:**

**"(2) The license and the application for the license must specify the location or locations at which winning chances in the raffle will be determined, the time period (calendar dates) during which raffle chances will be sold or issued, and the time or times of determination (calendar dates) of winning chances."**

**SECTION 5: That Title XI, Chapter 123, Section 123.04(A) of the Lombard Village Code is amended as follows:**

**A. Subsection (2) thereof is amended to read in its entirety as follows:**

**"(2) No person except a bona fide director, officer, employee or member of the sponsoring organization may manage or participate in the management of the raffle."**

**B. Subsection (3) thereof is amended to read in its entirety as follows:**

**"(3) No person may receive any remuneration or profit for managing or participating in the management of the raffle."**

**C. Subsection (4) thereof 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, provided that the rent is not determined as a percentage of receipts or profits from the raffle."**

**D. Subsection (5) thereof is amended to read in its entirety as follows:**

**"(5) Raffle chances may be sold throughout the State, including beyond the borders of the Village; however, winning chances may be determined only at those locations specified on the license for the raffle."**

**E. Subsection (6) thereof is amended by revising the reference to "raffles of chances", as contained in the first sentence thereof, to read, "raffles or chances".**

**F. A new subsection (9) shall be added thereto, to read in its entirety as follows:**

**"(9) Notwithstanding subsections (2) and (3) above, sponsoring organizations may contract with third parties who, acting at the direction of and under the supervision of the sponsoring organization, provide bona fide services to the sponsoring organization in connection with the operation of a raffle and may pay reasonable compensation for such services. Such**

services include the following: (a) advertising, marketing and promotion; (b) legal; (c) procurement of goods, prizes, wares and merchandise for the purpose of operating the raffle; (d) rent, if the premises upon which the raffle will be held is rented; (e) accounting, auditing and bookkeeping; (f) website hosting; (g) mailing and delivery; (h) banking and payment processing; and (i) other services relating to the operation of the raffle.”

**SECTION 6:** That Title XI, Chapter 123, Section 123.04(B) of the Lombard Village Code is amended by inserting the word “a” between “rents” and “premises”, in the first line thereof.

**SECTION 7:** That Title XI, Chapter 123, Section 123.05 of the Lombard Village Code is amended as follows:

A. The first sentence thereof is revised to read in its entirety as follows:

“The management, operation and conduct of all raffles shall be under the supervision of a single raffles manager designated by the organization.”

B. The last sentence thereof is revised to read in its entirety as follows:

“The Village may waive this bond requirement by including a waiver provision in the license issued to an organization under this Chapter, provided that a license containing such waiver provision shall be granted only by the affirmative vote of the requisite number of members of the licensed organization or, if the licensed organization does not have members, of members of the governing board of the organization, to constitute an affirmative action of the licensed organization.”

**SECTION 8:** That Title XI, Chapter 123, Section 123.06 of the Lombard Village Code is amended as follows:

A. Subsection (B) thereof is revised by deleting the word “programs” from the first sentence thereof.

B. Subsection (C) thereof is revised to read in its entirety as follows:

“(C) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership or, if the organization does not have members, to its governing board. Each organization licensed to conduct raffles shall report promptly to the Village its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required in this Section.”

**SECTION 9:** 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 \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this 6th day of February, 2020.

Passed on second reading this 6th day of February, 2020, pursuant to a roll call vote as follows:

**AYES:** Trustee Whittington, Puccio, Foltyniewicz, Honig, Militello and Ware

**NAYS:** None

**ABSENT:** None

**APPROVED** by me this 6th day of February, 2020.

  
Keith Giagnorio, Village President

**ATTEST:**

  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 7th day of February, 2020.

  
Sharon Kuderna, Village Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 123  
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 123.02(A) of the Lombard Village Code is amended by adding the following definition thereto:

*"Law Enforcement Agency. An agency of the State of Illinois or a unit of local government of the State of Illinois that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances."*

**SECTION 2:** That Title XI, Chapter 123, Section 123.04(A)(6) of the Lombard Village Code is amended by revising the first sentence thereof to read in its entirety as follows:

"A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian."

**SECTION 3:** 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 \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_



**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk