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CITY OF TROY

ORDINANCE NO. 2019 - 06

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**AN ORDINANCE AMENDING CHAPTER 113 - AMUSEMENTS, OF THE
CODIFIED ORDINANCES OF THE CITY AND REGULATING
THE LICENSING AND ADMINISTRATION OF RAFFLES
IN THE CITY OF TROY, MADISON COUNTY, ILLINOIS**

**ADOPTED BY THE
CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS 17th DAY OF JUNE, 2019**

**Published in pamphlet form by the authority of the City Council of the City of Troy,
Madison County, Illinois, this 17th day of June, 2019.**

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**AN ORDINANCE AMENDING CHAPTER 113 - AMUSEMENTS, OF THE
CODIFIED ORDINANCES OF THE CITY AND REGULATING
THE LICENSING AND ADMINISTRATION OF RAFFLES
IN THE CITY OF TROY, MADISON COUNTY, ILLINOIS**

WHEREAS, the City of Troy, Madison County, Illinois (hereinafter "City"), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code; and

WHEREAS, the City "may" regulate raffles within its corporate boundaries pursuant to the Illinois Raffles and Poker Runs Act (230 ILCS 15); and

WHEREAS, the City has determined that any raffle taking place within the City must be controlled and must not disturb City residents; and

WHEREAS, the City has determined that any raffle taking place within the City must be controlled in an effort to avoid disrupting City Police and Troy Fire Protection services; and

WHEREAS, the City has determined that adoption of a raffle ordinance, under Chapter 113, Amusements, for purposes of regulating and controlling raffles within the City, will promote the health, safety, general welfare, and economic welfare of the City and its residents; and

WHEREAS, the Illinois Raffles and Poker Runs Act has established the minimum standards which municipalities must impose in connection with an ordinance regulating raffles, and the City has incorporated those standards herein; and

WHEREAS, regulating raffles within the City is a valid exercise of municipal police powers by the City Council under the Illinois Municipal Code.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF TROY, MADISON COUNTY, ILLINOIS, AS FOLLOWS:**

- Section 1. The recitals set forth above are hereby incorporated herein as if fully set forth.
- Section 2. The City has determined it necessary to amend Chapter 113 – Amusements, of the Codified Ordinances, to enact regulations of raffles.
- Section 3. Chapter 113 - Amusements, of the Codified Ordinances of the City of Troy, is amended as follows:

Chapter 113: AMUSEMENTS

113.01 – Video Gaming Permitted.

(A) Pursuant to the Illinois Video Gaming Act (ILCS Ch. 20, Act 40, § 1 et seq.), video gaming and the use of video gaming terminals is hereby permitted within the corporate limits of the city.

(B) License required. The owner of a video gaming terminal shall obtain a license for each such device issued by the city. The license required by this section shall be prominently displayed next to the video gaming terminal. It shall be unlawful for any person to install, keep, maintain, or use or permit the installation, keeping, maintenance or use upon his or her premises of any video gaming terminal unless a valid license issued under this section for the video gaming terminal is in effect. It shall further be unlawful for any person to deliver a video gaming terminal within the city unless a license has been issued by the city and the license fee has been paid for the current year.

(C) Applications. Applications for the license required by this section shall be filed with the City Clerk and shall contain the following information:

- (1) The name, address, age and date of birth of the owner of the video gaming terminal and of the owner of the establishment where the video gaming terminal shall be located
- (2) Prior convictions of the owner of the video gaming terminal and the owner of the establishment, if any;
- (3) The place where the video gaming terminal is to be displayed or operated and the business conducted at that place;
- (4) A description of the video gaming terminal to be covered by the license; and
- (5) Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment.

(D) Fee. The annual license fee for each video gaming terminal required by this section is \$25. The fee shall be nonrefundable.

(E) Revocation. The Mayor, at any time, may notify any licensee under this section within five business days of any charge of a violation of any of the provisions of this section or the Illinois Video Gaming Act in connection with the operation of any video gaming terminal. After a hearing presided over by the Mayor, the Mayor may order the revocation of the license upon a finding that the violation has occurred, and the license shall thereupon be terminated.

(Ord. 2012-14, passed 8-20-2012)

113.11 – Raffles Permitted.

Definitions.

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

Business organization means 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 organization means 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 organization or institution means 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 organization means 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.

Labor organization means 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 means an organization which has been issued a license to operate a raffle.

Net proceeds means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, license fees as provided in this article, and other reasonable operating expenses incurred as a result of operating a raffle.

Nonprofit organization means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

Person means an individual, firm, organization, public, or private corporation, government, partnership, or unincorporated association.

Pins means the number of individuals permitted to participate in any raffle event. For a Class C Fifty-Four (54) Week Raffle License, only individuals who have obtained a Pin may purchase chances for the raffle event. The number of Pins for any given raffle event will be determined on a case-by-case basis by the Raffle Administrator through a defined process stated herein.

Raffle means a form of lottery, as defined in 720 ILCS 5/28-2(b), conducted by an organization licensed under this article, in which:

(1) The player pays or agrees to pay 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 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 Administrator(s) means the City Administrator or the City Administrator's Designee.

Raffle event means an event at which at least one (1) raffle is conducted by an organization that holds a raffle license issued under this Code.

Raffle event limitation means the aggregate retail value of all prizes, merchandise, or cash payouts that may be awarded by a licensee in connection with a single raffle event.

Raffle License Application means City license application that must be submitted and approved prior to obtaining a license for a raffle event within City.

Religious organization means any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans organization means 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.

113.12 – Classification of Licenses.

(1) Class A: General Raffle License. A Class A Raffle License shall permit an organization the ability to conduct a raffle that may include multiple drawings to award prizes, but all drawings must occur on the same day and at the same location and within the confines of the same raffle event.

The following limitations shall apply as to prizes, merchandise and chances in connection with any Class A raffle event conducted within the City:

- a. The aggregate retail value of all prizes or merchandise awarded by a licensee in connection with a single raffle shall not exceed \$50,000.00.
- b. The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed \$25,000.00 unless special City Council permission is obtained.
- c. The maximum price which may be charged for each raffle chance issued or sold shall not exceed \$100.00.
- d. The maximum number of days during which chances may be issued or sold shall not exceed 180 consecutive days.
- e. No raffle tickets shall be sold on City-owned property without special City Council approval to do so.

(2) Class B: Financial Hardship Raffle License. A Class B Raffle License allows a not-for-profit fund raising organization or group, organized for the sole purpose of providing financial hardship assistance to an identified individual or group of individuals suffering severe financial hardship as a result of an injury, disability, accident, or disaster, to conduct one raffle event for that purpose.

The following limitations shall apply as to prizes, merchandise and chances in connection with any Class B raffle event conducted within the city:

- a. The aggregate retail value of all prizes or merchandise awarded by a licensee in connection with a single raffle shall not exceed \$50,000.00.
- b. The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed \$25,000.00 unless special City Council permission is obtained.
- c. The maximum price which may be charged for each raffle chance issued or sold shall not exceed \$100.00.
- d. The maximum number of days during which chances may be issued or sold shall not exceed 180 consecutive days.
- e. No raffle tickets shall be sold on City-owned property without special City Council approval to do so.

(3) Class C: Fifty-Four (54) Week Raffle License. A Class C Fifty-Four (54) Week Raffle License permits an organization to regularly conduct raffles as defined herein within a maximum of fifty-four (54) consecutive calendar weeks. Such license shall permit no more than fifty-four (54) raffle events, and the raffle event must conclude no later than week fifty-four (54).

The following limitations shall apply as to prizes, merchandise and chances in connection with any Class C raffle event conducted within the City:

- a. The maximum number of Pins permitted for a Class C Fifty-Four (54) Week Raffle License shall not exceed five thousand (5000).
- b. For raffle events with two thousand (2000) Pins or less, the aggregate retail value of all prizes or merchandise awarded by a licensee in connection with a single raffle event shall not exceed \$500,000.00.
- c. For raffle events with 2001 - 5000 Pins, the aggregate retail value of all prizes or merchandise awarded by a licensee in connection with a single raffle event shall not exceed \$1,000,000.00.
- d. The maximum price which may be charged for each raffle chance issued or sold shall not exceed \$100.00.

e. The maximum number of days during which chances may be issued or sold shall not exceed fifty-four (54) consecutive calendar weeks.

f. No raffle tickets shall be sold on City-owned property without special City Council approval to do so.

g. No raffle tickets shall be sold in any location other than the location where the drawing(s) for the raffle event(s) or conclusion of the raffle event(s) will take place according to the Raffle License.

h. A Class C Fifty-Four (54) Week Raffle License with two thousand (2000) Pins or less shall require a Raffle License Application, and may be issued by the Raffle Administrator.

i. A Class C Fifty-Four (54) Week Raffle License with 2001-5000 Pins shall require a Raffle License Application, which must be approved by City Council.

J. The maximum number of Pins permitted for a Class C Fifty-Four (54) Week Raffle License with 2001-5000 Pins will be determined by the Raffle Administrator and recommended to City Council for approval according to an approved Raffle License Application.

k. A determination of how many Pins may be permitted by the Raffle Administrator for any raffle event may be based in part on how many vehicles can be safely parked at the location of the raffle event, as well as other health and safety factors to be considered by the Raffle Administrator.

l. No licensee has any property right to any license issued by City, and all Class C Fifty-Four (54) Week Raffle Licenses expire at the end of the raffle event, or on week fifty-four (54) of the license, whichever occurs first.

m. There are no automatic Class C Fifty-Four (54) Week Raffle License renewals, and City reserves the right to refuse to renew a Class C Fifty-Four (54) Week Raffle License.

n. For Class C Fifty-Four (54) Week Raffle events, "roll-over" proceeds from a raffle event are permitted according to the rules of licensee's raffle event.

o. A copy of the rules of licensee's raffle event is required to be filed with the Fifty-Four (54) Week Raffle License application.

p. For raffle events with two thousand (2000) Pins or less, as long as no information on the raffle license application changes in any way, and with consent of the Raffle Administrator:

1. Licensee shall have five (5) days to renew an expired Class C Fifty-Four (54) Week Raffle License. If licensee fails to renew the expired

Class C Fifty-Four (54) Week Raffle License within five (5) days, this subsection (q) is inapplicable, and licensee will be required to submit a new raffle license application for consideration by the Raffle Administrator.

2. During the five (5) day interim between the expiration of licensee's Class C Fifty-Four (54) Week Raffle License and the anticipated renewal of licensee's Class C Fifty-Four (54) Week Raffle License, licensee may sell raffle event tickets for the anticipated next raffle event.

3. Raffle Administrator may refuse to allow renewal of Class C Fifty-Four (54) Week Raffle Licenses based on health, safety, economic welfare and/or general welfare of City.

4. If for any reason licensee's Class C Fifty-Four (54) Week Raffle License is not renewed, City bears no responsibility for any raffle event proceeds, and it will be licensee's sole responsibility to return said proceeds as licensee sees fit.

5. Licensee shall be responsible for showing proof of a fidelity bond in the amount of \$5,000.00 and paying a license fee to City for each Class C Fifty-Four (54) Week Raffle License obtained.

q. A Class C Fifty-Four (54) Week Raffle License fee shall be one hundred dollars (\$100).

113.13 – License Required.

It shall be unlawful for any person to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by City and in accordance with the provisions of this Code. Only City residents, City businesses, or City organizations located within City limits shall be considered for any City raffle license.

Such License, when issued, is effective for all areas within the City. Such license is not effective outside the City.

113.14 – Raffle License Application.

Any person seeking to conduct or operate a raffle shall file an application therefore with the Raffle Administrator(s) on forms provided by City. Pursuant to the Illinois Raffles and Poker Runs Act, such application shall contain the following information:

(1) The name, address, and type of organization;

(2) The length of existence of the organization and, if incorporated, the date and state of incorporation;

- (3) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager, and any other members responsible for the conduct and operation of the raffle;
- (4) The aggregate retail value of all prizes to be awarded in the raffle;
- (5) The maximum retail value of each prize to be awarded in the raffle;
- (6) The maximum price charged for each raffle chance issued or sold;
- (7) The maximum number of raffle chances to be issued;
- (8) The area in which raffle chances will be sold or issued;
- (9) The time period during which raffle chances will be issued or sold;
- (10) The date, time, and location at which winning chances will be determined;
- (11) A sworn statement attesting to the not-for-profit character of the applicant organization, signed by its presiding officer and secretary;
- (12) 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;
- (13) A fidelity bond in the amount of \$5,000.00; and
- (14) Purpose for which net proceeds will be used of each raffle.
- (15) A copy of the rules of licensee's raffle event.

113.15 – Responsibility for Traffic and Parking.

A traffic and parking plan shall be submitted with each Raffle license application. The Raffle Administrator and/or the City Council reserve the right to deny, revoke or suspend any Raffle License in the event that the safe conditions of City streets, sidewalks, public property and public rights-of-way is determined to have been compromised.

It is the sole responsibility of the licensee to engage the City in regard to any extra anticipated needs regarding traffic and/or parking issues due to a raffle event. Regular enforcement of traffic laws and parking regulations will be strictly enforced, and it is the primary policy of the City to maintain safe conditions on City streets and sidewalks near and around any raffle event. Licensees are strongly encouraged to engage the City Administrator and Chief of Police prior to a raffle event to convey concerns and/or coordinate any special service needs to maintain public safety. The City is under no obligation to provide those extra services. The provision of those extra services may, however, be provided to the licensee or organization at cost payable by the licensee or organization to the City.

113.16 – Licensee Qualifications.

Raffle licenses shall be issued only to a 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 objectives, or to a nonprofit fundraising organization that the City Council determines, in each specific case, 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 following are ineligible for any raffle 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 organization in which a person defined in subsection (1) or (2) of this section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (4) Any organization in which a person defined in subsection (1) or (2) of this section is an officer, director, or employee, whether compensated or not; and
- (5) Any organization in which a person defined in subsection (1) or (2) of this section is to participate in the management or operation of a raffle as defined in this section.

113.17 – License Issuance.

- (1) A raffle license shall contain the following:
 - (a) The area in which raffle chances will be sold or issued;
 - (b) The period of time during which raffle chances will be sold or issued;
 - (c) The date, time, and location on or at which the winning chances will be determined.
- (2) Such license shall be prominently displayed at the time and location of the determination of the winning chances.
- (3) A license may be suspended or revoked for any violation of this Code.
- (4) The Raffle Administrator shall receive all Raffle License Applications.
- (5) Class A and Class B Raffle Licenses shall be valid for a period up to and including one hundred eighty (180) days from and after issuance, and may be issued by the Raffle Administrator.

(6) In no event shall a Class C License be authorized for a period longer than fifty-four (54) weeks.

(7) Raffle Administrator must approve all Raffle License Applications for all Class C Fifty-Four (54) Week Raffle Licenses with two thousand (2000) or less Pins.

(8) City Council must approve all Raffle License Applications for all Class C Fifty-Four (54) Week Raffle Licenses with 2001 - 5000 Pins within thirty (30) days of being deemed completed by the Raffle Administrator at a regularly scheduled meeting.

113.17 – Limitation on Class C Licenses.

It shall be at the discretion of the Raffle Administrator and/or the City Council to determine the number of Class C Fifty-Four (54) Week raffle permits issued during any 54-week period. Under no circumstances shall more than one (1) Class C Fifty-Four (54) Week raffle drawing occur on any given calendar day.

113.19 – Licensing Fees.

(1) Class A: General Raffle License. A license fee of \$50.00 shall be payable to "City of Troy" upon application for a Class A License.

(2) Class B: Financial Hardship Raffle License. A license fee of \$5.00 shall be payable to "City of Troy" upon application for a Class B License.

(3) Class C: Fifty-Four (54) Week Raffle License. A license fee of \$100.00 shall be payable to "City of Troy" upon application for a Class C Fifty-Four (54) Week Raffle License.

When an application for a raffle license is filed, such application fee is nonrefundable, even if the application is denied or in the event the raffle is cancelled for any reason. Each Raffle License expires when each Raffle Event has concluded, and a new license fee will be required for subsequent raffle event applications.

113.20 – Conduct of Raffles.

The operation and conduct of raffles are subject to the following restrictions:

(1) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee.

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

(3) No person may receive remuneration or profit for participating in the management or operation of the raffle.

(4) A licensee may rent a premises in which to determine the winning chances in a raffle only from an organization which is also licensed under this section.

(5) A licensee may determine the winning chances in a raffle only at the location specified on the raffle license.

(6) A licensee may not determine the winning chances in a raffle at any location other than the location that has been approved by the Raffle Administrator and/or City Council.

(7) Class C Fifty-Four (54) Week Raffle License chances may be sold, offered for sale, conveyed, issued, or otherwise transferred for value only within the area specified on the license and where the winning chances for the raffle event(s) or conclusion of the raffle event(s) may be determined.

(8) Class C Fifty-Four (54) Week Raffle License chances may not be sold, offered for sale, conveyed, issued, or otherwise transferred for value at any location other than the location where the winning chances for the raffle event(s) may be determined or the conclusion of the raffle event(s) may be determined, and the location that has been approved by the Raffle Administrator and/or City Council.

(9) 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.

(10) Where a Class C Fifty-Four (54) Week Raffle License with two thousand (2000) Pins or less has been issued, the aggregate retail value of all prizes awarded in a single raffle shall not exceed \$500,000.00 and the retail value of any one prize awarded in a single raffle shall not exceed \$500,000.00.

(11) Where a Class C Fifty-Four (54) Week Raffle License with 2001 - 5000 Pins has been issued, the aggregate retail value of all prizes awarded in a single raffle shall not exceed \$1,500,000 and the retail value of any one prize awarded in a single raffle shall not exceed \$1,500,000.

(12) The maximum price which may be charged for each raffle chance sold, offered for sale, conveyed, issued, or otherwise transferred for value shall not exceed \$100.00

113.21 – Raffles Manager – Fidelity Bond.

The operation and conduct of a raffle shall be under the supervision of at least one raffle manager designated by the licensee. As a condition of obtaining a City raffle license, the following shall be required:

(1) The manager(s) shall give a fidelity bond in the amount of \$5,000.00, and the bond shall be conditioned upon honesty in the performance of his or her duties. The terms of the bond shall provide that notice shall be given in writing to the City not less than thirty (30) days prior to its cancellation.

113.22 – Records To Be Kept.

(1) Each licensee shall keep records of its gross receipts, expenses, a list of names of prize winners, and net proceeds for each raffle event at which winning chances are determined. All deductions 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.

(2) Each licensee shall file its records and report with the City Clerk within thirty (30) days following the conclusion of the raffle.

(3) Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for the other revenues of the licensee.

(4) Each licensee shall report to its membership and to the City its gross receipts, expenses, and net proceeds from the raffle and the distribution of net proceeds itemized as required herein. If a license is valid for more than thirty (30) days, the report shall be made monthly.

(5) Raffle records shall be preserved by each licensee for three (3) years, and organizations shall make their records available relating to the operation of raffles for public inspection at the reasonable times and places.

113.23 – Penalty.

Failure to comply with any of the requirements of this Code shall constitute a violation, and any person shall, upon conviction thereof, be fined not less than \$100.00 or more than \$750.00 for each offense. Each day in which a violation continues shall be considered a separate offense.

113.24 – Indemnification.

Licensee shall indemnify and hold harmless City, its agents, officers and employees against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses (including any liabilities, judgments, costs and expenses and reasonable attorney's fees) which may arise directly or indirectly from licensee's raffle and/or raffle event within City. Licensee understands and agrees that in no way does a raffle license issued by City create any liability of any kind for City regarding licensee's raffle and/or raffle event within City. Licensee shall, at its own cost and expense, appear, defend and pay all charges of attorneys, costs and other expenses arising therefrom or incurred in connection therewith with licensee's raffle and/or raffle event. If any judgment shall be rendered against City, its agents,

officers, officials or employees in any such action, licensee shall, at its own expense, satisfy and discharge the same.

Section 4. In the event any section, paragraph, sentence clause of phrase of this Ordinance is declared invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 17th day of June, 2019.

Those voting aye: Dawson, Henderson, Italiano,
Levo, Manley, Partney, Thompson, Turner.

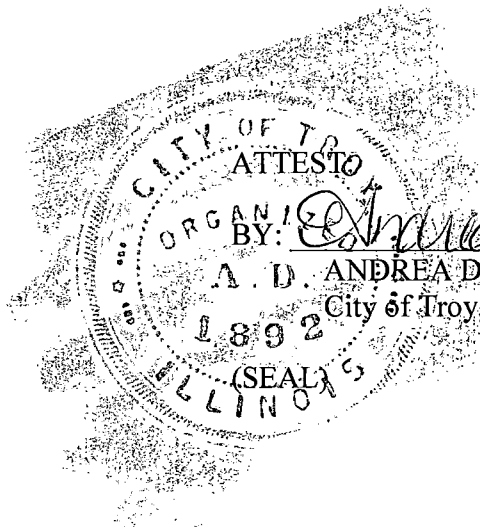
Those voting nay: —

Those absent: —

APPROVED:

By: 

ALLEN ADOMITE, Mayor
City of Troy, Illinois



BY: Andrea D Lambert
A. D. ANDREA D. LAMBERT, Clerk
City of Troy, Illinois

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