

**VILLAGE OF OSWEGO
KENDALL AND WILL COUNTIES, ILLINOIS**

ORDINANCE NO. 20 - 25

**AN ORDINANCE AMENDING TITLE 3 CHAPTER 7 AND TITLE 3 CHAPTER 31 OF THE
CODE OF ORDINANCES FOR THE VILLAGE OF OSWEGO, KENDALL AND WILL
COUNTIES, ILLINOIS**

(Alcoholic Beverages and Video Gaming)

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO**

This 12th day of May 2020

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and Board of Trustees of the Village of Oswego on May 13, 2020.

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CODE OF ORDINANCES FOR THE VILLAGE OF OSWEGO, KENDALL AND WILL
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(Alcoholic Beverages and Video Gaming)

WHEREAS, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, the current Class ”A” liquor license classification is being amended to create specific liquor classifications based on the type and use for current and future businesses; and

WHEREAS, a Class “A-1”, “A-2”, “A-3”, “B-1”, “B-2”, “F-1” and “F-2” liquor license classification will be created;

WHEREAS, additional sections of Title 3 Chapter 7 of Village Code need to be amended to reflect required changes.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS IN THE EXERCISE OF THEIR HOME RULE, STATUTORY AND OTHER POWERS, AS FOLLOWS:

Section 1: That Title 3-7 of the Village Code of the Village of Oswego is hereby amended as follows:

3-7-4: TEMPORARY PERMITS:

The local liquor control commissioner shall have power to issue a temporary permit for the sale of alcoholic liquor at a private or public assembly where food and drink is sold, served or dispensed. Such temporary permit shall be issued only to: a) a political subdivision or authority, in accordance with

section 6-15 of the Illinois liquor control act of 1934; b) a nonprofit club, society or fraternal or benevolent organization for the sale of alcoholic liquor to be consumed on the premises; c) a winery for the sale of its wine or microbrewery for the sale of its crafted beer; or d) a distillery for the sales of its spirits; or e) for a license holder in good standing of a class A, A-1, A-2, C, D, E, G, I, L, M, or N Village of Oswego liquor license to allow sales off premises in conjunction with a special event.

(A) The temporary permit authorizes the licensee retail sale of beer, wine or spirits on the specified premises. The boundaries of the licensed premises and the duration of the license shall be established by the liquor control commissioner. No alcoholic beverages shall be brought onto, or taken out of, the premises, or consumed on the premises other than that provided by the licensee. The retail sale and consumption of alcoholic beverages authorized through a special event permit shall be limited to the premises specified in the permit as contained in section 3-2-3 of this title.

(B) A temporary permit shall be for a period of not more than four (4) days. Not more than one temporary permit shall be granted to any one political subdivision, club, society, organization, winery, microbrewery or class A, A-1, A-2, C, D, E, G, I, L, M, or N license holder in good standing in any one period of sixty (60) days. A fee of seventy-five dollars (\$75.00) shall be assessed for the issuance of each temporary permit.

(C) The permittee or special event sponsor shall have sufficient persons at each entrance and exit to the specified premises to collect any fee, prohibit alcoholic beverages from entering or exiting the premises, check identification, and place a nontransferable hand stamp or tamperproof wristband on any person twenty-one (21) years of age or older. No person without a hand stamp or wristband may purchase alcoholic beverages on the premises.

(D) Special event permittees are excluded from the BASSET training requirement. Servers at not for profit special events are excluded from mandatory server training requirements.

3-7-10: RENEWAL OF LICENSE; CLASSIFICATION OF LICENSES; LICENSE FEE:

(B) Retail Liquor Licenses: Retail liquor dealers' licenses shall be divided into the following classes:
~~1. Class A Retailer's License: Shall authorize the licensee to sell to the general public, alcoholic liquor in package or by the drink, for consumption on or off the specified premises, except, however, that sales made under a temporary permit authorized by section 3-7-4 of this chapter shall be limited solely to sales by the drink for consumption on the premises. Class A license holders may also permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.~~

~~(a) A class A liquor license will require approval of a special use permit through the village's community development department.~~

1. Class A-1 Bar/Tavern: Shall authorize the licensee to sell to the general public, alcoholic liquor in package or by the drink, for consumption on or off the specified premises, except, however, that sales made under a temporary permit authorized by section 3-7-4 of this chapter shall be limited solely to sales by the drink for consumption on the premises. Class A-1 license holders may also permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use

tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

A Class A-1 liquor license may require approval of a special use permit through the Village's Community Development Department.

2. Class A-2 Bar/Restaurant: Shall authorize the retail sale of alcoholic beverages on the specified premises for consumption on the premises inside a bar or restaurant.

3. Class A-3 Video Gaming Café/Parlor: Shall authorize the retail sale of alcoholic beverages on the specified premises for consumption on the premises inside a video gaming café or parlor. A video gaming café or parlor shall be considered an establishment whose main revenue source is received through video gaming terminals.

2. 4. Class B Class B-1 Package Liquor License: Shall authorize the licensee to sell to the general public, alcoholic liquor in original packages only, for the consumption off the premises where sold.

(a) Liquor stores zoned as B-3 require approval of a special use permit through the Village's Community Development Department.

5. Class B-2 Gas Station/Convenience Store: Shall authorize the licensee to sell to the general public, alcoholic liquor in original packages only for the consumption off the premises where sold and shall authorize beer and wine, in conjunction with video gaming, be sold for consumption on the specified premises. Class B-2 license holders are allowed to apply for a video gaming license through the State and Village. A Class B-2 license is exclusive to gas stations that are not considered a licensed truck stop. The operation of video gaming terminals shall be ancillary to the operation of the premises as a gas station or convenience store.

Convenience stores shall be defined as a small-sized mercantile store or shop that offers a limited range of grocery and other items that people are likely to need or want as a matter of a convenient supplement to larger stores.

(a) The service of beer and wine is limited to one drink per hour per video gaming customer or patron of the premises, and no such customer or patron shall be served more than two (2) beer or wine beverages during the permitted hours of video gaming and retail sale of beer or wine during any one calendar day.

(b) It is intended that the service of beer and wine is ancillary to the operation of a gas station or convenience store that holds a valid video gaming license with the State and the Village and shall not be advertised or otherwise held out to be a drinking establishment.

(c) The license holder shall not serve beer or wine to a patron without their age having been first verified.

(d) All beer or wine beverages shall be poured from their original containers into a clear container before serving to a patron. No cans or glass containers shall be allowed.

(e) Beer or wine service shall only be provided to patrons who are actively playing on video gaming terminals.

(f) Beer or wine beverages may not be removed from the designated gaming area at any time.

(g) No happy hour practices shall be allowed on the licensed premises.

(h) No patio, beer garden, or similar area is allowed on the licensed premises for alcohol consumption.

(i) The license holder shall adhere to the Village's closing hours.

(j) No window or any other signage shall be permitted on the specified premises or surrounding property that indicates that alcoholic beverages are available for consumption at the specified premises.

(k) Establishments shall be subject to all Building & Zoning regulations, current adopted Village, County, State and Accessibility Codes; including review and approval of site plans.

~~3.~~ 6. Class C Restaurant License: Shall authorize the retail sale of alcoholic beverages on the specified premises for consumption on the premises inside a restaurant. For purposes of this subsection a restaurant must receive more than fifty percent (50%) of its gross revenue from the sale of food.

~~4.~~ 7. Class D Beer and Wine License: Shall authorize the retail sale of beer and wine only on the specified premises for the consumption on the premises inside a restaurant. For purposes of this subsection, a restaurant must receive more than fifty percent (50%) of its gross revenue from the sale of food.

~~5.~~ 8. Class E Fraternal Society or Club License: Shall authorize the licensee to sell alcoholic liquor for consumption on the premises as well as other retail sale of liquor, when sold only to members and the invited guests of said members when such guest is personally accompanied by a member.

~~6.~~ 9. Class F Class F-1 Package Liquor License (Beer and Wine Only): Shall authorize the licensee to sell to the public beer and wine only in original packages for consumption off the premises where sold.

10. Class F-2 Gas Station/Convenience Store (Beer and Wine Only): Shall authorize the licensee to sell to the public beer and wine only in original packages for consumption off the premises where sold and shall authorize the licensee to sell beer and wine, in conjunction with video gaming, for consumption on the specified premises. Class F-2 license holders are allowed to apply for a video gaming license through the State and Village. A Class F-2 license for a gas station is exclusive to gas stations that are not considered a licensed truck stop. The operation of video gaming terminals shall be ancillary to the operation of the premises as a gas station or convenience store.

(a) The service of beer and wine is limited to one drink per hour per video gaming customer or patron of the premises, and no such customer or patron shall be served more than two (2) beer or wine beverages during the permitted hours of video gaming and retail sale of beer or wine during any one calendar day.

(b) It is intended that the service of beer and wine is ancillary to the operation of a gas station or convenience store that holds a valid video gaming license with the State and the Village and shall not be advertised or otherwise held out to be a drinking establishment.

(c) The license holder shall not serve beer or wine to a patron without their age having been first verified.

(d) All beer or wine beverages shall be poured from their original containers into a clear container before serving to a patron. No cans or glass containers shall be allowed.

(e) Beer or wine service shall only be provided to patrons who are actively playing on video gaming terminals.

f) Beer or wine beverages may not be removed from the designated gaming area at any time.

(g) No happy hour practices shall be allowed on the licensed premises.

(h) No patio, beer garden, or similar area is allowed on the licensed premises for alcohol consumption.

(i) The license holder shall adhere to the Village's closing hours.

(j) No window or any other signage shall be permitted on the specified premises or surrounding property that indicates that alcoholic beverages are available for consumption at the specified premises.

(k) Establishments shall be subject to all Building & Zoning regulations, current adopted Village, County, State and Accessibility Codes; including review and approval of site plans.

7. 11. Class G Golf Course/Clubhouse License:

(a) Authorizes the licensee to sell alcoholic liquors to its patrons and guests by the drink, for consumption on the golf course or on the premises of an indoor simulated gold course, and not for resale in any form.

(b) The license shall ~~only~~ also be available for premises defined as a golf course herein which has a minimum of one hundred (100) total acres for an eighteen (18) hole or greater course, or a minimum of fifty (50) total acres for a nine (9) hole course.

(c) The license shall only be available for premises defined herein as an indoor simulated golf course with a minimum of six (6) simulated golf stations and deriving more than fifty percent (50%) of its gross revenue from the simulated golf.

8. 12. Class H Gift Basket License: Shall authorize the retail sale of alcoholic liquor in original packages only, not for consumption on the premises where sold, and only in conjunction with the sale of gift baskets, flowers or plants.

9. 13. Class I Winery/Microbrewery/Brewpub License: Shall authorize a winery or microbrewery to: a) manufacture/produce wine or beer only on the specified licensed premises, b) furnish samples of the manufactured/produced wine or beer for consumption on the premises, c) sell the manufactured/produced wine or beer by the glass for consumption on the premises, d) sell the manufactured/produced wine or beer in the original corked, capped or sealed and labeled container for consumption on or off the premises, and e) permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

~~10.~~ 14. Class J Bring Your Own License: A class J bring your own license authorizes the licensee to allow customers to carry their own beer and wine into a "BYO authorized establishment" as defined in this subsection for consumption within that establishment, subject to the conditions stated in this subsection.

- (a) A class J license may be issued and held only for a business that generates more than sixty percent (60%) of its gross annual revenue from the sale of food. The licensee must provide, at the time of license application, license renewal and when otherwise requested by the village, proof of compliance with that sixty percent (60%) sales requirement, and the licensee must maintain compliance with that sales requirement at all times.
- (b) Each person, corporation, or limited liability corporation desiring a license must meet all conditions in this chapter required of other license applicants.
- (c) The following establishments are authorized to allow bring your own beer and wine, and limited other services subject to the specific conditions stated in this subsection:
 - (1) Establishments holding a class J liquor license shall authorize a restaurant to allow patrons to bring their own wine or beer onto the premises to be consumed as a complement to the sale of food. The licensee may provide only glasses, ice and an ice holder; employees may open but not serve, pour or provide storage for the beer or wine. Patrons may not leave with open wine or beer; unconsumed liquor must be disposed of by the patron prior to exiting the premises or sealed as described under subsection (G) of this section.
 - (2) Establishments holding a class A, A-1, A-2, C, or D license shall be permitted to allow patrons to bring in their own wine as provided in this subsection without obtaining an additional license. License holders may provide uncorking service as provided in subsection (I) of this section. Any unconsumed liquor must be disposed of by the patron prior to exiting the premises or sealed as described under subsection (G) of this section.
- (d) A state issued liquor license is not required.

~~14.~~ 15. Class K Salon License: A class K salon license authorizes the retail sale of alcoholic beverages adjunct to a principal beauty shop or other service business subject to the conditions stated in this subsection.

- (a) The service of alcoholic beverages is limited to one drink per hour per customer or patron of the premises, and no such customer or patron shall be served more than two (2) alcoholic beverages during the permitted hours of retail sale of alcoholic liquor during any one calendar day.
- (b) No window or any other signage visible from the outside of the business shall be permitted on the specified premises or surrounding property that indicates that alcoholic liquor is available for retail sale at the specified premises, provided, however, that the business identification signage may contain the word "bar", and provided further that the word "bar" is only used as part of the business name.
- (c) No person may be served alcoholic beverages unless another service or nonalcoholic product is also purchased as part of the same transaction or transactions.

~~12.~~ 16. Class L Large Event Venue: Subject to the conditions stated in this subsection, a class L license authorizes: a) the retail sale of alcoholic beverages for consumption on the premises; b) the sale of wine or beer in their original package for consumption off the premises; and c) consumption on the premises of alcohol carried into the venue by a patron.

- (a) Only large event venues, consisting of greater than fifty (50) acres, are eligible for a class L license.

- (b) The license holder shall not serve alcoholic beverages to a patron without their age having been first verified and a tamperproof wristband or stamp having been applied by the license holder. For any event in which alcohol may be brought into the venue, by a patron, the license holder shall take reasonable measures to verify the age of patrons upon entrance to the premises and apply a tamperproof wristband or stamp to all patrons which distinguishes patrons over twenty one (21) years of age from those under twenty one (21) years of age. In all events, the license holder shall post at each entrance of the venue, signs informing patrons that no alcohol may be consumed prior to age verification and receipt of a tamperproof wristband or stamp from the license holder.
- (c) The license holder shall post at each exit of the venue signs informing patrons that opened containers may not leave the venue and will make good faith effort to communicate with patrons that regulations prohibit the removal of open containers from the venue.
- (d) Once an original container is opened, it may not be removed from the premises.
- (e) Consumption is permitted in all access-controlled areas of the premises, including those areas outdoors.
- (f) The license holder shall hold no more than seven (7) class A events (1,000+ daily guests) in any calendar year; no more than twelve (12) class B events (500 to 999 daily guests) in any calendar year; and no more than twenty five (25) class C events (250 to 499 daily guests) in any calendar year. There is no restriction on the number of class D events (less than 250 daily guests).

~~13.~~ 17. Class M Catering License: A class M catering license authorizes the licensee to sell alcoholic liquor in connection with the operation of:

- (a) A catering business, with its liquor license location within the Village of Oswego, to sell to the general public alcoholic beverages in its original packages; only for consumption at a private party in the Village of Oswego when the food for said party is prepared by the licensee.
- (b) A class M license shall only be issued to persons who can demonstrate they are operating a bona fide catering business.
- (c) The catering business must abide by all Village of Oswego liquor licensing requirements; prior to the issuance of an original or renewal class M license; the licensee must provide a copy of their State of Illinois liquor license, State of Illinois seller's license, Illinois Department of Agriculture "egg breakers" license and type 1 meat and poultry license.
- (d) All food and beverage sales made by the licensee shall be taxed as if made at the licensee's location of its business or existing liquor license.

~~14.~~ 18. Class N Winery/Brewery/Brewpub Retailer License: Subject to the conditions stated in this subsection, a class N license authorizes a winery or microbrewery to: a) manufacture/produce wine or beer only on the specified licensed premises, b) furnish samples of the manufactured/produced wine or beer for consumption on the premises, c) sell the manufactured/produced wine or beer by the glass for consumption on the premises, d) sell the manufactured/produced wine or beer in the original corked, capped or sealed and labeled container for consumption on or off the premises, e) permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine

to the patron. Class N license holders may also sell to the general public, alcoholic liquor in package or by the drink, for consumption on or off the specified premises, except, however, that sales made under a temporary permit authorized by section 3-7-4 of this chapter shall be limited solely to sales by the drink for consumption on the premises.

~~15.~~ 19. Class O Cinema/Movie Theater License: Shall authorize the licensee to sell to the general public, alcoholic liquor for consumption only on the licensed premises operating as a cinema or movie theater venue, consisting of a single- or multi-screen operation in conjunction with the purveying of food for consumption on the premises, and further provided that the sale of food and alcoholic beverages shall be an accessory to the operation of the premises as a cinema or movie theater venue.

- (a) The license holder shall not serve alcoholic beverages to a patron without their age having been first verified and a tamperproof wristband or stamp having been applied by the license holder.
- (b) Only one alcoholic beverage will be served to an individual at a time. It shall be unlawful for any licensee or its agents to knowingly overserve a patron.
- (c) All alcoholic beverages shall be poured from their original containers into a clear container before serving to a patron. No cans or glass containers shall be allowed.
- (d) All mixed alcoholic drinks must also contain a nonalcoholic beverage.
- (e) No alcoholic beverages shall be served in "shot" form, "on the rocks", or provided as a sample.
- (f) Alcoholic beverages shall not be served to patrons entering, attending, or viewing a "G" or "PG" rated movie prior to eight o'clock (8:00) P.M. nor shall anyone possess or consume alcoholic beverages in a "G" or "PG" rated movie prior to eight o'clock (8:00) P.M.
- (g) Alcoholic beverage service shall be provided to cinema/movie theater patrons only.
- (h) Alcoholic beverages may be removed from the bar area to the cinema/movie theater, the designated lounge areas, and the party/meeting room only.
- (i) No happy hour practices shall be allowed on the licensed premises.
- (j) No patio, beer garden, or similar area is allowed on the licensed premises for alcohol consumption.
- (k) No alcoholic beverages are to leave the licensed premises at any time. Proper signage shall be posted stating such.
- (l) The license holder shall adhere to the Village's closing hours.

~~16.~~ 20. Class P Arts and Crafts License: Shall authorize the licensee to sell to the general public, solely wine and beer for consumption only on the licensed premises where the primary business is that of an arts and crafts studio as defined herein. The following provisions shall apply:

- (a) Arts and crafts studio is defined as a business that is in connection with designing, creating and drawing of craft and arts goods including, but not limited to, pottery, ceramics, jewelry, sculptures, metal work, wood work, glass art and paintings.

- (b) Seventy five percent (75%) of the business shall be exclusively devoted to craft making activities. No more than one service bar shall be allowed on the premises. Such service bar shall not have seats for patrons at which to sit.
- (c) Beer and wine service shall be limited to patrons participating in craft making activities and shall terminate at the conclusion of each session. Service shall not be allowed at any time when a craft making session is not in actual operation.
- (d) The public may participate in regularly scheduled class sessions by pre-registering, walk-in, or by invitation to private party function(s).
- (e) It is intended that the service of beer and wine is merely as adjunct to the operation of an arts and crafts studio and shall not be advertised or otherwise held out to be a drinking establishment.
- (f) Such premises may include an area where food is prepared, including hot or cold sandwiches, appetizers, tapas, pre-packaged goods or other similar foods.
- (g) No window or any other signage visible from the outside of the business shall be permitted on the specified premises or surrounding property that indicates that alcoholic beverages are available for retail sale at the specified premises.
- (h) Nudity shall not be allowed during any activity, design, exhibition or instruction.
- (i) Except as otherwise provided by this section a Class P license shall not permit entertainment upon the licensed premises.

3-7-10(C) Annum Fee Per License:

1. The per annum fee for all Class A ~~A-1~~ licenses shall be one thousand eight hundred dollars (\$1,800.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

2. The per annum fee for all Class A-2 licenses shall be one thousand eight hundred dollars (\$1,800.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

3. The per annum fee for all Class A-3 licenses shall be one thousand eight hundred dollars (\$1,800.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~4.~~ 4. The per annum fee for all Class B-1 licenses shall be one thousand five hundred dollars (\$1,500.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

5. The per annum fee for all Class B-2 licenses shall be one thousand eight hundred dollars (\$1,800.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~3.~~ 6. The per annum fee for all Class C licenses shall be one thousand five hundred dollars (\$1,500.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~4.~~ 7. The per annum fee for all Class D licenses shall be one thousand two hundred dollars (\$1,200.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~5.~~ 8. The per annum fee for all Class E licenses shall be seven hundred fifty dollars (\$750.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~6.~~ 9. The per annum fee for all Class F-1 licenses shall be one thousand two hundred dollars (\$1,200.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

10. The per annum fee for all Class F-2 licenses shall be one thousand eight hundred dollars (\$1,800.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~7.~~ 11. The per annum fee for all Class G licenses shall be one thousand two hundred dollars (\$1,200.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~8.~~ 12. The per annum fee for all Class H licenses shall be one hundred dollars (\$100.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~9.~~ 13. The per annum fee for all Class I licenses shall be eight hundred dollars (\$800.00). Such license fee shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~10.~~ 14. The per annum fee for all Class J licenses shall be two hundred fifty dollars (\$250.00). Such license fee ~~may shall~~ be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~11.~~ 15. The per annum fee for all Class K licenses shall be two hundred fifty dollars (\$250.00). Such license fee ~~may shall~~ be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~12.~~ 16. The per annum fee for all Class L licenses shall be two thousand fifty dollars (\$2,050.00). Such license fee ~~may shall~~ be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~13.~~ 17. The per annum fee for all Class M licenses shall be five hundred fifty dollars (\$550.00) ~~at the time of first application~~. Such license fee ~~may shall~~ be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~14.~~ 18. The per annum fee for all Class N licenses shall be two thousand two hundred dollars (\$2,200.00). Such license fee ~~may~~ shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

~~15.~~ 19. The per annum fee for all Class O licenses shall be six hundred twenty-five dollars (\$625.00). Such license fee ~~may~~ shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application

~~16.~~ 20. The per annum fee for all Class P licenses shall be one thousand two hundred dollars (\$1,200.00). Such license fee ~~may~~ shall be payable at the time of first application for a license and thereafter before April 15 for each succeeding year of application.

3-7-10(E) Consumption on Premises: It shall be unlawful:

1. For any person, firm, corporation, LLC, association, partnership or club, other than holders of Classes A, A-1, A-2, A-3, B-2, F-2, C, D, E, G, I, K, N, O and P liquor licenses, as defined herein, to sell or offer for sale any alcoholic liquor for consumption on premises where sold.
2. For any person in any public place, or in any area within the Village, except property zoned and occupied for residential purposes, to possess any alcoholic beverage except in the original package with the seal unbroken, or in accordance with subsection (F) or (G) of this section.
3. For any licensee or agents to knowingly permit any person to leave the licensed building with alcoholic beverages, unless said alcoholic beverages are in the original package with the seal unbroken, or in accordance with subsection (F) or (G) of this section.
4. For any business operating as a public accommodation to permit the consumption, on the premises, of alcoholic liquor that is not purchased on the premises or allowed as set forth in subsection (B)~~4~~ 14 of this section; pursuant to a license issued under this chapter. "Public accommodation" means any refreshment, entertainment, or recreation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, or advantages are extended, offered, sold, or otherwise made available to the public

3-7-10 (G) Removal of Partially Consumed Bottles of Wine:

Establishments holding a Class A, A-1, A-2, C, D, E, G, I, J, or N liquor license may permit a patron to remove one unsealed and partially consumed bottle of wine for off premises consumption. A partially consumed bottle of wine that is to be removed from the premises pursuant to this subsection shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. If the wine is purchased from the licensee, the licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

3-7-10(H) Product Sampling for Consumption:

Licensees possessing Classes A, A-1, A-2, B, C, D, F, and L licenses may conduct product sampling for consumption at the licensed retail location. Up to three (3) samples, consisting of no more than: 1) one-fourth (1/4) ounce of distilled spirits, 2) one ounce of wine, or 3) two (2) ounces of beer may be served to a consumer in one day. All provisions of section 6-28 of the Liquor Control Act shall apply to a licensee that conducts product sampling. Licensees possessing a Class I or N license may conduct product

sampling for consumption at the licensed retail location, of up to five (5) samples in the sizes designated above.

3-7-10(I) Uncorking:

Establishments with Class A-2, C, D, and J liquor licenses may permit patrons to bring into the licensed premises wine or vinous beverages to be consumed on premises by patrons who order a full meal from the licensee. Licensee may charge an uncorking fee; the amount of this fee to be determined by the establishment. It shall be unlawful for the licensee, its agent or employee to permit any patron to leave the licensed premises with open liquor except as allowed under subsection (G) of this section.

3-7-11: NUMBER OF LIQUOR LICENSES:

(A) There shall be no more than the following licenses in effect at any one time:

- ~~There shall be no more than eight (8) Class A licenses in effect at any one time.~~
- ~~There shall be no more than five (5) Class A-1 licenses in effect at any one time.~~
- ~~There shall be no more than zero (0) Class A-2 licenses in effect at any one time.~~
- ~~There shall be no more than three (3) Class A-3 licenses in effect at any one time.~~
- There shall be no more than eighteen (18) Class B-1 licenses in effect at any one time.
- ~~There shall be no more than zero (0) Class B-2 licenses in effect at any one time.~~
- There shall be no more than eighteen (18) Class C licenses in effect at any one time.
- There shall be no more than four (4) Class D licenses in effect at any one time.
- There shall be no more than two (2) Class E licenses in effect at any one time.
- There shall be no more than four (4) Class F-1 licenses in effect at any one time.
- ~~There shall be no more than zero (0) Class F-2 licenses in effect at any one time.~~
- There shall be no more than zero (0) Class G license in effect at any one time.
- There shall be no more than zero (0) Class H license in effect at any one time.
- There shall be no more than zero (0) Class I license in effect at any one time.
- There shall be no more than zero (0) Class J license in effect at any one time.
- There shall be no more than one (1) Class K license in effect at any one time.
- There shall be no more than one (1) Class L license in effect at any one time.
- There shall be no more than zero (0) Class M license in effect at any one time.
- There shall be no more than two (2) Class N license in effect at any one time.
- There shall be no more than one (1) Class O license in effect at any one time.
- There shall be no more than one (1) Class P license in effect at any one time.

3-7-23 (E) HAPPY HOUR REGULATIONS:

(E) Class A-3, B-1, B-2, F-1, F-2, H, J, K, M and O liquor license holders are prohibited from happy hour practices.

3-7-26: SALE OF ALCOHOLIC LIQUORS ON MUNICIPAL OWNED PROPERTY:

The sale or delivery of alcoholic liquors in compliance with all applicable local ordinances shall be allowed on the following village owned buildings and properties:

~~113 Main Street~~

100 Parkers Mill

~~101 South Adams Street~~

100 Theodore Drive

63 West Washington Street

~~65 West Washington Street~~

3-31-1: LICENSE REQUIRED:

No person, either as owner, lessee, manager, officer or agent, or in any other capacity, shall operate or permit to be operated any video gaming terminal as defined in the Video Gaming Act, 230 Illinois Compiled Statutes 40/1 et seq., at any premises within the Village of Oswego without first having obtained a license valid in that calendar year. The license provided for in this chapter shall permit a licensee to operate video gaming terminals. Any person, corporation, association or entity convicted of violating this section shall be guilty of a Class IV offense. No license shall be issued unless the applicant holds a valid Class A, A-1, A-2, A-3, B-2, F-2, C, D, E, G, or N retail liquor license, as defined by chapter 7 of this title.

3-31-9: NUMBER OF VIDEO GAMING LICENSES:

(A) Video gaming licenses shall only be issued to establishments which have a valid liquor license. There shall be no more than the following video gaming licenses in effect at any one time; categorized by the liquor classification of:

~~There shall be no more than eight (8) Class A licenses in effect at any one time.~~

~~There shall be no more than five (5) Class A-1 licenses in effect at any one time.~~

~~There shall be no more than zero (0) Class A-2 licenses in effect at any one time.~~

~~There shall be no more than three (3) Class A-3 licenses in effect at any one time.~~

~~There shall be no more than zero (0) Class B-2 licenses in effect at any one time.~~

~~There shall be no more than zero (0) Class F-2 licenses in effect at any one time.~~

There shall be no more than zero (0) Class C licenses in effect at any one time.

There shall be no more than one (1) Class D licenses in effect at any one time.

There shall be no more than two (2) Class E licenses in effect at any one time.

There shall be no more than zero (0) Class G licenses in effect at any one time.

There shall be no more than one (1) Class N licenses in effect at any one time.

Section 2: SEVERABILITY

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 3: REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately upon its passage, approval and publication in this pamphlet form which is hereby authorized, as provided by law.

PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 12th day of May 2020.

JAMES MARTER	<u>AYE</u>	LUIS PEREZ	<u>AYE</u>
TERRY OLSON	<u>AYE</u>	JUDY SOLLINGER	<u>AYE</u>
PAM PARR	<u>AYE</u>	BRIAN THOMAS	<u>AYE</u>

APPROVED by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 12th day of May 2020.

TROY PARLIER, VILLAGE PRESIDENT

TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KENDALL) SS

CLERK'S CERTIFICATE
(ORDINANCE)

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE AMENDING TITLE 3 CHAPTER 7 AND TITLE 3 CHAPTER 31 OF THE
CODE OF ORDINANCES FOR THE VILLAGE OF OSWEGO, KENDALL AND WILL
COUNTIES, ILLINOIS**

(Alcoholic Beverages and Video Gaming)

which Ordinance was duly adopted by said Board of Trustees at a meeting held on the 12th day of May 2020, approved by the Village President on 12th day of May 2020 and thereafter published in pamphlet form to the extent required by law.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present in person or by electronic means at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act with electronic participation as authorized by the Governor's Executive Order during a declared disaster.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May 2020.

Tina Touchette, Village Clerk
Village of Oswego

(Seal)