

Exhibit A

WHEREAS, the Illinois Raffles Act, 230 ILCS 15/0.01 et. seq. provides that no person, firm or corporation shall conduct a raffle without first having obtained a license from the county or municipality in which the raffle is to be conducted; and

WHEREAS, the Village of Romeoville has determined that it is in the best interest of the citizens of the Village of Romeoville that bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations, as well as non-profit fund raising organizations 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 be authorized to conduct raffles in the Village of Romeoville pursuant to the Illinois Raffles Act;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees as follows:

SECTION 1. Creation of Chapter 112A of the Village of Romeoville Code of Ordinances

The following text shall hereby be codified as a new Chapter 112A of the Village of Romeoville Code of Ordinances, to be entitled "Chapter 112A- Raffles":

112A.01 Definitions

All definitions contained in the Illinois Raffles Act shall apply to this Chapter, and in case of any conflict between the provisions of this Chapter and the provisions of the Illinois Raffles Act as amended, the Illinois Raffles Act shall control.

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

d-1. “Governmental”: An entity that is a unit of local government under Illinois law, or some department, committee or commission thereof, where acting with the knowledge and consent of the unit of local government in question, but no such entity shall apply for or receive a Class C raffle license.

e. “Labor”: An organization composed of workers organized with the objective of betterment of the conditions of or attaining a higher degree of efficiency in their respective occupations.

f. “Net proceeds”: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees and other reasonable operating expenses incurred as a result of operating a raffle.

g. “Non-profit”: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

h. “Raffle”: A form of lottery, as defined in the Illinois Criminal Code of 1961, conducted by an organization licensed under the Illinois Raffles Act, in which:

(1) the player pays or agrees to pay something of value for a chance or ticket, 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 or ticket; and

(2) the winning chance or ticket 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”: Any church, congregation, society or organization founded for the purpose of religious worship.

j. “Veterans”: An organization or association comprised of members of which substantially all are individuals who are veterans of military service, 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.

k. “Class A Raffle”: A raffle, as hereinabove defined, where the prize(s) offered consists only of some form of tangible or intangible goods or services which cannot be redeemed for or converted into cash with the raffle licensee. The value of any individual prize in a Class A raffle shall not exceed \$1,000.00, and the aggregate value of all prizes in a single Class A raffle shall not exceed \$10,000.00.

l. “Class B Raffle”: A raffle, as hereinabove defined, where the prize(s) offered consist solely of cash. The value of any individual prize in a Class B raffle shall not exceed

\$1,000.00, and the aggregate value of all prizes in a single Class B raffle shall not exceed \$5,000.00.

m. "Class C Raffle": A raffle, as hereinabove defined, where the prize(s) offered consist solely of cash. The value of any individual prize in a Class C shall be any amount in excess of the permitted Class B individual prize amount, provided, however, that if the amount of an individual cash raffle prize cannot be determined prior to the sale of the first chance or ticket for such raffle, then such raffle shall be deemed to be a Class C raffle, without regard to the eventual or ultimately determined amount of any prize for such raffle. Likewise, the aggregate value of all cash prizes awarded in a Class C raffle shall be any amount in excess of the permitted aggregate Class B prize amount, provided, however, that if the aggregate value of all cash prizes in a given raffle cannot be determined prior to the sale of the first chance or ticket for such raffle, then such raffle shall be deemed to be a Class C raffle, without regard to the eventual or ultimately determined aggregate amount of any prizes for such raffle.

112A.02 License Required

No person, firm or corporation shall conduct a raffle without having first obtained a license therefor pursuant to this Chapter and the Illinois Raffles Act. Notwithstanding the foregoing, political committees licensed to conduct a raffle from the State Board of Elections shall be exempt from the provisions of this Chapter 112A, and shall be permitted to engage in such activities as may be permitted by the terms of any such license so issued. Class A licenses shall be valid for one year from the date of issuance, and shall permit the holder thereof to conduct not more than one Class A raffle per month. Class B licenses shall be valid for one year from the date of issuance and shall permit the holder thereof to conduct not more than four Class B raffles per month. Class C licenses shall be valid for a period of one year, during which a Class C licensee shall be permitted to conduct not more than one Class C raffle at a given time, provided, however, that there shall otherwise be no limitation on the number of raffles that a Class C licensee may conduct during a given calendar year. A single applicant/licensee may apply for and if otherwise eligible, simultaneously receive and hold Class A, Class B and Class C raffle licenses, but no applicant shall hold more than one license of any class at any given time.

112A.03 Eligibility for Raffle License

Licenses shall be issued only to bona fide religious charitable, labor, business, fraternal, educational, governmental or veterans' organizations as defined in Chapter 112A.01 which operate without a profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a license and which have had during that entire 5 year period a bona fide membership engaged in carrying out their objectives, or to a non-profit fund raising organization organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardships as the result of an illness, disability, accident or disaster.

The following are ineligible for any license under this Chapter:

- 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 in which a person defined in (a), (b), or (c) has a proprietary, equitable or credit interest, or in which such a 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 the Illinois Raffles Act;
- g. Any person convicted of or found guilty of a violation of this Chapter, for a period of one year following the date of such conviction or finding of guilty, and any organization in which any such person is to participate in the management or operation of a raffle as defined in the Illinois Raffles Act.

112A.04 Limitations

All raffles and raffle licenses are subject to the following limitations:

- a. The individual and aggregate values of prizes for Class A, Class B and Class C raffles shall be as respectively set forth therefor in Section 112A.01.
- b. The maximum price which may be charged for each raffle ticket issued or sold is limited to \$25.00 for a Class A raffle, to \$25.00 for a Class B raffle, and \$100.00 for a Class C raffle.
- c. The maximum number of days during which chances may be issued or sold is limited to 60 days for Class A and B raffles. There shall be no limitation on the number of days during which the holder of a valid Class C license may issue or sell chances

112A.05 Restrictions

Raffles are subject to the following restrictions:

- a. Proceeds. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that raffle.
- b. Participation in management. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

c. Remuneration. No person may receive any remuneration or profit for participating in the management or operation of the raffle.

d. Premises; Owners of Premises. A licensee may rent premises on which to determine the winning ticket or tickets in a raffle only from an organization which is also licensed under this Chapter. Owners of premises that permit licensees to use premises to determine a winning ticket or tickets in a raffle other than by means of a rental of such premises shall be prohibited from receiving any form of consideration for the use of such premises, from participating in any way in the sale of tickets or chances for the raffle in question, from collecting, handling or paying out raffle proceeds or prizes, or from purchasing tickets or chances in a raffle or receiving any prizes from a raffle. No person convicted or found guilty of any violation of this Chapter shall be permitted to offer or furnish any premises to any licensee for use in determining a winning raffle ticket or tickets for a period of one year following the date of such conviction or finding of guilty, and no entity having any such person as a manager, officer, director, member, shareholder, partner or owner shall be permitted to offer or furnish any premises to any licensee for use in determining a winning raffle ticket or tickets for a period of one year following the date of such conviction or finding of guilty.

e. Locations. Raffle tickets may be sold or issued only within the area specified on the license and winning tickets may be drawn or determined only at the single location specified on the license application.

f. Age. A person under the age of 18 years may participate in the conducting of raffles only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where drawings are held only when accompanied by his parent or guardian.

g. Manager. All raffle licensees must designate one member of the licensee organization to serve as its raffle manager. A raffle manager shall be responsible for the organization and conduct of the raffle generally, and shall further be responsible for collecting and accounting for all raffle proceeds, including but not limited to payment of prizes, payment of applicable taxes, and the disposition in accordance with this Chapter of the remaining proceeds accruing to the licensee organization.

h. Legal and Tax Compliance. All raffle licensees shall comply with all applicable laws and regulations pertaining to the conduct of raffles, and the collection, payment of and accounting for raffle prizes and proceeds, including but not limited to all applicable State and Federal income tax laws and regulations.

i. Class C Raffle Proceeds. All Class C licensees shall devote not less than ninety percent (90%) of the gross revenues from the sale of tickets or chances for any given raffle to the payment of prizes for such raffle, or for expenditures consistent with and directly in furtherance of the stated mission or purposes of the organization, to the exclusion of costs incurred in the conduct of the raffle itself and costs incurred by the licensee organization that do not directly further the organization's stated purpose or mission.

j. Purchase of Chances. No raffles manager of any licensee or any officer, director or other member of any licensee organization directly participating in collecting, paying or accounting for raffles proceeds shall be permitted to purchase any ticket or chance in any raffle conducted by the licensee, or to receive any prize from any such raffle.

112A.06 Applications

Applications for a license shall be made on a form provided by the Village for such purpose and must contain at least the following information:

- a. Name of applicant.
- b. Address.
- c. Purpose of raffle(s).
- d. Area(s) where tickets will be sold.
- e. Time period(s) during which tickets will be sold or issued.
- f. Sworn statement attesting to not-for-profit character of the prospective licensee organization, signed by presiding officer and secretary of organization.
- g. Time(s) and location within the Village of Romeoville at which winning ticket(s) will be determined, provided, however, that in the event that an applicant does not know the time or location of the determination of a winning ticket for a particular raffle at the time of application, the application may nonetheless be reviewed and approved (if otherwise in compliance with this Chapter) upon the condition that the applicant notify the Village of the time and location of the determination of a winning ticket for the raffle in question 15 days prior to the determination of the winning ticket.
- h. The license fee.
- i. The aggregate retail value of all prizes or merchandise to be awarded at each raffle.
- j. The maximum retail value of each prize or each specific type of prize to be awarded by a licensee at each raffle.
- k. The maximum amount to be charged for each raffle ticket and the number of tickets to be issued and available for sale for each raffle.
- l. In the case of an application for a Class C raffle license, a sworn statement signed by the owner of the location where any raffle is to be conducted attesting that the owner of such location is aware of the provisions of this Chapter applicable to owners of locations where raffles

are conducted and shall abide by the same in connection with the conduct of any raffles licensed under this Chapter within such location.

m. A statement signed by the organization and proposed raffles manager of the licensee organization consenting to the conduct of a criminal background check of the organization, its officers, directors and members and the proposed raffles manager, to determine eligibility for licensure in accordance with Section 112A.03.

112A.07 License Fee

The fee for a license to conduct a raffle(s) shall be \$25.00 for a Class A or Class B raffle license, and shall be \$50.00 for a Class C raffle license. No application for a license will be approved prior to receipt of the license fee.

112A.08 Submittal and Approval

Applications may be filed in person at Village Hall, or by mail addressed to the Village Clerk, Village of Romeoville, 1050 W. Romeo Road, Romeoville, IL 60446. Applications will be investigated and evaluated by the proper officers of the Village within ten (10) days of the date of the receipt thereof, and the applications together with the results of such investigation and evaluation shall be forwarded to the Village President for a final decision on the application, which decision shall be made within thirty (30) days of the date on which the Village receives a completed application. If the application and related investigations and evaluations demonstrate compliance with this Chapter, the Village President shall approve the application, endorse such approval on the face of the application and so notify the applicant. An approved application for a license shall constitute the license for the conduct of the raffle applied for by the applicant. If the application and related investigations and evaluations fail to demonstrate compliance with this Chapter, the Village President shall deny the application. The applicant may appeal the denial of the application by filing a written request for an appeal within ten (10) days of the date of the denial, and such appeal shall be heard by the Village Administrative Adjudication Hearing Officer not less than ten (10) nor more than (45) days from the Village's receipt of the notice of appeal. The hearing on the appeal shall be conducted under the applicable provisions of Chapter 42A of the Village Code of Ordinances, and the sole issue to be decided on such appeal shall be limited to a determination of whether or not the raffle license application as filed complied with the provisions of this Chapter.

112A.09 Records

a. Each organization licensed to conduct a raffle shall keep such records and shall also keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning tickets are determined.

b. Gross receipts from the operation of each raffle shall be segregated from other revenues of the organization, 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 shall be placed in a separate account. Each organization

shall have separate records of its raffles. The person who accounts for gross receipts, expense and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

c. Each organization licensed to conduct raffles shall report in writing within 30 days after the conclusion of each raffle to its membership, and to the office of the Village Clerk, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in the Illinois Raffles Act and as may be required by this Chapter. Where an organization is licensed to conduct more than one raffle, the report may be filed within 30 days after the conclusion of the last raffle drawing.

d. Records required by this Section shall be preserved and made available for inspection in accordance with the provisions of the Illinois Raffles Act.

112A.10 Manager's Bond

All operations of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization in its application. The manager of the organization shall give a fidelity bond in an amount equal to the aggregate value of the prizes to be awarded in favor of the organization conditioned upon manager's honesty in the performance of his/her duties, unless the Village President waives this bond requirement at the request of the licensed organization by including a waiver provision in the license issued under this Chapter, provided that a license containing such waiver provision shall be requested and approved by unanimous vote of the members of the licensed organization. Notwithstanding the preceding sentence, fidelity bond waivers shall only be available to Class A and Class B license applicants. All such bonds shall provide, as an express term thereof, that notice shall be given in writing to the Village not less than thirty (30) days prior to the cancellation or expiration of the bond. In the event that a Class C raffles license applicant cannot determine the aggregate value of the prizes to be awarded in a given raffle, the amount of the manager's fidelity bond for such license shall be set at an amount not less than \$50,000.00, or double the amount of the then-current aggregate prize value, as determined from time to time.

112A.11 Suspension or Revocation

Licenses issued under this Chapter may be suspended or revoked by a notice thereof issued by the Village President if the licensee or any person managing a raffle under any such license violates any provision of this Chapter, or any other applicable ordinance of the Village or law of the State of Illinois or United States that reflects unfavorably on the fitness of the licensee or its manager to conduct raffles. A licensee may appeal any such suspension or revocation by filing a written request for an appeal within ten (10) days of the date of the denial, and such appeal shall be heard by the Village Administrative Adjudication Hearing Officer not less than ten (10) nor more than (45) days from the Village's receipt of the notice of appeal. The hearing on the appeal shall be conducted under the applicable provisions of Chapter 42A of the Village Code of Ordinances, and the sole issue to be decided on such appeal shall be limited to a determination of whether or not grounds existed under this Chapter for such suspension or revocation.

112A.99 Penalty

Any person that violates any of the provisions of this Chapter shall be subject to a fine of not less than \$150.00 nor more than \$750.00 for each such violation, in addition to any license suspension, revocation or other enforcement action otherwise available to the Village under this Chapter.

SECTION 2: Amendment of Chapter 43.01—Fee Schedule

Chapter 43.01 shall hereby be amended by the addition of the following text, to be codified immediately after the presently existing text thereof:

(U) Class A and Class B Raffle License Application Fees--\$25.00

(V) Class C Raffle License Application Fee--\$50.00

SECTION 3: Amendment of Appendix A to Chapter 42A

The text of Appendix A to Chapter 42A shall hereby be amended by the addition of the following text:

Sections 112A.08 and 112A.11—Appeals from denials of raffle license applications and appeals of raffles license revocations or suspensions

SECTION 4: Severability

That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 5: Conflicts

All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION 6: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, and all raffles to be newly conducted from and after such date shall only be conducted in strict accordance with the provisions of Chapter 112A, provided, however, that any organizations or entities conducting, offering, or promoting any raffles within the Village as of the effective date of this Ordinance shall be required to obtain the licenses required by this Chapter and otherwise come into compliance with the provisions of Chapter 112A within 30 days from the effective date of this Ordinance. Any organization or

entity conducting a raffle as of the effective date of this Ordinance that fails to obtain the license required by Chapter 112A and otherwise come into compliance with Chapter 112A within such 30 day period shall thereafter be fully subject to prosecution for any and all violations of Chapter 112A occurring from and after the effective date of this Ordinance.