

## Chapter 26 - CHARITABLE SOLICITATIONS

## ARTICLE I. - IN GENERAL

Secs. 26-1—26-25. - Reserved.

## ARTICLE II. - RAFFLES

Sec. 26-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Charitable organization* means 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.

*Educational organization* means 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.

*Fraternal organization* means 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.

*Labor organization* means 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.

*Net proceeds* means 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 organization* means 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.

*Raffle* means a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, 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.
- (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.

*Religious organization* means any church, congregation, society, or organization founded for the purpose of religious worship.

*Veterans organization* means 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.

(Code 1965, §§ 19-120, 19-122(b); Ord. No. 2018-74, § 1, 11-27-18)

**Cross reference**— Definitions generally, § 1-4.

Sec. 26-27. - Authority to operate a raffle.

Pursuant to the provisions of the raffles act (230 ILCS 15/0.01 et seq.), as amended, the Village hereby establishes a system for the licensing of organizations to operate raffles within the corporate boundaries of the Village.

(Code 1965, § 19-121; Ord. No. 2018-74, § 1, 11-27-18)

Sec. 26-28. - Organizations eligible for license.

- (a) Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five years 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 objects, or to a nonprofit fundraising organization that the licensing authority determines 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 and which maintains a permanent office in the village.
- (b) The following are ineligible for any license under this article:
  - (1) Any person who has been convicted of a felony.
  - (2) Any person who is or has been a professional gambler or gambling promoter.
  - (3) Any person who is not of good moral character.
  - (4) Any firm or corporation in which a person described in subsections (b)(1), (b)(2) or (b)(3) of this section has a proprietary, equitable or credit interest, or in which such a person is active or employed.
  - (5) Any organization in which a person described in subsections (b)(1), (b)(2) or (b)(3) of this section is an officer, director, or employee, whether compensated or not.
  - (6) Any organization in which a person described in subsections (b)(1), (b)(2) or (b)(3) of this section is to participate in the management or operation of a raffle.

(Code 1965, § 19-122(a), (c))

Sec. 26-29. - Application for and issuance of license.

Licenses issued by the Village are subject to the following restrictions:

- (1) Any person seeking a license for a raffle shall submit an application to the office of the Village Clerk. Such application shall be on the form furnished by the Village. Each application shall contain a sworn statement attesting to the applicant organization's qualifications under Section 26-30. The application

and required sworn statement shall be signed by the presiding officer and the secretary of the organization. The application shall be made not less than 30 days prior to any date set for the commencement of the distribution of raffle chances or tickets.

- (2) Every application for a license must specify the area within the Village in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the location at which winning chances will be determined.
- (3) The Village shall act on an application for a license within 30 days from the date of the Village's receipt of a complete application.
- (4) The organization shall designate a raffles manager and include his or her address and phone number on the application.

(Code 1965, § 19-123; Ord. No. 2018-74, § 1, 11-27-18)

Sec. 26-30. - Persons eligible.

- (1) Raffle licenses shall be issued only to bona-fide nonprofit religious, charitable, labor, fraternal, educational or veterans' organizations which have been in active existence continuously in the state for a period of five consecutive years immediately before making application for a license and which had during that entire five-year period a bona fide membership engaged in carrying out their objectives.
- (2) No raffle license shall be issued hereunder to any of the following:
  - (a) A person who has been convicted of a felony.
  - (b) A person who is or has been a professional gambler or gambling promoter.
  - (c) A person who is not of good moral character.
  - (d) A person, firm, corporation or organization which has had a license issued pursuant to this division revoked or has been found to have violated any provision of this article.
  - (e) A firm, corporation or organization in which an individual described in paragraphs (a), (b), (c), or (d) above, has a proprietary, equitable or credit interest, or in which such an individual is active or employed.
  - (f) A firm, corporation or organization in which an individual described in paragraphs (a), (b), (c), or (d) is an officer, director, or employee, whether compensated or not.
  - (g) A firm, corporation or organization which will allow an individual described in paragraphs (a), (b), (c) or (d) above, to participate in the management or operation of a raffle.

(Ord. No. 2018-74, § 1, 11-27-18)

Sec. 26-31. - Conduct of raffles.

The conducting of raffles is subject to the following restrictions:

- (1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (4) 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 article.

- (5) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license.
- (6) No person under the age of 18 years may participate in the conducting of raffles. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.
- (7) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed \$1,000,000.00.
- (8) The maximum retail value of each prize shall not exceed \$1,000,000.00.
- (9) The maximum price of which may be charged for each raffle chance issued or sold shall not exceed \$250.00.
- (10) Licenses issued shall be valid for one raffle or for a specified number of raffles during a time period specified in the application for a raffle license, but may not exceed one year.

(Code 1965, § 19-124; Ord. No. 2018-74, § 1, 11-27-18)

**Editor's note**— Ord. No. 2018-74, § 1, adopted Nov. 27, 2018, amended and renumbered § 26-30 as § 26-31.

#### Sec. 26-32. - Waiver of bond.

No bond shall be required of the raffles manager if the licensed organization waives the bond requirement by unanimous vote of the members of the organization. A certification of the unanimous vote waiving the bond shall be filed with the application.

(Code 1965, § 19-125; Ord. No. 2018-74, § 1, 11-27-18)

**Editor's note**— Ord. No. 2018-74, § 1, adopted Nov. 27, 2018, renumbered § 26-31 as § 26-32.

#### Sec. 26-33. - Records.

- (a) Each organization licensed to conduct raffles and chances 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 of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- (b) Gross receipts from the operation of raffle programs 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 and placed in a separate account. Each organization shall have 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 organization.
- (c) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the licensing local unit of government, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section.
- (d) Records required by this section shall be preserved for three years, and organizations shall make available

their records relating to operation of raffles for public inspection at reasonable times and places.

(Code 1965, § 19-126; Ord. No. 2018-74, § 1, 11-27-18)

**Editor's note**— Ord. No. 2018-74, § 1, adopted Nov. 27, 2018, renumbered § 26-32 as § 26-33.

Secs. 26-34—26-55. - Reserved.

### ARTICLE III. - CHARITABLE GAMES

Sec. 26-56. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Charitable games* means any game of chance, other than a raffle, wherein a person wagers money or its equivalent to win a prize.

*Charitable organization* means 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.

*Educational organization* means 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.

*Fraternal organization* means 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.

*Labor organization* means 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.

*Nonprofit organization* means 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.

*Religious organization* means any church, congregation, society or organization founded for the purpose of religious worship.

*Veterans organization* means 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. No. 2010-08, § 1, 1-26-10)

Sec. 26-57. - License—Application and issuance.

Licenses issued by the village are subject to the following restrictions:

- (1) No person shall conduct charitable games without having first obtained a license pursuant to this article.
- (2) The application for license must specify the location within the village at which the charitable games will be conducted, and the dates the applicant desires to operate such games.
- (3) The applicant shall supply the village with a copy of the license obtained by the state department of revenue to conduct charitable games under the state charitable games act (230 ILCS 30/1 et seq.), as amended.
- (4) The applicant shall designate a charitable games manager and include his address and phone number on the application.
- (5) The application for license shall be prepared on a form supplied by the village clerk.
- (6) A license authorizes the licensee to conduct charitable games.

(Ord. No. 2010-08, § 1, 1-26-10)

Sec. 26-58. - Conduct of games—Restrictions.

The conducting of charitable games is subject to the following restrictions:

- (1) No single bet at any game may exceed \$10.00.
- (2) Each licensee shall be permitted to conduct charitable games on not more than four days each year.
- (3) The provider of the premises may not rent or otherwise provide such premises for the conducting of charitable games more than four days per year.
- (4) Charitable games may not be played between the hours of midnight and noon.
- (5) No person under the age of 18 years may play or participate in the conducting of charitable games. Any person under the age of 18 years may be within the area where charitable games are being played only when accompanied by his parent or guardian.

(Ord. No. 2010-08, § 1, 1-26-10)

Secs. 26-59—26-69. - Reserved.

ARTICLE IV. - DONATION BOXES

Sec. 26-70. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Collection bins for donated items or bin* shall be defined as any bin, box or container used for the collection of toys, clothes or other donated items, to be donated to an organization recognized as a Section 501(c)(3) tax exempt status as identified by the IRS.

(Ord. No. 2012-28, § 1, 4-24-12)

## Sec. 26-71. - Regulations regarding collection bins for donated items.

- (a) A collection bin that is in poor condition or in a state of disrepair, or which clothes or other donated items are permitted to accumulate outside of the bin or containing items as a result of a failure to empty the bin pursuant to a scheduled removal, is hereby declared to be a public nuisance.
- (b) Collection bins for donated items placed outside or inside of a building shall comply with the following requirements:
  - (1) The name, address, and phone number of the contact person of the organization using the bin shall be posted on the rear of the bin.
  - (2) A statement indicating the scheduled times for removal of the contents of the bin shall be posted on the rear of the bin, and the owner/operator of the bin shall cause all contents of the bin to be removed at his own cost and expense in compliance with the schedule. The removal shall be of such frequency to prevent the overflow and accumulation of donated items outside of the bin.
  - (3) The bin shall not be placed in such a fashion that it blocks or impedes ingress or egress from the building in which it is placed.
  - (4) Any organization placing a bin outside of a building must receive written permission from the property owner of the building.
  - (5) The owner/operator of the bin shall maintain the bin in good condition and repair.
  - (6) The bin must be of sufficient size to prevent any overflow or accumulation of clothes or other donated items outside of the collection bin.
  - (7) No property owner within the village shall install, maintain, or allow to be installed or maintained, any bin upon their property in violation of any Village Ordinance or regulation.
  - (8) The bin shall not be placed within a required front or corner side yard. Bins shall not be placed in such a manner as to cause a sight obstruction for pedestrians or motorists.
  - (9) Only two donation boxes shall be permitted per lot or per shopping center, whichever is more restrictive.
  - (10) No bin shall be placed so as to constitute a nuisance to another property or the occupants thereof.
  - (11) Any bin abutting residential property shall be screened with fencing and landscaping.
  - (12) The bin shall not be placed within a required parking space.
- (c) Any collection bin for donated items not in compliance with Village Ordinances and regulations may be removed by a designee of the Director of Community Development at the expense of the owner or operator of the bin. Nothing herein shall be construed to prohibit a property owner from disposing of any collection bin for donated items which was installed upon their property without the permission of the property owner.

(Ord. No. 2012-28, § 1, 4-24-12)