

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

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**ORDINANCE NO. 24 - 14**

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

**(Alcoholic Beverages and Video Gaming)**

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

This 6<sup>th</sup> day of February 2024

Published in this pamphlet form by authority of the President  
and Board of Trustees of the Village of Oswego on February 7, 2024.

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### ORDINANCE AMENDING TITLE 3 CHAPTER 7 AND TITLE 3 CHAPTER 31 OF THE OSWEGO MUNICIPAL CODE FOR THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS

#### (Alcoholic Beverages and Video Gaming)

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**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 is also operating under the provisions of the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*), and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; 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 (the “Oswego Municipal Code”), as amended; and

**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 provisions of Title 3 Section 7 of the Village Code of the Village of Oswego are hereby amended as follows:

#### **Sec. 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:

5. *Class B-2 gas station/~~convenience store-truck stop~~:* 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 and~~ truck stops. The operation of video gaming terminals shall be ancillary to the operation of the premises as a gas station/truck stop. ~~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 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.

1) Truck stops are not required to obtain a pour license.

- (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 and zoning regulations, current adopted village, county, state and accessibility codes; including review and approval of site plans.
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~~ and truck stops. 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 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.

1) Truck stops are not required to obtain a pour license.

- (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 and zoning regulations, current adopted village, county, state and accessibility codes; including review and approval of site plans.

**Section 2:** That provisions of Title 3 Section 31 of the Village Code of the Village of Oswego are hereby amended as follows:

**Sec. 3-31-1. License ~~required~~ requirements.**

(A) 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 ILCS 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-1, A-2, A-3, B-2, ~~F-2~~, C, D, E, ~~F-2~~, G, or N-2 retail liquor license, as defined by chapter 7 of this title.

(B) Ancillary and Not-for-Profit establishments must be in business for a minimum of one (1) year before they can apply for a gaming license.

**Sec. 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:~~ Gaming licenses are approved or denied on a case-by-case basis by the village board.

Class                      Number

Class A-1	3
Class A-2	1
Class A-3	<u>12</u>
Class B-2	<u>6</u>
Class C	<u>3</u>
Class D	1
Class E	2
Class F-2	1
Class G	0
Class N-2	0

(B) There shall be no more than fifteen (15) Class A-3 licenses at any one time.

1. Class A-3 video gaming licenses must be a minimum of a one (1) mile from other Class A-3 video gaming license holders.

2. All existing businesses, as of February 6, 2024, holding a Class A-3 video gaming license shall be grandfathered and exempt from section (B)1.

(C) There shall be no more than eleven (11) Class B-2 or F-2 licenses at any one time.

1. Class B-2 or F-2 video gaming licenses must be a minimum of one (1) mile from other Class B-2 or F-2 video gaming license holders.

2. All existing businesses, as of February 6, 2024, holding a Class B-2 or F-2 video gaming license shall be grandfathered and exempt from section (C)1.

3. New applications, for a Class B-2 or F-2 video gaming license, received on or prior to April 5, 2024 shall be grandfathered and exempt from section (C)1.

(D) Convenience stores are prohibited from applying for a gaming license. The current gaming license at DP's Mart, 1240 Douglas Road shall be grandfathered effective February 6, 2024.

~~(B)~~ (E) Upon the alienation, lapse through non-renewal, relinquishment, sale, transfer, assignment or donation of the business that underlies the license to any third party or person other than the licensee, or termination of the liquor license that underlies the video gaming license, the video gaming license shall automatically become void and the number of available licenses as authorized by the corporate authorities shall automatically and immediately be reduced by one.

1. Should the gaming license in subsection (D) be reduced, the number is reduced to zero with no future video gaming license approved for convenience stores.

~~(C)~~ (F) In the event any license(s) shall be revoked by the corporate authorities and any appeals to the courts of this state shall have been exhausted, such license(s) shall be automatically void and the village clerk shall decrease the number of authorized licenses by the number of such revoked license(s).

### **Sec. 3-31-10. - List.**

The village clerk shall keep or cause to be kept a complete record of all such licenses issued by the village president and board of trustees.

### **Sec. ~~3-31-10.~~ 3-31-11.- Terminals per establishment.**

A licensed establishment, licensed veteran establishment, or licensed fraternal establishment may operate up to six video gaming terminals on its premises at any time. A licensed truck stop may operate up to ten video gaming terminals on its premises at any time.

**Sec. ~~3-31-11~~, 3-31-12, - Penalty.**

Any person found liable/guilty by a preponderance of the evidence of a violation of any paragraph of this chapter in an administrative/judicial hearing shall be subject to a Class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this Code.

**Section 3: 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 4: REPEALER**

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

**Section 5: 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 6<sup>th</sup> day of February 2024.

TOM GUIST	<u>AYE</u>	JENNIFER JONES SINNOTT	<u>AYE</u>
KIT KUHRT	<u>AYE</u>	KARIN MCCARTHY-LANGE	<u>AYE</u>
KAREN NOVY	<u>AYE</u>	ANDREW TORRES	<u>AYE</u>

**APPROVED** by me, Ryan Kauffman, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 6<sup>th</sup> day of February 2024.

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RYAN KAUFFMAN, VILLAGE PRESIDENT

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TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS                    )  
  )       SS  
COUNTY OF KENDALL                )

**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:

**ORDINANCE AMENDING TITLE 3 CHAPTER 7 AND TITLE 3 CHAPTER 31  
OF THE OSWEGO MUNICIPAL CODE 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 special meeting held on the 6<sup>th</sup> day of February 2024, and thereafter approved by the Village President on the 6<sup>th</sup> day of February 2024 and thereafter published in pamphlet form to the extent required by law.

I do further certify, in my official capacity, that a quorum of the Board of Trustees was present at said meeting and that the Board of Trustees complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 7<sup>th</sup> day of February 2024.

\_\_\_\_\_  
Tina Touchette, Village Clerk  
Village of Oswego

(Seal)