

CITY OF LE ROY

ORDINANCE NO. 163

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LEROY AND COUNTY OF MCLEAN PROVIDING FOR THE LICENSING AND REGULATION OF RAFFLES WITHIN THE JURISDICTIONS OF BOTH GOVERNING AUTHORITIES

ADOPTED BY THE
CITY COUNCIL
CITY OF LEROY, ILL.

This 7th day of June, 1982

Published in pamphlet form by authority of the City Council of the City of Le Roy, McLean County, Illinois this 8th day of June, 1982.

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LEROY AND COUNTY OF MC LEAN PROVIDING FOR THE LICENSING AND REGULATION OF RAFFLES WITHIN THE JURISDICTIONS OF BOTH GOVERNING AUTHORITIES.

Whereas, Illinois Revised Statutes, Chapter 85, Section 2302, authorizes units of local government to license and regulate raffles within their jurisdictions and in the manner prescribed therein, and

Whereas, said provisions of the Illinois Revised Statutes further provide that the governing bodies of the county and one or more municipalities may, pursuant to written contract, jointly establish a system for the licensing of organizations to operate raffles within any area of contiguous territory not contained within the corporate limits of a municipality which is not a party to such contract, and

Whereas, the corporate authorities of the City of LeRoy deem it to be in the best interests of said city and its citizens to apply for the regulation and licensing of raffles jointly with the County of McLean and under the ordinances of the County of McLean and its regulatory authorities,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled:

Section 1. That the attached Intergovernmental Agreement, marked as Exhibit 1 and attached hereto, be entered into by the City of LeRoy with the County of McLean providing for the licensing and regulation of raffles as therein set forth.

Section 2. That the Mayor and City Clerk of the City of LeRoy be and they are hereby authorized to execute such agreement and any number of copies thereof as may be necessary to provide for the joining of the City of LeRoy and the County of McLean in the licensing of organizations to operate raffles and the regulation thereof.

Section 3. That an ordinance transferring all of the authority of the City of LeRoy under Illinois Revised Statutes, Chapter 85, Section 2301, et Seq., as amended, to license and regulate raffles within the corporate limits of the City of LeRoy to the County of McLean be promptly adopted upon receipt of an executed copy of said Intergovernmental Agreement signed by the proper authorities for the County of McLean, State of Illinois.

Section 4. That this ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law and by the ordinances of the City of LeRoy.

PASSED by the Mayor and City Council of the City of LeRoy, Illinois, on the 7th day of June, 1982.

AYES Loren Bean, Michael Hanafin, Jon Winston, David King, Irwin Moreland

NAYS None

Juanita Hagley
City Clerk of the City of LeRoy, Illinois

Approved by the Mayor of the City of LeRoy, Illinois, this 7th day of June, 1982.

Richard Mos
Mayor of the City of LeRoy, Illinois

ATTEST:

(seal)
Juanita Hagley
City Clerk of the City of LeRoy, Illinois

STATE OF ILLINOIS)
) SS
COUNTY OF MC LEAN)

I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LEROY AND COUNTY OF MC LEAN PROVIDING FOR THE LICENSING AND REGULATION OF RAFFLES WITHIN THE JURISDICTIONS OF BOTH GOVERNING AUTHORITIES.

That said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 7th day of June, 1982, and that a faithful record of said ordinance has been made in the record books.

IN WITNESS WHEREOF, I have hereunto set my official hand and seal of office this 7th day of June, 1982.

Juanita Dagley
City Clerk

(seal)

INTERGOVERNMENTAL AGREEMENT

WHEREAS, Illinois Revised Statutes, Chapter 85, Section 2302, authorizes units of local government to license and regulate raffles within their jurisdiction and in the manner prescribed therein, and

WHEREAS, County of McLean has enacted an Ordinance pursuant to Illinois Revised Statutes, Chapter 85, Section 2301 et seq., which operates within all of the area of McLean County outside the corporate limits of any city, town, or village, and also within the corporate limits of any city, town, or village in McLean County, where there is in effect a written contract between the governing body of said city, town or village and the County Board of McLean County providing for both said city, town or village and said county to join in the licensing of organizations to operate raffles; and

WHEREAS, it is the desire of the City of LeRoy and the County of McLean to regulate and license raffles within the corporate limits of the City of LeRoy, Illinois, and to do so in as expeditious and efficient a manner as possible; and


WHEREAS, a transfer of the authority of the City of LeRoy to license and regulate raffles pursuant to Illinois Revised Statutes, Chapter 85, Section 2302, to the County of McLean will meet those ends,

IT IS, THEREFORE, AGREED by and among the City of LeRoy, Illinois, an Illinois municipal corporation, and the County of McLean, a body politic and corporate in the State of Illinois, as follows:

1. The corporate authorities of the City of LeRoy will adopt an Ordinance transferring all of its authority under Illinois Revised Statutes, Chapter 85, Section 2301 et seq., to license and regulate raffles within their corporate limits to the County of McLean. The Clerk of the City of LeRoy shall transmit a certified copy of said Ordinance to the County Clerk of McLean County. The authority contained in said Ordinance shall take effect immediately upon delivery to the County Clerk.
2. The McLean County Ordinance may be amended from time to time as the McLean County Board sees fit, without the need for any approval of said Amendments by the City of LeRoy. In the event that said Ordinance is amended, the McLean County Board shall cause a copy of said amended section or sections to be promptly forwarded to the corporate authorities of the City of LeRoy for their information.
3. The County shall be entitled to retain all license fees, fines and penalties collected pursuant to its licensing and regulation of raffles, pursuant to this Agreement and the enforcement of its Ordinances.
4. Any party to this Agreement may withdraw by giving a notice of intent to do so to the Clerk of the other governing authority. Such notice shall be given by delivery of a certified copy of a resolution of intent to withdraw adopted by the corporate authorities of the withdrawing governing body. Said withdrawal shall take effect thirty (30) days after the delivery of said notice and shall be effective as to all raffles which have not been licensed prior to the effective date of the withdrawal. Said withdrawal shall be effective notwithstanding the failure of any other party of this Agreement to amend its Ordinances or take other action to implement said withdrawal.
5. This Agreement is executed pursuant to the authority granted under Illinois Revised Statutes, Chapter 85, Section 2301 et seq., as amended by P. A. 82-0711, approved and effective 12 November 1981; and pursuant to the City of LeRoy's and County of McLean's authority under Article 7, Section 10, of the 1970 Constitution of the State of Illinois.

EXECUTED this 7th day of June, 1982.

ATTEST:


Janita Hagley
Clerk

ATTEST:

(seal)

County Clerk

CITY OF LeROY, a municipal corporation,

By Jack W. Moss

Jack W. Moss, Mayor

COUNTY OF McLEAN,

a body politic and corporate,

By _____

Chairman, County Board

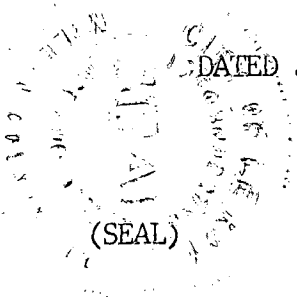
CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of Le Roy, McLean County, Illinois.

I further certify that on June 7, 1982, the Corporate Authorities of such municipality passed and approved Ordinance No. 163, entitled An Ordinance authorizing the execution of an inter-governmental agreement between the city of LeRoy and County of McLean providing for the licensing and regulation of raffles with the jurisdictions of both governing authorities which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 163, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the City hall, commencing on June 8, 1982, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at LeRoy, Illinois, this 8th day of June, 1982.



Juanita Dagley
City Clerk

HUNT HENDERSON
ATTORNEY AT LAW
122 NORTH CHESTNUT STREET
LEROY, ILLINOIS 61752

(309) 962-2791

June 3, 1982

Mayor and City Council
City of LeRoy
LeRoy, IL 61752

Gentlemen:

I have reviewed a letter and enclosures recently received by the mayor dated May 14, 1982 and forwarded by the McLean County Board in regard to the joint licensing of raffles by McLean County and any one or more municipalities within said county. As you may recall, approximately two years ago legislation was passed by the State of Illinois allowing the licensing of raffles for certain defined non-profit organizations within the boundaries of a local government unit such as a county or a municipality. In its original form, the legislation provided that a county could only adopt a raffle ordinance which would cover all non-incorporated areas in the county. Apparently, it has now become evident that the policing of such jurisdictions is extremely difficult since the sale of raffle tickets probably crosses over the boundary from the unincorporated areas of a county into the incorporated areas of the county with great frequency. Thus, the state legislature enacted an amendment to the original legislation in November, 1981, providing that the governing bodies of a county and one or more municipalities within the county could, pursuant to a written contract, jointly establish a system for the licensing of organizations to operate raffles within any area of contiguous territory not contained within the corporate limits of the municipality which was not a party to such contract. The letter written on behalf of McLean County Board by the county Administrator, Mr. Peterson, solicits the cooperation of LeRoy and all other municipalities in the county to enact an appropriate ordinance and agreement between the City of LeRoy and the County of McLean providing for the licensing of raffles under the auspices of McLean County and transferring the authority to police the conduct of such raffles under such an ordinance to McLean County.

I have reviewed the ordinance presently in force in the county in regard to the licensing and regulation of raffles and have determined that it is substantially the same as the original ordinance enacted by the county and quite similar to the one which I had prepared at one time when the subject was being considered by the City Council of LeRoy. In my opinion the county ordinance as it now stands would be more than adequate to provide for the proper licensing and regulation of raffles as are now allowed under state legislation.

I have also reviewed the Intergovernmental Agreement which was forwarded as an enclosure under cover of the letter dated May 14, 1982. In order for the county and the city to be able to enter into an arrangement whereby the county would actually license a raffle activity to be carried on within the boundaries of the City of LeRoy, there must be a contract between the city and the county, agreeing to the transfer of the authority to regulate and license raffles and

Mayor and City Council
City of LeRoy

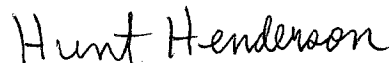
June 3, 1982

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agreeing that the county may exercise the authority that otherwise would be exercised by the city were it to enact its own licensing ordinance. In my opinion the Intergovernmental Agreement as proposed by the Assistant State's Attorney on behalf of the county board is also in proper form and I have no objection to it.

If the city council sees fit, an ordinance could be passed authorizing the mayor and city clerk to execute an Intergovernmental Agreement that would be attached as an exhibit to the ordinance providing for a contractual arrangement between the city and the county to license and regulate raffles as designated under the present McLean County ordinance dealing with such matters. I have prepared an ordinance and a proposed Intergovernmental Agreement that could be entered into by the city council and then forwarded to the McLean County Clerk if the council desires to proceed with this matter. My recommendation would be to seriously consider adopting such an ordinance and Intergovernmental Agreement since the licensing of raffles within the city has been deemed not to be a matter of considerable significance and therefore was tabled last year, but the actual regulation of such matters will continue to be a problem for the city police department and government in the future, and this would be one way to alleviate the problem in an expeditious manner.

Sincerely yours,



Hunt Henderson

HH:pb
Enc.

*for information only
don't sign this*
ORDINANCE NO. _____

COPY

AN ORDINANCE TRANSFERRING THE AUTHORITY OF THE CITY OF LEROY TO LICENSE AND REGULATE RAFFLES WITHIN THE CORPORATE LIMITS OF SAID CITY TO THE COUNTY OF MC LEAN.

Whereas, Illinois Revised Statutes, Chapter 85, Section 2302, authorizes units of local government to license and regulate raffles within their jurisdictions and in the manner prescribed therein; and

Whereas, the County of McLean and the City of LeRoy have entered into an Intergovernmental Agreement providing that each governing body shall join in the licensing of organizations to operate raffles in accordance with Illinois Revised Statutes, Chapter 85, Section 2301 et seq., as amended; and

Whereas, the County of McLean has enacted an ordinance pursuant to Illinois Revised Statutes, Chapter 85, Section 2301 et seq., as amended, which operates within all of the area of McLean County and also within the corporate limits of any city, town or village of McLean County where there is in effect a written contract between the governing body of said city, town or village and the County Board of McLean County providing for the joining of each governing body in the licensing and regulation of raffles as described previously; and

Whereas, a transfer of the authority of the City of LeRoy to license and regulate raffles pursuant to Illinois Revised Statutes, Chapter 85, Section 2302, to the County of McLean must be accomplished in order to achieve the goals of both parties to the aforesaid Intergovernmental Agreement,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled:

Section 1. That all licensing and regulatory authority of the City of LeRoy to license and regulate raffles pursuant to Illinois Revised Statutes, Chapter 85, Section 2301 et seq., as amended, within the corporate limits of said City, is hereby transferred to the County of McLean, a body politic and corporate.

Section 2. That said transfer of authority, made in accordance with the aforesaid Intergovernmental Agreement, attached hereto as Exhibit 1 and incorporated herein by reference, shall be exercised by the County of McLean until such time as either the City of LeRoy or the County of McLean shall withdraw from said Intergovernmental Agreement and give the proper notice as required therein to the other party.

Section 3. That this transfer of authority shall continue in effect regardless of any amendments to the current ordinance of the County of McLean regarding the licensing and regulation of raffles, and that any amendment made from time to time by the McLean County Board to said ordinance may be made without the approval of any said amendment or amendments by the corporate authorities of the City of LeRoy.

Section 4. That this ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law and by the ordinances of the City of LeRoy.

PASSED by the Mayor and City Council of the City of LeRoy, Illinois on the _____ day of _____, 1982.

AYES _____

NAYS _____

City Clerk of the City of LeRoy, Illinois

Approved by the Mayor of the City of LeRoy, Illinois, this _____ day of _____, 1982.



Mayor of the City of LeRoy, Illinois

ATTEST:

(seal)

City Clerk of the City of LeRoy, Illinois

