

**CITY OF EAST PEORIA**

**RAFFLE LICENSE APPLICATION**

DATE OF APPLICATION: \_\_\_\_\_

NAME OF ORGANIZATION: \_\_\_\_\_

ADDRESS OF ORGANIZATION: \_\_\_\_\_

TYPE OF ORGANIZATION: \_\_\_\_\_

DATE ORGANIZATION WAS FORMED: \_\_\_\_\_

INCORPORATED: \_\_\_\_\_

YES OR NO

DATE OF INCORPORATION: \_\_\_\_\_

STATE OF INCORPORATION: \_\_\_\_\_

**PRESIDENT OF ORGANIZATION**

NAME: \_\_\_\_\_  
Print

ADDRESS: \_\_\_\_\_  
Street City State

TELEPHONE NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

**SECRETARY OF ORGANIZATION**

NAME: \_\_\_\_\_  
Print

ADDRESS: \_\_\_\_\_  
Street City State

TELEPHONE NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

**LICENSE FEE OF \$10.00 IS TO ACCOMPANY THE APPLICATION**



6.	_____	VALUE: \$	_____
	Prize		
7.	_____	\$	_____
	Prize		
8.	_____	\$	_____
	Prize		
9.	_____	\$	_____
	Prize		
10.	_____	\$	_____
	Prize		

**NOTE:** IF MORE THAN TEN (10) PRIZES ARE TO BE AWARDED, LIST EACH PRIZE AND ITS VALUE, AS ABOVE, ON THE REVERSE OF THIS FORM.

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT THE INFORMATION  
President – Secretary – Raffle Manager

CONTAINED WITHIN THIS APPLICATION IS TRUE AND CORRECT AND DO FURTHER CERTIFY THAT THE ORGANIZATION FOR WHICH A LICENSE IS BEING SOUGHT IS A NOT FOR PROFIT ORGANIZATION AS DEFINED BY THE CITY CODE OF THE CITY OF EAST PEORIA, ILLINOIS.

I DO FURTHER CERTIFY THAT THE BONDING REQUIREMENTS OF SAID CITY CODE HAVE BEEN MET BY FILING WITH THE CITY OF EAST PEORIA.

A. \_\_\_\_\_ BOND IN THE AMOUNT OF \* \$ \_\_\_\_\_ GUARANTEED.  
Check if Applicable

BY \_\_\_\_\_

B. \_\_\_\_\_ A WAIVER OF BOND WAS BROUGHT BEFORE THE MEMBERSHIP.  
Check if Applicable

OF \_\_\_\_\_ ON \_\_\_\_\_ AND WAS  
Organization's Name

UNANIMOUSLY APPROVED. **A COPY OF THE MINUTES OF SAID MEETING ARE ATTACHED.**

I DO FURTHER CERTIFY THAT NO PERSON SPECIFIED AS BEING INELIGIBLE FOR LICENSING UNDER CITY CODE SECTION 3-26-6 A THROUGH WHICH IS AS FOLLOWS:

**3-26-6 LICENSE QUALIFICATIONS:** RAFFLE LICENSES SHALL BE ISSUED ONLY TO BONA FIDE CHARITABLE, EDUCATIONAL, FRATERNAL, LABOR, RELIGIOUS, AND VETERANS ORGANIZATIONS THAT OPERATE WITHOUT PROFIT TO THEIR MEMBERS AND WHICH HAVE BEEN IN EXISTENCE CONTINUOUSLY FOR A PERIOD OF FIVE (5) YEARS OR MORE IMMEDIATELY BEFORE MAKING APPLICATION FOR A LICENSE AND WHICH HAVE HAD DURING THAT ENTIRE FIVE YEAR PERIOD A BONA FIDE MEMBERSHIP ENGAGED IN CARRYING OUT THEIR OBJECTIVES.

- 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 A, B, OR C SUPRA 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 SUPRA IS AN OFFICER, DIRECTOR, OR EMPLOYEE, WHETHER COMPENSATED OR NOT; AND
- F. ANY ORGANIZATION IN WHICH A PERSON DEFINED IN A, B, OR C SUPRA IS TO PARTICIPATE IN THE MANAGEMENT OR OPERATION OF A RAFFLE AS DEFINED HEREIN.

IS IN ANY MANNER, SO SPECIFIED, INVOLVED WITH THE APPLICANT ORGANIZATION.

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SIGNATURE OF PRESIDENT

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SIGNATURE OF SECRETARY

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NOTARY PUBLIC

SEAL

**3-26-1. PURPOSE AND SHORT TITLE****3-26-1.1. Purpose.**

The purpose of this code is to regulate and control the conduct of raffles within the city.

**3-26-1.2. Short title.**

This code shall be known as the Raffle Code of the City of East Peoria, Illinois, and may be so cited and pleaded and shall be referred to herein as the code.

**3-26-2. Construction.**

In the construction of this code, the definitions hereunder shall be observed and applied, except when the context clearly indicates otherwise:

- (a) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural number shall include the singular number.
- (b) The word shall is mandatory and not discretionary.
- (c) The word may is permissive or discretionary.
- (d) Words not defined shall be interpreted in accordance with definitions contained in Websters New Collegiate Dictionary (1973 ed.).

**3-26-3. Definitions.**

For the purposes of this code, the words and phrases listed hereunder have the meanings designated herein, except when a particular context clearly requires a different meaning

- (a) Charitable organization is 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 upon the public.
- (b) City is the City of East Peoria, Illinois.
- (c) City clerk is the City Clerk of the City of East Peoria, Illinois.
- (d) City council is the City Council of the City of East Peoria, Illinois,
- (e) Educational organization is 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.
- (f) Fraternal organization is 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 who otherwise would be cared for by the government.

- (g) Labor organization is 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.
- (h) Licensee is an organization which has been issued a license to operate a raffle.
- (i) Net proceeds means the gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.
- (j) Nonprofit means organized, operated and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of said operation.
- (k) Person means an individual, firm, organization, public or private corporation, government, partnership or unincorporated association.
- (l) Raffle means a form of lottery, as defined in section 25-2(b) of the Criminal Code of 1961, conducted by an organization licensed under this code 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 means, 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.
- (m) Religious organization is any church, congregation, society or organization founded for the purpose of religious worship.
- (n) Veterans organization is 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

(Ord. 1735, 11-4-80)

#### **3-26-4. License requirements.**

(a) It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle unless said raffle has been licensed in accordance herewith.

(b) A license may be requested for one raffle or for a specified number of raffles, not exceeding twelve (12), to be conducted during the calendar year provided that the following shall apply.

- (1) No more than one raffle shall be conducted within any thirty (30) day period.
- (2) The maximum time period during which any raffle shall be conducted shall not exceed one hundred twenty (120) days unless the city council has specifically authorized a longer period of time.

- (3) The sale or issuance of raffle chances for any raffle shall not commence until after all prior raffles conducted by the licensee have been concluded. A raffle is concluded for purposes of this section when the winning chances have been determined and the gross receipts, expenses and net proceeds for said raffle have been reported in the manner provided in this chapter.

(c) Notwithstanding subsection (b) above, a license issued to a charitable, educational, fraternal, labor, religious or veterans organization will enable said organization to conduct a weekly raffle commonly known as a 50-50 raffle, provided that a request to hold weekly 50-50 raffles is made by the organization either in their application or in an amended application. A 50-50 raffle is defined to mean a raffle where a player pays something of value for a chance represented and where one chance is designated the winning chance the same day all chances are sold, and where the winning player receives one-half of the proceeds generated by the 50-50 raffle and the organization retains the remaining one-half.

(Ord. 2257, 5-24-88; Ord. 2315, 3-7-89)

### **3-26-5. Application.**

Any person seeking to conduct or operate a raffle shall file an application therefor with the city clerk on forms provided by the city clerk. Said application shall contain the following information:

- (a) The name, address and type of organization;
- (b) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (c) The name, address, telephone number, social security number, and date of birth of the organization's presiding officer, secretary; raffle manager and any other members responsible for the conduct and operation of each raffle;
- (d) The aggregate retail value of all prizes to be awarded in each raffle;
- (e) The maximum retail value of each prize to be awarded in each raffle;
- (f) The maximum price charged for each raffle chance issued or sold;
- (g) The area or areas in which raffle chances will be sold or issued;
- (h) The time period during which each raffle will be conducted by the issuance or sale of raffle chances;
- (i) The time and location at which winning chances for each raffle will be determined;
- (j) A sworn statement attesting to the not-for-profit character of applicant organization, signed by its presiding officer and secretary;
- (k) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

### **3-26-6. License qualifications.**

Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious and veterans organizations that operate without profit to their members and which

have been in existence continuously for a period of five (5) years or more immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objects or to a nonprofit 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 the result of illness, disability accident or disaster. The following are ineligible for any raffle 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 subsections (a), (b) or (c), supra, has a propriety, equitable or credit interest, or in which such person is active or employed;
- (e) Any organization in which a person defined in subsections (a), (b) or (c), supra, is an officer, director of employee, whether compensated or not; and
- (f) Any organization in which a person defined in subsections (a), (b) or (c), supra, is to participate in the management or operation of a raffle as defined herein.

### **3-26-7. License issuance.**

The city clerk shall review all raffle license applications and recommend approval or denial to the mayor within ten (10) days from the date of application. The mayor shall either approve or deny an application within thirty (30) days from the date of its submission. If the mayor approves an application, the city clerk shall forthwith issue a raffle license to the applicant. A license for one raffle shall specify the date upon which such raffle shall be allowed to commence and a license for more than one raffle shall specify the dates upon which each raffle shall be allowed to commence.

(Ord. 2257, 5-24-88; Ord. No. 2975, § 1, 4-29-97)

### **3-26-8. Conduct of raffles.**

The operation and conduct of raffles are subject to the following restrictions:

- (a) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee;
- (b) No person except a bona fide member of the licensee may participate in the management or operation of the raffle;
- (c) No person may receive remuneration or profit for participating in the management or operation of the raffle;
- (d) 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 code;
- (e) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license; and the winning chances may be determined only at the location specified on the license;

- (f) No person under the age of eighteen (18) years may participate in the operation or conduct of raffles. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian; and
- (g) No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to any person under the age of eighteen (18) years; however, any person may make a gift of a chance to any person of any age.

### **3-26-9. Raffles manager.**

The operation and conduct of a raffle shall be under the supervision of a single raffle manager designated by the licensee. **The manager shall give a fidelity bond equal in amount to the aggregate retail of all prizes to be awarded** in favor of the license conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the city not less than thirty (30) days prior to its cancellation. **The city council may waive this bond requirement by including a waiver provision in the license issued to an organization under this raffle code provided that a license containing waiver provision shall be granted only by unanimous vote of the members of the licensed organization.** (Ord. 11-4-80)

### **3-26-10. Records.**

(a) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering 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 or net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(b) Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.

(c) Each licensee shall report, to its membership and to the city; its gross receipts, expenses and net proceeds from each raffle, and the distribution of net proceeds itemized as required herein. If a license is valid for more than thirty (30) days, the report shall be made monthly.

(d) Raffle records shall be preserved for three (3) years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

**3-26-11. Fee.**

A fee in the amount as set forth below shall be paid to the city clerk when an application for a raffle license is filed. Said application fees are nonrefundable even should the application be rejected by the city council.

- (a) If a license is requested for one raffle, a fee of ten dollars (\$10.00) shall be paid.
- (b) If a license is requested for two (2) raffles, a fee of twenty dollars (\$20.00) shall be paid.
- (c) If a license is requested for more than two (2) raffles to be conducted during the calendar year a fee of thirty dollars (\$30.00) shall be paid.  
(Ord. 2257, 5-24-88)

**3-26-12. Prize limitations.**

The aggregate retail value of all prizes awarded in a single raffle shall not exceed twenty thousand dollars (\$20,000.00), and the retail value of any one prize awarded in a single raffle shall not exceed twenty thousand dollars (\$20,000.00).

(Ord. No. 2642, § 1, 3-30-93; Ord. No. 2649, § 1, 5-4-93)

**3-26-13. Chance limitation.**

The price which may be charged for each raffle chance sold, offered for sale, conveyed, issued or otherwise transferred for value shall not exceed the following schedule:

<i>Aggregate Retail Value of Prizes</i>	<i>Chance Price</i>
Less than \$100.00 .....	\$ 1.00
\$100.00 or more but less than \$500.00.....	5.00
\$500.00 or more but less than \$1,000.00.....	10.00
\$1,000.00 or more but less than \$10,000.00.....	20.00
\$10,000 or more.....	100.00

(Ord. No. 2649, § 2, 5-4-93)

**3-26-14. Penalties.**

Failure to comply with any of the requirements of this code shall constitute a violation; and any person, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day the violation continues shall be considered a separate offense.

**3-26-15. Severability clause.**

If any provision of this chapter or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other

provisions of this code not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this code are declared severable.

(Ord. 1735, 11-4-80)

**3-26-16. Suspension or revocation.**

If a license for more than one raffle has been issued, the city council may suspend or revoke such license for any violation of this code.

(Ord. 2257, 5-24-88)