

ORDINANCE NO. O14-09-2103

AN ORDINANCE ESTABLISHING A SYSTEM

FOR THE LICENSING OF ORGANIZATIONS TO OPERATE

POKER RUNS IN THE COUNTY OF STEPHENSON, ILLINOIS

WHEREAS, the County Board has determined that it is in the best interest of the welfare and safety of its citizens that the conduct or operation of poker runs within the County be licensed and regulated; and

WHEREAS, Illinois “Raffles and Poker Runs Act”, 230 ILCS 15/0.01 *et seq.* (2014) authorizes the governing body of any county within the State of Illinois to establish a system of licensing of poker runs; and

WHEREAS, Chapter 331 of the Stephenson County Code provides for the Conduct of Raffles in Stephenson County and it would be convenient to provide for the conduct of Poker Runs in the same Chapter due to the similarity in the provisions for obtaining licenses and conducting Raffles and Poker Runs;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF STEPHENSON COUNTY, ILLINOIS

Section 1. The Chapter 331 of the Stephenson County Code now entitled “Raffles” shall be amended as follows:

a. The Chapter Title of Chapter 331 currently being “Raffles” is hereby deleted and the Chapter Title “Raffles and Poker Runs” shall be substituted therefore.

b. The following phrase shall be inserted immediately before Section “331-1. Definitions”

“Article I

Raffles”

c. The following shall be inserted immediately after Section 331-8 of Chapter 331 of the Stephenson County Code.

“Article II

Poker Runs”

331-9.: Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business: 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: 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: 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: 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.

Hardship: A non-profit fundraising organization that has not been in existence continuously for a period of five (5) years immediately before making application for a license that the County determines to be 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.

Key location: The location where the poker run concludes and the prize or prizes are awarded.

Labor: 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.

Licensee: An organization which has been issued a license to operate a raffle.

Net Proceeds: 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 or poker run.

Non-profit: 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 the operation.

Poker run: An event organized by an organization licensed under this chapter in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

Religious: Any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans: 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.

331-10: Requirement of License.

It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Ordinance and the "Raffles and Poker Runs Act".

331-11: Application for a License

A. Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run with a key location in Stephenson County shall file an application therefore with the County Clerk on the forms provided by the County Clerk's Office.

B. Applications for licenses under this Section must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting poker run, *i.e.*, religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the poker run;
- (5) The name, address, and telephone number of all locations at which the poker run will be conducted, provided, however, if the locations are to be determined by the participant, then such application need only include the starting location, the key location and any location where winning chances will be determined;
- (6) The time period during which the poker run will be conducted;
- (7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (9) 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.

C. An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable \$25 filing fee. Such fee shall be paid by cash, check or cashier's check. The County Clerk's Office shall refer the application to the County Clerk. The \$25 filing fee shall cover all poker runs specified in the application for a time period of up to one year from the date of the application.

331-12: Licensee Qualifications.

A. Poker run 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 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 objects, or to a non-profit fundraising organization that the County Clerk determines 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 an illness, disability, accident or disaster. The County Clerk may waive the 5-year requirement under this subsection for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization that is affiliated with

and chartered by a national or State organization that meets the 5-year requirement. The following are ineligible for any poker run license:

- (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 organization in which a person defined in subsection (1), (2), or (3) of this section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (5) Any organization in which a person defined in subsection (1), (2), or (3) of this section is an officer, director, or employee, whether compensated or not; and
- (6) Any organization in which a person defined in subsection (1), (2), or (3) of this section is to participate in the management or operation of a poker run as defined in this section.

331-13: License Issuance.

A. The County Clerk shall review all poker run license applications. The County Clerk shall, within thirty (30) days from the date of application, accept or reject a poker run license application. If an application is accepted, the County Clerk shall forthwith issue a poker run license to the applicant.

B. A poker run license shall specify:

- (1) The name and address of the predetermined locations, as set forth on the application, at which the poker run will be conducted;
- (2) The time period during which the poker run will be conducted; and
- (3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

C. Any license issued under this Ordinance shall be non-transferable.

D. Each license shall be valid for one or more specified number of poker runs to be conducted on a particular date or over a specified time period not to exceed one year and may be suspended or revoked for any misrepresentation on the application, any violation of this Ordinance or State law, or when such poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

E. Any license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted, provided, however, if the locations are to be determined by the participant, then such license need only be displayed at the starting location, the key location and any location where winning chances will be determined.

F. The license shall be prominently displayed at each location at which the poker run is conducted or operated, provided, however, if the locations are to be determined by the participant, then such license need only be displayed at the starting location, the key location and any location where winning chances will be determined.

331-14: Conduct of Poker Runs

A. The operation and conduct of poker runs is subject to the following restrictions:

- (1) The entire net proceeds of any poker run 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 poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the poker run.
- (4) A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) A playing card or equivalent item may be drawn only within the area specified on the license and winning hands may be determined only at those locations specified on the license.
- (6) A person under the age of eighteen (18) years may participate in the conducting of poker runs only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

B. If a lessor rents premises where a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

331-15: Manager-Bond.

A. All operations of and conduct of poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the poker run must be a bona fide member of the organization holding the license for such a poker run and may not receive any remuneration or profit for participating in the management or operation of the poker run.

B. The manager shall give a fidelity bond in a sum equal to the estimated gross revenue of the run in favor of the organization, conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the County not less than thirty (30) days prior to its cancellation.

C. The County Clerk is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Ordinance, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

331-15: Records.

A. Each organization licensed to conduct poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning hands or scores in a poker run are determined. All deductions from the 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 poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of poker runs shall not be the same person who accounts for other revenues of the organization.

C. Each organization licensed to conduct poker runs shall report monthly to its membership, and to the County Clerk of Stephenson County, Illinois, its gross receipts, expenses and net proceeds from poker runs, and the distribution of net proceeds itemized as required by this Section.

D. Records required by this Section shall be preserved for three (3) years, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

E. The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, 50 ILCS 205/1 *et seq.*

331-16: Limited Construction

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

331-17: Severability

The articles, provisions, and sections of this Chapter 331 shall be deemed to be separable and the invalidity of any portion of this Chapter shall not affect the validity of the remainder."

SECTION 2: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed by the Stephenson County Board this 11th day of September, 2014.

CHAIRMAN STEPHENSON COUNTY BOARD

ATTEST:

COUNTY CLERK