

CHAPTER 31
GARAGE SALES AND RAFFLES

31.01 Garage Sales
31.02 Raffles

31.01 GARAGE SALES

A. PERMITS AND FEES: It shall be unlawful for any person to conduct a garage sale in the Village without first filing with the Village Hall the information hereinafter specified and obtaining from the Village a license to do so, to be known as a Garage Sale License. The fee for such license shall be \$5.00.

B. LICENSING: Such license shall be issued to any one address only twice within a calendar year and no such license shall be issued for more than six consecutive calendar days; provided, however, that the licensee may split the six calendar days into two consecutive periods of not more than three days each over two consecutive weeks.

Each license issued under this Section 31.01 must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the licensed sale.

C. SIGNS: Signs advertising or indicating the existence, location and time of a sale shall be limited to three in number and shall be displayed only during the dates the sale is in progress. A sign must have its own support or post to be affixed in the ground. The Village will provide stickers that must be placed on each sign so they are visible from the roadway. Under no circumstances shall a sign be attached to a telephone pole, tree or a federal, state or local sign or signal. No sign shall project higher than three feet above ground level. All signs must be removed by the party holding the sale within 24 hours of the last day of the sale.

D. INFORMATION TO BE FILED: The information to be filed with the license application shall be as follows:

1. Name of person, firm, group, corporation, association or organization conducting said sale.
2. Name of owner of the property on which said sale is to be conducted if applicant is other than the owner.
3. Location at which sale is to be conducted.
4. Dates of sale.
5. Date, nature of any past sale.

6. Relationship or connection applicant may have had with any other person, firm, group, organization, association or corporation conducting any past sale and the date or dates of such sale.
7. Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
8. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him or her to be so.

E. PERSONS AND SALES ACCEPTED: The provisions of this Section 31.01 shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
2. Persons acting in accordance with their powers and duties as public officials.
3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.
4. Not-for-profit bona fide service, religious, charitable, labor, fraternal, education or veteran organizations that operate without profit to their members provided they file with the Village Administrator a request for exception containing the information specified in Section 31.01 herein together with the name of the organization, proof of its not-for-profit status and a description of the purpose of the sale.

F. PENALTY: Any person, association or corporation conducting any such sale without being properly licensed therefore or who shall violate any of the other terms and regulations of this Section 31.01 shall, upon conviction, be fined not less than \$25.00 nor more than \$500.00 for each violation.

31.02 RAFFLES

A. LICENSE REQUIRED: It shall be unlawful for any organization to conduct raffles or chances within the Village unless the

organization has a valid license issued in accordance with the provisions of this Section 31.02. Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, education or veteran 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 been, during that entire five year period, a bona fide membership engaged in carrying out their objectives, or to a non-profit 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 the result of an illness, disability, accident or disaster, as well as law enforcement agencies and statewide associations that represent law enforcement officials as provided for in the Raffle Act (230 ILCS 15/4).

B. APPLICATIONS: Applications for such licenses shall be made to the Village Administrator or designee, signed by the applicant's presiding officer and secretary or his or her duly authorized representatives and verified by oath or affidavit, and shall contain the following information and statements:

1. Names, ages and addresses of the organization's presiding officer, secretary, raffle manager or any other individuals directly involved in the administration of the raffle, the date of formation of any organization, and the objects for which the organization was formed.
2. The license shall contain information including the aggregate retail sale value of all prizes or merchandise awarded by the licensee in a single raffle, the maximum retail value of each prize awarded by the licensee in a single raffle, the maximum price which may be charged for each raffle chance issued or sold by the licensee and the number of days during which the chances are to be sold. The aggregate retail value of the prizes, the retail value of each prize, the price which may be charged for each raffle chance and the number of days during which said chances may be sold is subject to the approval of the Village Administrator or designee.
3. The location and description of the premises or place of business upon which the raffle will be held.
4. The area or areas 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 date and time of determining the winning chances and the method by which the winning chance will be determined.

5. A statement attesting to the not-for-profit character of the respective licensee organization signed by the presiding officer and secretary of that organization.
6. A statement that the applicant's presiding officer, secretary, raffle manager or any other individuals directly involved in the administration of the raffle have never been convicted of a felony and are not disqualified to receive a license by reason of any matter or thing contained in this Section 31.02, other ordinances of this Village, laws of the State of Illinois or of the United States of America.
7. Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reasons therefore.
8. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States or any ordinances of the Village in the conduct of the raffle.

C. RAFFLE MANAGER, BOND: Operation and conduct of raffles shall be under the supervision of a single raffle manager designated by the organization making application for a license. The raffle manager shall give a fidelity bond in an amount not less than the anticipated gross receipts for each raffle. The bond shall be in favor of the organization and conditioned upon his or her honesty in performance of his or her duties. The bond shall also provide that notice be given in writing to the Village of Lake in the Hills not less than 30 days prior to its cancellation. The organization's presiding officer or designee is authorized to request a waiver of the bond requirement, which will only be granted with a statement that the organization agreed to the bond waiver through a unanimous vote of the members of the organization. The bond waiver request must be included with the application.

D. RESTRICTIONS OF LICENSES: No such license shall be issued to:

1. A raffle manager who is not a resident of the State of Illinois;

2. A raffle manager who is not a citizen of the United States;
3. A raffle manager who has been convicted of a felony under any federal or state law;
4. A raffle manager who has been convicted of pandering or other crimes or misdemeanor opposed to decency and morality;
5. An organization whose license issued under this Section 31.02 has been revoked for cause;
6. Any law enforcing public official, any Village official, President, Trustee, or member of the Village Board or commission, or any president or member of a County Board and no such official shall be interested in any way.
7. An organization or raffle manager who has been convicted of a gambling offense as proscribed by either local, state or federal law.
8. An organization or raffle manager to whom a federal gambling device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
9. Any premises for which a federal gambling device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.

E. 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 purpose 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 the Raffle Act (230 ILCS 15/4).

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 or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his or her parent or guardian.
7. If a lessor rents premises where a winning chance or chances on a raffle are 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 governing body of any county or municipality under the provisions of the Raffle Act (230 ILCS 15/4).

F. LIMITATIONS ON LICENSES:

1. A license authorizes the licensee to conduct raffles as defined in this ordinance. Each such license is valid for one raffle.
2. The Village Administrator or designee shall have 30 days in which to approve or disapprove the license applied for.
3. Any license issued by the Village may be revoked if it is determined that the licensee has violated any provision of this ordinance.

G. RECORDS:

1. 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 for 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.

2. Gross receipts from the operation of raffles programs 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 Illinois Department of Revenue, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for other revenues of the organization shall not account for the revenue generated by the raffle.
3. Each organization licensed to conduct raffles shall report at the conclusion of the raffle, to its membership and to the Village of Lake in the Hills, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this section. Failure to provide this information will prohibit the organization's ability to obtain future raffle licenses.
4. 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.

H. PENALTY: Any organization, raffle manager or any other individuals directly involved in the administration of the raffle who violates any provision of this ordinance shall be fined not less than \$25.00 nor more than \$500.00 for each offense.

A judgment of a fine imposed upon an offender may be enforced in the same manner as a judgment entered in a civil action; provided, however, that in such judgment imposing the fine the court may further order that upon non-payment of such fine, the offender may be imprisoned until the fine is paid or satisfied at the rate of \$25.00 per day of imprisonment; provided, further, however, that no person shall be imprisoned under the first provision hereof for a longer period than six month.

Recodified July 13, 2000
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Amended February 14, 2008
Amended November 13, 2008
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