

COAL CITY VILLAGE BOARD MEETING

**WEDNESDAY
APRIL 24, 2019
7:00 p.m.**

(immediately following the Public Hearing)

**COAL CITY VILLAGE HALL
515 S. BROADWAY, COAL CITY, ILLINOIS**

AGENDA

1. Call meeting to order
2. Pledge of Allegiance
3. Approval of Minutes April 10, 2019
4. Approval of Warrant List
5. Public Comment

6. Ordinance 19-13 Adoption of FY20 Budget
7. Ordinance 19-14 Adoption of Raffle Ordinance
8. Amendment-Waste Management Contract of May, 2013
9. Report of Mayor
10. Report of Trustees: S. Beach
 T. Bradley
 D. Spesia
 D. Greggain
 R. Bradley
 N. Nelson
11. Report of Village Clerk
12. Report of Village Attorney
13. Report of Village Engineer
14. Report of Chief of Police
15. Report of Village Administrator
16. Adjourn

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: April 24, 2019

RE: RAFFLE ORDINANCE CONSIDERATION

Attached is the Raffles Ordinance for your review. Additional consideration must be made to the number of raffles to occur that may be under the direction of someone who is not a Coal City resident, but is selling tickets on behalf of their group inside and outside of Coal City municipal borders. The intent of considering such an ordinance is not to over regulate such an issue, but to allow such fundraisers to be held lawfully and comply with required adopted state statutes.

Adoption of such an ordinance would add complexity to the simple 50/50 and small fundraisers, but would allow for such collections to be registered and the Board can set the fees for such registration.

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

**AN ORDINANCE AMENDING THE VILLAGE CODE TO REGULATE THE
CONDUCT OF RAFFLES, ESTABLISH A RAFFLES LICENSE AND IMPLEMENT
REGULATIONS GOVERNING ISSUANCE**

TERRY HALLIDAY, Village President
PAMELA M. NOFFSINGER, Village Clerk

SARAH BEACH
ROSS BRADLEY
TIMOTHY BRADLEY
DANIEL GREGGAIN
NEAL NELSON
DAVID SPESIA
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Coal City

on _____, 2019

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE VILLAGE CODE TO REGULATE THE
CONDUCT OF RAFFLES, ESTABLISH A RAFFLES LICENSE AND IMPLEMENT
REGULATIONS GOVERNING ISSUANCE**

WHEREAS, the Village of Coal City (hereinafter, “the Village”) is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

WHEREAS, the Village is a non-home rule municipality and, as such, may exercise delegated statutory and Constitutional powers and such powers as are necessarily implied therefrom; and

WHEREAS, the Village is authorized under the Illinois Municipal Code to prohibit gambling as defined by the State of Illinois but permit raffles and poker runs as authorized under the Raffles and Poker Runs Act, 230 ILCS 15/0.01 *et seq.* (the “Act”); and

WHEREAS, the Village prohibits gambling activities and gambling devices, except for certain exempted, enumerated activities identified under Section 135(2)(B) of the Village Code, including, without limitation, raffles conducted in accordance with the Act; and

WHEREAS, the Act requires anyone conducting a raffle to procure a local license in order to lawfully operate said raffle, but the Village has not created such a municipal license; and

WHEREAS, pursuant to the Act, the Village may license organizations to operate raffles; and

WHEREAS, the Village President and Board of Trustees (cumulatively, the “Corporate Authorities”) of the Village find it to be in the public interest to exercise the power granted unto them by the General Assembly under the Act in order to permit the lawful conduct of raffles within the Village in accordance with the Act and the local regulations herein imposed.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. RECITALS.

That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENT.

The Village Code shall be and hereby is amended as set forth herein. Any portion of the Village Code not set forth herein shall continue in effect as written. The following changes are made to the Coal City Village Code Section 135-1 (additions in **bold and underline**):

§ 135-1. Definitions.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires 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.

GAMBLING DEVICE — Any clock, tape machine, slot machine, or other machine or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other

thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. "Gambling device" does not include the following, as more specifically defined in ILCS Ch. 720, Act 5, § 28-2(a)(1) through (a)(4):

- A. Coin-in-the-slot operated mechanical devices.
- B. Vending machines.
- C. Crane games.
- D. Redemption machines.

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.

LOTTERY — Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

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.

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.

POLICY GAME — Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.

POLITICAL COMMITTEE: A "political committee" as that term is defined in the Illinois Election Code, 10 ILCS 5/9-1.8.

RAFFLE - means a form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

- (1) The player pays or agrees to pay for 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.**

RAFFLE LICENSING AGENT. The Village Clerk.

RELIGIOUS - Any church, congregation, society, or organization founded for the purpose

of religious worship.

SPLIT THE POT RAFFLE: Any raffle whereby the raffle chances are sold the same day as the winners are determined, and the raffle prize is cash equal to a portion of the total proceeds of the sale of the raffle chances.

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.

SECTION 3. AMENDMENT.

The Village Code shall be and hereby is amended as set forth herein. Any portion of the Village Code not set forth herein shall continue in effect as written. The following changes are made to the Coal City Village Code Section 135-2 (additions in **bold and underline**):

§ 135-2. Gambling.

...

B. Participants in any of the following activities shall not be convicted of gambling:

...

- (9) Raffles when conducted in accordance with ILCS Ch. 230, Act 15, § 1 *et seq.* **and Section 135-6 of the Village Code;**

SECTION 4. AMENDMENT.

The Village Code shall be and hereby is amended as set forth herein. Any portion of the Village Code not set forth herein shall continue in effect as written. The following changes are made to the Coal City Village Code (additions in **bold and underline**):

A new Section 135-6 shall be enacted to read as follows:

§ 135-6. Raffle.

A. License Required.

No person shall conduct a Raffle within the Village unless such Raffle is licensed by the Village in accordance with the rules and regulations described in this Section 135-6.

B. Raffle License.

There is hereby established a "Raffle License."

C. Qualifications.

1. A license to operate a raffle 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 non-profit fundraising organization that the licensing agent 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. A licensing authority may waive the five-year requirement under this division 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 five-year requirement.

2. No license shall be issued to:

(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 subsections 2(a), 2(b), or 2(c) has a proprietary equitable, or credit interest, or in which such a person is active or employed;

(e) Any organization in which such a person defined in subsections 2(a), 2(b), or 2(c) is an officer, director or employee, whether compensated or not;

(f) Any organization in which a person defined in subsections 2(a), 2(b), or 2(c) is to participate in the management or operation of a raffle as defined by state law.

(g) Any organization or individual that is representing an organization, applying for a license that is not a resident, or maintains a residence or principal place of business, within the Village of Coal City.

(h) Any organization or individual presently indebted to the Village of Coal City.

D. Application.

1. Application forms shall be furnished by the Raffle Licensing Agent and filed with same. Said applications shall be accompanied by the payment of a Fifty Dollar (\$50.00) fee for each license requested and shall show the following:

(a) The name and address of the applicant;

(b) The date, time and location at which winning chances will be determined;

(c) Place and date of chartering or incorporation of applicants if applicable;

(d) Name, address, telephone number, social security number, and date of birth of presiding officer, secretary, and raffle manager or applicant;

(e) The area or areas in which raffle tickets will be sold;

(f) A list of prizes and the retail of each prize to be awarded in a single raffle; and

(g) The price to be charged for each ticket sold.

2. The license application shall contain a sworn statement attesting to the accuracy of the information provided and to the not-for-profit character of the prospective licensee. Said statement shall be signed by the presiding officer, secretary, and raffle manager of that prospective licensee.

3. After receipt of an application for any license, the Raffle Licensing Agent, or his or her designee, shall cause a pre-license investigation to be made: a) to secure information as to the applicant's character, b) to ascertain whether the applicant has complied with all of the requirements of all applicable laws, ordinances, and regulations, c) to ascertain whether the raffle will be operated or conducted properly or has been the subject of past complaints or otherwise has been operated or conducted in a manner substantially adverse to the best interests of the Village, or the Village's residents, or the raffle participants, and d) whether applicant is indebted to the Village.

4. The Raffle Licensing Agent, or his or her designee, shall, within thirty (30) days after receipt of an application to conduct a raffle as provided for

herein, shall evaluate and either approve or disapprove of said application. If the investigation described in Subsection 135-6(D)(3) does not reveal any information that would preclude the issuance of the license, the Raffle Licensing Agent, or designee, shall issue the license thereafter. Any failure of the Raffle Licensing Agent or his or her designee to act within said thirty (30) day period shall be deemed to be a decision disapproving the application. The decision of the Raffle Licensing Agent or his or her designee shall be a final decision pursuant to the Administrative Review Act.

5. An application for a license under this subsection is valid for one raffle only.

E. Regulations Governing Licenses.

1. Conduct of raffles. The conduct of raffles is subject to the following restrictions:

(a) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the licensee permitted to conduct that game.

(b) No person except a bona fide member of the licensee organization may participate in the management or operation of the raffle.

(c) No person may receive any remuneration or profit for participation in the management or operation of the raffle.

(d) 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 Raffles and Poker Runs Act, 230 ILCS 15/0.01 et seq. 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 the use of the premises.

(e) 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 in the license for a raffle.

(f) 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 winning chances in a raffle are being determined only when accompanied by a parent or guardian.

2. Raffle Limits.

(a) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, shall not exceed \$50,000.

(b) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed \$50,000.

(c) The maximum price which may be charged for each raffle chance issued or sold, shall not exceed \$100.

(d) The maximum number of days during which chances may be issued or sold, shall not exceed 180 prior to the awarding of a prize.

(e) The license shall not be valid for more than 180 days.

3. Manager; bond.

(a) All operation and conduct of raffles shall be under the supervision of a single manager as designated on the license application.

(b) A manager shall give a fidelity bond in the sum of the aggregate retail value of the prizes as set out on the application. The bond shall be in favor of the organization conditioned upon the raffle manager's honesty in the performance of his duties. Said bond shall provide that notice shall be given in writing to licensing authority not less than 30 days prior to its cancellation period. If the retail value of the prizes exceed \$15,000, such bond shall be a corporate surety. The Mayor may waive this bond requirement provided that such waiver is consented to by a unanimous vote of the members of the licensed organization.

4. Records.

(a) Gross receipts from the operation of raffle programs shall be segregated from other revenues of the licensee; (including bingo gross receipts, if bingo games are also conducted by the same licensee pursuant to license 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 raffles and poker runs. The person who accounts for gross receipts and expenses from the operation of raffles and poker runs shall not be the same person who accounts for other revenues of the organization.

(b) Each licensee shall keep records of gross receipts, expenses, and net proceeds for each single raffle at which winning chances in a raffle or winning hands or scores in a poker run are determined. All reasonable operating expenses deducted from gross receipts for each single raffle shall be documented with receipts or other records indicating the amount, a description of the purchased items or service or other reason for deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose amount, and date of payment.

(c) Each licensee, within 30 days of the raffle, shall report to its membership and to the Raffle Licensing Agent each of the following:

- i. Gross receipts generated by the conducting of the raffle;
- ii. An itemized list of all reasonable operating expenses which have been deducted from the gross receipts;
- iii. Net proceeds from the conducting of the raffle;
- iv. An itemized list of the distribution of the new proceeds;
and
- v. A list of prize winners.
- vi. Records required by this section shall be preserved for three years, and the organization shall make available for public inspection their records relating to the operation of a raffle at reasonable times and places.

5. Conducting gambling schemes. Nothing in this subsection shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles as provided by state law.

- G. Raffle Licensing Agent. The Raffle Licensing Agent shall be charged with the administration of this Section. The authority and jurisdiction of this village to issue a license to a prospective licensee shall extend only to the limits of Village. 2, The Raffle Licensing Agent shall act upon a license application within ten days from the date of the application.
- H. Penalty/Revocation. Any person conducting a raffle in violation of this Section or in violation of provisions of the Illinois Raffles and Poker Runs Act, shall upon conviction, be fined an amount up to \$750.00 for each violation. Each day that a violation continues shall be considered a separate offense, punishable, by a fine up to \$750.00 per day. The President may, upon notice and hearing to the licensee, revoke or suspend any license for any violation of this Section or the Illinois Raffles and Poker Runs Act.
- I. Abatement. The imposition of the penalties herein prescribed shall not preclude the Village or the State's Attorney from instituting appropriate action to prevent unlawful raffles or to restrain, correct, or abate a violation of this Section or of the conditions of a raffle license issued pursuant hereto.

SECTION 5. Repealer. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. Saving Clause. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 7. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO ORDAINED this _____ day of _____, 2019, at Coal City,
Grundy and Will Counties, Illinois.

AYES:

ABSENT:

NAYS:

ABSTAIN:

VILLAGE OF COAL CITY

Terry Halliday, President

Attest:

Pamela M. Noffsinger, Clerk

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: April 24, 2019

RE: WASTE MANAGEMENT CONTRACT AMENDMENT

Recently, the Village Board adopted an Ordinance changing the means by which yard waste could be burned within residential areas throughout the Village. As part of this new ordinance change, the Board requested to allow yard waste to be collected longer and bring the provision of yard waste containers "in-house." Attached is the Amendment that reduces the cart rental fee for those residents who wish to utilize this service and requires Waste Management to prolong its collection of yard waste to include the first full week of December.

The additional fee for this service will be billed separately (\$1,583 annually) and not increase the monthly agreed upon rates. Currently, there are 39 users of the yard waste containers within the Village. When they are not being utilized in season for yard waste, the containers can be utilized as an extra garbage container.

Recommendation:

Authorize Mayor Halliday to enter into an Amendment to the Waste Collection and Disposal Agreement.

AMENDMENT TO REFUSE, RECYCLING AND YARD WASTE COLLECTION AND DISPOSAL AGREEMENT

This Amendment to the Refuse, Recycling and Yard Waste Collection and Disposal Agreement is made and entered as of this _____ day of _____, 2019 by and between the Village of Coal City, Illinois ("Village"), and Waste Management of Illinois, Inc. ("Contractor").

Recitals

1. The Village and Contractor executed a Refuse, Recycling and Yard Waste Collection and Disposal Agreement on May 28, 2013 (the "Agreement").
2. The Village and Contractor now desire to amend the Agreement.

Amendments

The Village and Contractor hereby agree to amend the Agreement as follows:

1. **Yard Waste Collection.** Section 4(a) of the Agreement is deleted in its entirety and is replaced with the following:
 - (a) YARD WASTE, as herein defined, will be collected once per week on the same day as the garbage from April 1st through the first full week of December each calendar year. The Village's Representative(s) may extend YARD WASTE pickup on a weekly basis later than the first full week of December or earlier than April for an additional cost quoted by the Contractor. All YARD WASTE materials must be placed in "Kraft" paper bags designed and sold specifically for the collection and disposal of YARD WASTE. YARD WASTE placed in plastic bags or rigid containers will not be accepted. The Village will pay for the cost of the additional first full week of December YARD WASTE pickup.
2. **Yard Waste Carts.** Beginning April 1, 2019, homeowners shall have the option to rent a 96-gallon cart for YARD WASTE. The Village shall notify Contractor when a homeowner requests to rent a cart for YARD WASTE. Contractor will invoice the Village and the Village shall pay, for all YARD WASTE cart rentals at the following rates:

96-gallon Cart Rental: \$3.00 per month per homeowner
Removal Fee: \$30.00
Redeliver Fee: \$30.00
3. **No Other Changes.** Except as specifically modified herein, all other terms of the Agreement will continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed as of the day and year first above written.

VILLAGE OF COAL CITY WASTE MANAGEMENT OF ILLINOIS, INC.

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

Date: _____ Date: _____

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Coal City Police Department
Weekly Summary of Activities
Thursday 03-28-19 – Wednesday 04-03-19

During this period, there were 29 calls for service, 23 verbal warnings and 2 assist Grundy County Sheriff's Dept.

Significant Incidents

03-28-19 at 3:21 PM, police responded to the police department to speak with a Maple St. resident regarding his adult son. The complainant wanted advice stating his 28 year-old son moved out of his residence over two years ago but had not changed his mailing address. He then stated he was contacted by his son stating he was moving back into his father's residence. When the father refused the son advised him since he was still receiving mail there it is considered his residence. Police answered all of the resident's questions.

03-29-19 at 12:24 AM, while on routine patrol police observed a disturbance outside a S. Broadway St. business. Police spoke with the bartender who stated the female who was intoxicated was agitating the other patrons and he was giving her a trespass notice. Police provided the female with a ride to her Coal City residence.

04-03-19 7:42 PM, police responded to an E. Division St. apartment for a possible domestic disturbance call. The complainant who wished to be anonymous stated she heard banging and some arguing in the upstairs apartment. Police tried to make contact with but was unable to make contact.

Arrest Incidents

Warrant	2
Speeding	2
Operating an Uninsured Motor Vehicle	1
Operating a Hand Held Device while Driving	3
Disobeying a Traffic Control Device	2

Coal City Police Department
Weekly Summary of Activities
Thursday 04-04-19 – Wednesday 04-10-19

During this period, there were 29 calls for service, 23 verbal warnings and 2 assist Grundy County Sheriff's Dept.

Significant Incidents

04-04-19 at 8:18 AM, Police were able to locate a 16 year-old female runaway from Logan County at an Oak St. residence. Police spoke with the homeowner who stated she had picked the female up on the previous evening. Police took custody of the minor made contact with the agency who entered her as missing. Her grandfather who has custody of her, later came to the police department to take custody of her.

04-06-19 at 8:54 PM, police responded to a S. Mazon St. for a verbal domestic disturbance call. The male stated he and his wife were arguing most of the evening and he had left the residence to cool down but upon returning another argument started. Police spoke to the female party who was highly intoxicated who advised the argument never got physical. Police were able to resolve this incident when both subjects advised there would be no further problems.

04-09-19 at 4:56 PM, police responded to the police department regarding a custody issue. The complainant stated his child's mother has full custody but is currently in jail. He asked police to escort him to the grandparent's residence to see if they would release the child to him. Police advised him they would provide an escort but could not force the grandparents to turn over the child. After arriving at an E. 3rd St. residence the grandparents stated the child was not at the residence and did not want him on the property in the future. Police advised the complainant of the grandparent's wishes and he stated he understood.

Arrest Incidents

Passed School Bus	1
Warrant	2
Speeding	7
Operating an Uninsured Motor Vehicle	2
Drug Paraphernalia	1
No Valid D.L.	1
Expired Registration	1