

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE  
VILLAGE OF THORNTON, COOK COUNTY, ILLINOIS  
TITLE 5, “BUSINESS REGULATIONS” BY CREATING A NEW  
CHAPTER 10 “RAFFLES”**

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**WHEREAS**, the Village of Thornton is a validly organized and existing Home Rule Municipality within the purview of Article VII, Section 6(a) of the Illinois Constitution (1970), and the said Village, therefore, may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the Illinois Raffles and Poker Runs Act has established minimum standards which municipalities must impose in connection with an ordinance regulating raffles, and the Village of Thornton has incorporated those standards herein;

**WHEREAS**, regulating raffles within the Village of Thornton is a valid exercise of municipal police powers by the Village of Thornton (65 ILCS 5/11-1-1).

**WHEREAS**, Title 5 of the Municipal Code of the Village of Thornton pertains to Business regulations of the Village of Thornton;

**WHEREAS**, the Village wishes to amend said chapter by creating a new Chapter 10 titled “Raffles”; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Thornton, Cook County, Illinois, as follows:

**SECTION 1:** That a new Title 5 Chapter 10 entitled “Raffles” shall be added and shall read as follows:

### **5-10-1. - Definitions.**

For the purpose of this Article, the following definitions shall be applicable:

Act shall refer to the Illinois Raffles and Poker Runs Act, 230 ILCS 15/1, et seq.

Charitable organization means a non-profit 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.

Net proceeds 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.

Nonprofit means 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 operations of the organization or institution.

Queen of Hearts Raffle is a Raffle where the winning ticket gets a chance to win a percentage of the net proceeds of grand prize pool if they choose the Raffle from an array of face down playing cards or other method where the identity of the card chosen cannot be determined by the person choosing the card. If the Raffle is not chosen, previously sold chances are invalidated, the net proceeds of the grand prize pool is carried over to the next round and new tickets are sold until the winning ticket reveals the Queen of Hearts.

Raffle means 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:

- (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.

"Raffle" does not include 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 (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

#### **5-10-2. - License Required.**

It shall be unlawful to organize and operate any raffle in the Village of Thornton without first obtaining a license pursuant to this Article. The renewal of any license shall be solely at the discretion of The Village's Corporate Authorities. No one shall have any right or basis to receive a renewal of any license issued.

#### **5-10-3. - Authority to Issue License.**

The Village of Thornton's Corporate Authorities shall have the authority to issue licenses for a raffle, subject to the limitations provided, pursuant to this Article. Licenses may not be issued to allow the conduct of a raffle in any residence or structure containing dwelling units. The Village's Corporate Authorities, may in its sole discretion, reject any application for a license if it determines that the rules and regulations of the proposed Raffle do not provide sufficient opportunities to win or do not provide for an acceptable pay-out of the net proceeds received for the raffle.

#### **5-10-4. - Raffle License Requirements.**

The license shall permit a raffle in the Village of Thornton during a specified period not to exceed 52 weeks to take place at the location identified in the application (the "location") on dates and times to be determined in the application and publicly displayed at the location. A licensee may rent a location within the Village to conduct the raffle, but the rental amount shall not be based upon a percentage of receipts of profits from the raffle. Upon completion of a raffle authorized under the license provided herein, additional raffles may be conducted during the one-year license period. In the event a raffle cannot be concluded within the one-year period of the license, and the license holder has not received a renewal of their license for a subsequent year, the raffle shall be concluded within the license period.

#### **5-10-5. - Raffle Tickets.**

Raffle tickets shall be sold or issued from the licensed location on dates and times to be determined and publicly displayed at the location. The maximum price which may be charged for each raffle ticket issued or sold shall be \$500.00; the minimum price which may be charged for each raffle ticket issued or sold shall be \$1.00; and all such charges shall be paid in U.S. currency or credit card. The maximum number of days during which raffle tickets may be issued or sold shall not exceed 365 days. Raffle tickets shall not be sold or issued to any person under the age of 18.

#### **5-10-6. - Raffle Prizes.**

The retail value of all prizes awarded by a licensee in a single raffle shall not exceed \$1,000,000.00. The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed \$1,000,000.00. Raffle prizes may be awarded only at the location on dates and times to be determined and publicly displayed at the location.

#### **5-10-7. - Conduct of Raffles.**

(a) The operation and conduct of a raffle are subject to the following restrictions:

- (1) The entire net proceeds of the raffle must be exclusively devoted to the lawful purposes of the charitable organization permitted to conduct that game.
- (2) The organization, operation and management of all raffles shall be under the supervision of a single manager designated by the charitable organization. Contact information for the manager shall be provided to the Village. The manager shall be responsible for the keeping of records required pursuant to this Article and the Illinois Raffles and Poker Runs Act, 230 ILCS 15/.01 et seq. (the "Act"). No person who has been convicted of a felony, who is or has been a professional gambler or gambling promoter, or who is not of good moral character may be designated as the manager.
- (3) The manager designated by the charitable organization for the organization, operation, and management of the raffle must give a fidelity bond to the charitable organization in amount determined by the charitable organization that shall not be less than \$100,000.00. The bond must provide that The Village receive at least 30 days' notice of the cancellation of the fidelity bond. Upon request of the charitable organization, the fidelity bond may be waived by unanimous vote of The Village Board.
- (4) No person except a bona fide member, employee or officer of the charitable organization may participate in the management or operation of the raffle.
- (5) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (6) Raffle tickets may only be sold from the Village of Thornton and may be sold to purchasers located outside the corporate limits of the Village. The winning tickets shall be determined only at the licensed location. The choosing of the playing card may occur only within the licensed location.
- (7) No person under the age of 18 years may participate in the Raffle. A person under the age of 18 years may be within the location during the raffle only when accompanied by his/her parent or guardian.

- (b) The Village shall not in any manner be responsible for the conduct of the raffle, the sale of tickets for the raffle, the handling or storage of funds or equipment for the raffle, the payment of prizes or for any other action or inaction of the charitable organization and/or their agents, officers or members, which is in violation of either this Article or the Illinois Raffles and Poker Runs Act, 230 ILCS 15/.01 et seq.

#### **5-10-8. - Records.**

- (a) Each charitable organization licensed to conduct raffles shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle 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 of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- (b) Gross receipts from the operation of a raffle shall be segregated from other revenues of the charitable organization and placed in a separate account. Separate records shall be kept for each raffle. The person who accounts for gross receipts, expenses and net proceeds from the operation of a raffle shall not be the same person who accounts for other revenues of the charitable organization.
- (c) A charitable organization licensed to conduct a raffle shall make a report on forms prescribed by The Village promptly after the conclusion of an award of each prize and after the conclusion of each raffle to The Village President or Village Administrator of its gross receipts, its itemized expenses and net proceeds as of the date of the report, and an itemization of the distribution of all prizes and proceeds. A report shall be due and received by The Village no more than three (3) business days after the award of any prize. Except, the final report after the award of the grand prize shall be due within seven (7) business days.
- (d) All records required by this Article and/or the Illinois Raffles and Poker Runs Act for a Raffle shall be preserved for three (3) years after the date the raffle ends.

#### **5-10-9. - Application Requirements.**

An applicant for a Queen of Hearts Raffle shall pay a nonrefundable fee to The Village in the amount of \$100.00. An applicant for any other raffle shall pay a nonrefundable fee to the Village in the sum of \$25.00. An application to conduct a raffle shall include all of the following:

- (1) A sworn statement attesting to:
  - a. The not-for-profit character of the charitable organization applying for a Raffle License signed by the presiding officer and the secretary of that charitable organization; and
  - b. The truth of the entire application.
- (2) Proof and documentation that the applicant:
  - a. Has been in existence continuously for five (5) years before making the application;
  - b. Is a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization; and
  - c. Has, during the five-year period prior to making an application, a bona fide membership engaged in carrying out the objects of their charitable organization. If the charitable organization is seeking a waiver of the requirement that it must have been in existence continuously for a period of five (5) years before making application, proof and documentation shall be submitted establishing to the satisfaction of The Village's Corporate Authorities that the charitable organization is a local organization that is affiliated with and chartered by a national or state organization that meets the five-year requirement.
- (3) A complete copy of the Rules and Regulations by which the raffle will be conducted.
- (4) The percentage of the net proceeds of the grand prize pool of the raffle that will be paid to the grand prize winner.
- (5) The price charged for each ticket or chance for a raffle.
- (6) The identification and contact information for the single manager that will be designated by the applicant to operate and supervise the raffle. Proof of the amount of the fidelity bond to be required of the manager to the applicant, or in the alternative a request that The Village waive the requirement for a fidelity bond by a unanimous vote of The Village Board.

- (7) The identity and contact information for the person responsible for keeping the records and reports pursuant to Section 5-10-8 of this Article.
- (8) Specify the areas in The Village of Thornton from which raffle chances will be sold or issued; the time period in which raffle chances will be sold or issued; and the dates, times and location at which the winning chances will be determined at the location.
- (9) A sworn statement that the applicant will abide by all the requirements of this article for the conduct of a raffle as set forth in this Article and the Illinois Raffles and Poker Runs Act.
- (10) A plan to maintain the security and integrity of all equipment and funds received for the raffle.
- (11) A plan to provide security for the location at the cost of the applicant, which cost shall be a reasonable operating cost for the raffle.
- (12) The manner in which payouts will be made.
- (13) A certification from the applicant that each officer, director and employee of the applicant and the other individuals identified in subparagraphs (6) and (7) would not be ineligible for a license under this Article pursuant to Sections 15/3 or 15/3.1 of the Raffles and Poker Runs Act, 230 ILCS 15/.01 et seq. because they:
  - a. Have been convicted of a felony that will impair their ability to engage in any activity under this Article;
  - b. Are or have been either a professional gambler or a gambling promoter; or
  - c. Are not of good moral character.
- (14) Such proof and documents that may reasonably be requested by The Village's Corporate Authorities in order to determine the charitable organization's ability to comply with the terms of this Article and the Illinois Raffles and Poker Runs Act, 230 ILCS 15/.01 et seq.

**5-10-10. - Conflict Between This Article and the Act.**

In the event of any conflict between the terms of this Article and the requirements of the Illinois Raffles and Poker Runs Act, the most restrictive terms shall govern and be applicable.

#### **5-10-11. - Revocation.**

Any license issued under this Section shall be revoked and or not renewed for any of the following reasons:

- (1) Any untrue statement made in the application. A statement that was true when made, but later becomes untrue shall be an untrue statement allowing revocation.
- (2) The failure to comply with the applicable requirements of either this Article or the Illinois Raffles and Poker Runs Act.
- (3) The failure to properly and timely account for all the revenue, expenses and prize awards for the raffle.
- (4) The failure to provide adequate security for the equipment and funds for the raffle, as well as the failure to provide adequate security for the conduct of the raffle.
- (5) The failure to use the net proceeds of any raffle for the purposes of the charitable organization.

A license under this Article can only be revoked by a decision of The Village President made after a hearing. The hearing shall be based on written charges served upon the licensee by hand delivery or overnight mail at least ten (10) days before the date and time of the hearing. The Village shall present witnesses and any documentary evidence supporting the charge. The licensee shall have the ability to cross-examine all witnesses and may present its own witnesses and documents. The licensee may be represented by an attorney at its cost. The rules of evidence shall not be strictly applicable to the hearing. The Village President's decision on any revocation hearing shall be final.

If The Village President determines that a license issued under this Article shall be revoked, any raffle that has not been concluded shall be concluded at the next scheduled gathering for the raffle. At this gathering, winning tickets shall continue to be chosen until the Queen of Hearts is revealed, thereby concluding the raffle.

#### **5-10-12. - Penalty.**

In addition to the penalty provided by The Village Code, The Village attorney may institute an action to prevent unlawful raffles or to restrain, enjoin, correct or abate a violation of this Article. The Village, at its discretion, may enforce the terms of this



Article through its Administrative Adjudication System or otherwise by an action filed in the Circuit Court of Cook County.

**SECTION 2:**       **Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**SECTION 3:**       **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

**PASSED** by the President and Board of Trustees of the Village of Thornton, Cook County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

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

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

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**JOSEPH PISARZEWSKI**, Acting President  
Village of Thornton, Cook County Illinois

**PUBLISHED** in pamphlet form by authority of the Corporate Authorities on  
\_\_\_\_\_, 2024.

**ATTEST:**

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Village Clerk  
Village of Thornton  
Cook County, Illinois