ORDINANCE 13-08       Passed: March 11, 2013
AMENDING THE MUNICIPAL CODE OF
THE CITY OF DEKALB, ILLINOIS, BY
REPEALING CHAPTER 37, “GAMES OF
CHANCE – RAFFLES” IN ITS ENTIRETY.

WHEREAS, the City of DeKalb is a home rule Illinois municipal corporation, with the power
and authority granted to it under the Illinois Constitution of 1970, the Illinois Municipal Code,
and the City Code of Ordinances; and,

WHEREAS, DeKalb County currently maintains a nearly identical raffle ordinance to the City
of DeKalb requiring the issuance of a County raffle license for any raffle with prizes exceeding
$1,000 in value; and

WHEREAS, the current City licensing procedure is duplicative of the County of DeKalb, and
has had minimal impact over the past three decades; and

WHEREAS, the item has been presented to the City Council for discussion and review, and the
Council has similarly voiced unanimous support for a proposed ordinance revision; now

THEREFORE BE IT ORDAINED AS FOLLOWS by the City Council of the City of
DeKalb:

SECTION 1: CHAPTER 37 AMENDED

Chapter 37 of the Municipal Code of Ordinances shall be deleted in its entirety.

SECTION 2: INTERGOVERNMENTAL AGREEMENT AUTHORIZED

The Mayor of the City of DeKalb is hereby authorized and directed to execute an
intergovernmental agreement with the County of DeKalb, on terms and conditions acceptable to
him (after negotiation by staff), providing the County with the express authority to regulate
raffles within the City of DeKalb, and addressing any related matters. Chapter 37 shall remain in
effect pending the execution of such an agreement, and shall be deleted immediately upon the
effective date of such an intergovernmental agreement.

SECTION 3: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby
repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of
competent jurisdiction, the remaining provisions will remain in full force and affect the same as
if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval,
passage and publication in pamphlet form as provided by law. Publication date: March 12,
ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 11th day of March, 2013 and approved by me as Mayor on the same day. Passed on Consent Agenda by roll call vote 6-0-2. Aye: Jacobson, Teresinski, Gallagher, Baker, O'Leary, Povlsen. Absent: Lash, Naylor.

ATTEST:

DIANE K. WRIGHT, City Clerk

KRIS POVLSEN, Mayo
Intergovernmental Agreement for Raffle Licensure
DeKalb County and the City of DeKalb

This Intergovernmental Agreement for Raffle Licensure is entered into as of the date set forth below between DeKalb County ("the County") and the City of DeKalb ("the City").

WHEREAS, the County and the City have the ability to exercise powers jointly through an intergovernmental agreement by virtue of the Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, et. seq., and,

WHEREAS, the County and the City both have the ability and authority to license the conduct of raffles as defined in the Illinois Raffles Act, 230 ILCS 15, and both units of government recognize that the conduct of raffles without a license may be a criminal act pursuant to 720 ILCS 5/28-1; and,

WHEREAS, the County and the City recognize that properly conducted raffles can be an important source of fundraising to support local not for profits and charitable organizations, and thus both support the continuing availability of raffle licenses for such organizations; and,

WHEREAS, the County and the City recognize that in many instances, raffles are conducted both within and outside the confines of the City, and within the confines of the County, and that thus raffle licenses issued separately by the County and the City require duplication of efforts by responsible licensees; and,

WHEREAS, the County and the City have thus endeavored to provide a system of raffle licensure that protects the public safety through ensuring that raffles are properly licensed and subject to appropriate legal standards, while also providing for prompt and efficient processing of raffle applications that will be of a wider application than just within the City, or just within unincorporated areas of the County;

NOW THEREFORE be it agreed as follows:

1. Incorporation of Recitals: The foregoing recitals are incorporated herein by reference.

2. Authority for Agreement: The County is authorized to enter into this Agreement pursuant to the authority granted by the County Board, approving this Agreement via ordinance. The City is authorized to enter into this Agreement pursuant to the authority granted by the City Council, approving this Agreement via ordinance.

3. Raffle Licensure Permitted: The County shall be authorized to issue raffle licenses and otherwise regulate raffles conducted within the County, including
within the corporate limits of the City of DeKalb. To avoid double-licensure, the City shall refrain from separately licensing raffles (as defined in the Raffles Act). The City shall recognize and accept a County-issued raffle license as proof of compliance with the Raffles Act, and the City and County agree to share information as required from time to time to confirm the issuance and validity of licenses. Nothing within this Agreement shall require the County to seek any approval or authorization from the City prior to licensing any raffle, updating or modifying its terms of licensure, or otherwise taking any legislative or administrative actions relative to raffles. Notwithstanding the foregoing, the County agrees that during the term of this Agreement, it shall license raffles within the City of DeKalb. Further, in the event that the City or any subsidiary thereof requests issuance of a raffle license, the County shall issue such license without imposition of a fee.

4. Term of Agreement: This Agreement shall have a term of twenty years, and may be renewed for successive terms upon the agreement of the parties. This Agreement may be terminated upon not less than sixty days written notice by either party.

5. Entire Agreement, Hold Harmless, Venue: The County and City agree that this Agreement is the whole of agreement between the parties with respect to the subject matter hereof, and that this Agreement may only be amended in writing, approved by both parties. The County and City each agree to hold harmless the other from any actions undertaken in furtherance of this Agreement. Any dispute arising out of the performance of this Agreement shall have its jurisdiction and venue exclusively fixed in the Twenty-Third Judicial Circuit Court of DeKalb County, Illinois.

Entered into this ____ day of April, 2013.

County of DeKalb

BY: [Signature] ITS: [Signature]
Attest

BY: [Signature] ITS: Clerk

City of DeKalb

BY: [Signature] ITS: Mayor
Attest

BY: [Signature] ITS: City Clerk