

AN ORDINANCE AMENDING CHAPTERS 9.5 AND 14 OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING THE LICENSING OF RAFFLES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Article II, "Raffles", of Chapter 9.5, "Games of Chance", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to read as follows:

**ARTICLE II. RAFFLES**

**Sec. 9.5-20. Definitions.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

(A) Business organization shall mean a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) Charitable organization shall mean 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.

(C) Educational organization shall mean 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.

(D) Fraternal organization shall mean 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.

(E) Labor organization shall mean an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(F) Net proceeds shall mean 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.

(G) Nonprofit organization shall mean an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as the result of the operation.

(H) Raffle shall mean a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 1961, now or hereafter as amended, conducted by an organization licensed under this article, in which:

(1) The player pays 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; and

(2) 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.

(I) Religious organization shall mean any church, congregation, society, or organization founded for the purpose of religious worship.

(J) Veterans' organization shall mean an organization or association comprised of members of which 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 a way as to confer a public benefit.

**Sec. 9.5-21. License required.**

No person, firm or corporation shall conduct raffles or chances in the City without having first obtained a license therefor pursuant to this article.

**Sec. 9.5-22. Eligible organizations.**

Licenses under this article shall be issued only to bona fide nonprofit, religious, charitable, labor, business, fraternal, educational or veterans' 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 license under this article, and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objective, or to a non-profit fund-raising organization that is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as a result of an illness, disability, accident or disaster.

**Sec. 9.5-23. Maximum value of prizes; maximum price for chance; maximum length of sale.**

The real value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed fifty thousand dollars (\$50,000.00). The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed twenty-five thousand dollars (\$25,000.00). The maximum price which may be charged for each raffle chance issued or sold shall not exceed five hundred dollars (\$500.00). The maximum number of days during which chances may be sold may not exceed one hundred eighty (180) days.

**Sec. 9.5-24. Licensing Procedure and Fee.**

(A) Except as provided in subsection (B), Chapter 14, "Licenses and Permits", of this Code shall govern the licensing of raffles.

(B) Sections 14-8 and 14-11 of this Code shall not apply to the licensing of raffles.

(C) The amount of the license fee shall be as prescribed in Section 14-7 of this Code.

**Sec. 9.5-25. Application for license.**

(A) Application for the license to conduct a raffle under this article shall be submitted to the city clerk on forms provided by the city clerk for that purpose. The license application must contain a sworn statement, signed by an officer of the organization, attesting to

the not-for-profit character of the prospective licensee organization, that such organization is eligible to be issued a license pursuant to Sec. 9.5-22 and 9.5-26, and that:

(1) The entire net proceeds of the proposed raffle will be exclusively devoted to the lawful purpose of the organization seeking the license; and

(2) That no person except a bona fide member of the sponsoring organization shall participate in the management or operation of the raffle; and

(3) That no person shall receive any remuneration or profit for participating in the management or operation of the proposed raffle, except the licensed organization or designated beneficiary of a licensed nonprofit fund-raising organization.

(B) The license application shall set forth the following information:

(1) Name and address of the person applying for the license on behalf of the organization;

(2) The position or representative capacity of such person;

(3) The full name of the organization and its business address, if any;

(4) A telephone number where a responsible member of the organization may be contacted at all times;

(5) The date and location that the prize or prizes will be awarded;

(6) The amount charged for each chance;

(7) The aggregate retail value of all prizes or merchandise to be awarded by the licensee in such raffle;

(8) The maximum retail value of each prize awarded by the licensee in such raffle;

(9) The area or areas where raffle chances will be sold or issued.

(10) The number of raffles to be conducted in a one-year period.

**Sec. 9.5-26. Ineligibility.**

The following are ineligible for any license under this article:

(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 firm or corporation which a person defined in (A), (B) or (C) 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 (A), (B) or (C) is an officer, director, or employee, whether compensated or not;

(F) Any organization in which a person defined in (A), (B) or (C) is to participate in the management or operation of a raffle as defined in this article.

**Sec. 9.5-27. Conduct of raffles; tickets; advertisements.**

The conducting of raffles is subject to the following restrictions:

(A) No person under the age of eighteen (18) years may participate in the conducting of raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are determined only when accompanied by a parent or guardian;

(B) All bills, billboards, placards or other advertisements shall contain the name of the organization conducting the raffle;

(C) All tickets or chances shall contain the number of the license issued by the City pursuant to this article.

**Sec. 9.5-28. Validity of license.**

Each license issued pursuant to this article shall be valid for a specified number of raffles in a one-year period.

**Section 9.5-29. Limited construction of article.**

Nothing in this article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity and device other than raffles as provided for herein.

Section 2. That subsection (A)(General)(Miscellaneous) of Section 14-7 of Chapter 14, "Licenses and Permits", of the Code of Ordinances, City of Urbana, Illinois, is hereby amended to read as follows:

Miscellaneous:

- (1) Sanitary haulers (per vehicle used in the collection of garbage, trash or the like). . . . . 175.00
- (2) Solicitors, Transient merchants, itinerant merchants, itinerant vendors, peddlers, canvassers, and solicitors:
  - (a) License (per year). . . . . 23.00
  - (b) Duplicate license (per year). . . . . 5.00
- (3) Taxicabs:
  - (a) Drivers . . . . . 9.00
  - (b) Owners, per cab . . . . . 50.00
- (4) Excavations within the public right-of-way:
  - (a) For each location . . . . . 25.00
- (5) Curb cuts, construction or reconstruction for driveway entry between property line and pavement. . . . . 20.00
  - (a) Additional cuts at same location . . . . . 5.00
- (6) Sidewalks. . . . . 20.00
- (7) Building Safety Division courtesy inspection. . . . . 30.00
- (8) Building enclosure permit. . . . . 120.00
- (9) Going-out-of-business sale permit. . . . . 25.00
- (10) Amusement devices:
  - (a) For each amusement device . . . . . 47.00
  - (b) For gamerooms . . . . . 700.00
- (11) Raffles:
  - (a) Total retail value of all prizes or merchandise to be awarded exceeds five thousand dollars . . . . . 100.00
  - (b) Total retail value of all prizes or merchandise to be awarded does not exceed five thousand dollars . . . . . 10.00

Section 3. Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

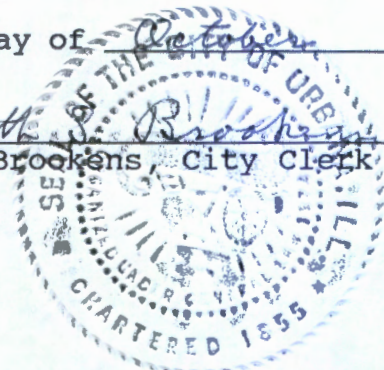
Section 4. All ordinances, resolutions or motions or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 19th day of October, 1992.

Ruth S. Brookens  
Ruth S. Brookens, City Clerk



APPROVED by the Mayor this 26<sup>th</sup> day of October, 1992.

Jeffrey T. Markland  
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Ruth S. Brookens, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 19th day of October, 1992, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9293-32, entitled "AN ORDINANCE AMENDING CHAPTERS 9.5 AND FOURTEEN OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS REGULATING THE LICENSING OF RAFFLES" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9293-32 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 27th day of October, 1992, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this 6th day of November, 1992.



Ruth S. Brookens  
CITY CLERK