

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

ORDINANCE NO. 24 - 28

**ORDINANCE AMENDING TITLE 1 CHAPTER 3, TITLE 3 CHAPTER 7, TITLE 3
CHAPTER 19, TITLE 3 CHAPTER 31, TITLE 6 CHAPTER 2, TITLE 6 CHAPTER 14,
TITLE 8 CHAPTER 8, AND TITLE 9 CHAPTER 4 OF THE OSWEGO MUNICIPAL
CODE FOR THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES,
ILLINOIS**

(Various Code Amendments)

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

This 18th day of March 2024

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and Board of Trustees of the Village of Oswego on March 19, 2024.

ORDINANCE NO. 24 – 28

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(Various Code Amendments)

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 1 Chapter 3 of the Village Code of the Village of Oswego are hereby amended as follows:

Administrative

Sec. 1-3-2. Definitions; general.

Whenever the following words or terms are used in this Code they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

Fiscal year. Effective January 1, 2026, The the fiscal year of the village shall begin commence on May January 1 of in each year and end shall terminate on April 30 December 31 of the year following. in each year.

Section 2: That provisions of Title 3 Chapter 7 of the Village Code of the Village of Oswego are hereby amended as follows:

Sec. 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 ~~five (5)~~ three (3) Class A-1 licenses in effect at any one time.
- There shall be no more than five (5) Class A-2 licenses in effect at any one time.
- There shall be no more than eleven (11) Class A-3 licenses in effect at any one time.
- There shall be no more than ~~seventeen (17)~~ fifteen (15) Class B-1 licenses in effect at any one time.
- There shall be no more than nine (9) Class B-2 licenses in effect at any one time.
- There shall be no more than twenty-one (21) Class C licenses in effect at any one time.
- There shall be no more than three (3) 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 two (2) Class F-1 licenses in effect at any one time.
- There shall be no more than one (1) Class F-2 licenses in effect at any one time.
- There shall be no more than two (2) 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 zero (0) 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 zero (0) Class N-1 license in effect at any one time.
- There shall be no more than one (1) Class N-2 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.
- There shall be no more than zero (0) Class Q-1 license in effect at any one time.
- There shall be no more than one (1) Class Q-2 license in effect at any one time.
- There shall be no more than one (1) Class R license in effect at any one time.
- There shall be no more than one (1) Class S-1 license in effect at any one time.

Sec. 3-7-22. Sales to minors, possession or consumption of alcohol by minor, and intoxicated patrons.

(A) No persons engaged in the retail sale of alcoholic liquor, or any other person, shall sell, give or deliver alcoholic liquor to any person under the age of 21, or to any intoxicated person or to any person known by him to be a habitual drunkard or an incompetent, nor shall any such person be permitted on the licensed premises. It shall be a defense to any action brought under the provisions of this chapter, against any licensee charging a violation of this chapter by the sale or gift by a licensee of alcoholic liquor to a person under 21 years of age, that licensee in question or his employee took from said underage person, prior to the alleged sale or gift of alcoholic liquor, an affidavit in legal form, under oath, in which the person of nonage swore that he was of lawful age and lawfully entitled to receive alcoholic liquor, provided, however, that in addition to said affidavit, the nonage person produce other documentation establishing his or her age of 21 years or older. ~~It shall be unlawful for any person under the age of 21 years to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place within the village where liquor is sold or dispensed.~~ It shall be unlawful for any adult to give, sell or deliver any alcoholic liquor to any person under the age of 21 years, directly or indirectly.

(B) It shall be unlawful:

1. For any person under the age of twenty-one (21) years of age to purchase, accept delivery, or attempt to purchase or accept delivery, or to consume, or have possession of any alcoholic liquor in the village, except as provided in subsection B3 of this section.
2. For any owner, employee, server, or occupant of any residence located within the village to knowingly provide alcohol to a minor or allow a minor to remain on such premises while in the possession of alcoholic liquor or while consuming alcoholic liquor in violation of this chapter, except as specifically provided in subsection B3 of this section.
3. For any parent or guardian to knowingly offer or permit any minor child of which he may be the parent or guardian to violate any provision of this chapter.
4. For any person under the age of twenty-one (21) years of age to misrepresent his age for the purpose of purchasing, ordering, attempting to purchase, or otherwise procuring or attempting to procure, or obtaining alcoholic liquor in any retail liquor establishment or in any other place in the village where alcoholic liquor is sold.

(C) The possession and dispensing or consumption by a person under twenty-one (21) years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under twenty-one (21) years of age under the direct supervision and approval of the parent or parents of such person under twenty-one (21) years of age in the privacy of a home, is not prohibited by this section. The possession by a person under twenty-one (21) years of age of alcoholic liquor in pursuance of his employment, where otherwise authorized by this code, is not prohibited by this section.

(D) For the purposes of the provisions of this section, a person commits an attempt when, with intent to commit a specific offense, he does any act which constitutes a substantial step towards the commission of such offense. A person found liable to have committed an attempt may be fined not to exceed the maximum provided for liability for the offense attempted.

Sec. 3-7-24. Happy hour regulations.

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

Section 3: That provisions of Title 3 Chapter 19 of the Village Code of the Village of Oswego are hereby amended as follows:

Tobacco

Sec. 3-19-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Alternative nicotine products, alternative tobacco products, or vapor products means any product, other than a cigarette, which may or may not contain tobacco and/or nicotine, intended for ingestion into the body and designed, packaged, marketed, or displayed for smoking, absorbing, dissolving, inhaling, sniffing, snorting, placed in oral or nasal cavities, or applied to skin, with the use of any electronic smoking device/electronic cigarette, or non-electronic smoking device, including but not limited to, flavored or unflavored e-juice, e-liquid, e-nicotine, vaping juice, liquid nicotine, smoke juice, pipe tobacco, rolling tobacco, hookah tobacco, snuff, dabs, oils, pastes, waxes, chewing tobacco, dipping

tobacco, snus, nicotine gel, nicotine lollipops, propylene glycol, vegetable glycerin or any other such preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale or otherwise distributed. "Alternative nicotine product" excludes cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in section 1 of the Cigarette Tax Act and tobacco products as defined in section 10-5 of the Tobacco Products Tax Act of 1995; and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Compliance check means an inspection conducted with the intention of assessing retail sales of tobacco products, alternative tobacco and/or nicotine products, vapor products, electronic smoking device/electronic cigarette, or non-electronic smoking device to persons under 21 years of age and enforcing age-of-sales laws. Compliance checks are conducted by having designated persons under the age of 21 years of age attempt to purchase tobacco products from vendors.

Electronic smoking device/electronic cigarette means any electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver a dose of an alternative tobacco/nicotine product or vapor product. "Electronic smoking device/Electronic cigarette" includes, but is not limited to, any such electronic smoking device/electronic cigarette, whether manufactured, distributed, marketed, or sold as an ~~electronic cigarette~~, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, product vaporizer, atomizer, tobacco and/or nicotine delivery system, or any other such device or delivery system, regardless of the details of the product appearance or marketed name. "Electronic cigarette" does not include: cigarettes as defined in section 1 of the Cigarette Tax Act and tobacco products as defined in section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and alternative nicotine product as defined in this section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.

License means a license issued by the village for the retail sale of tobacco products, alternative tobacco and/or nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking device.

Licensee means the holder of a valid license for the retail sale of tobacco products, alternative tobacco and/or nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking device.

Minor means a person who has not yet attained 21 years of age.

Nicotine means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

Non-electronic smoking device means any device, the use of which may resemble smoking that can be used to deliver a dose of a tobacco/nicotine product or an alternative tobacco/nicotine product or vapor product. "Non-electronic smoking device" includes, but is not limited to, any such smoking device, whether manufactured, distributed, marketed, or sold as a water pipe, carburetion tubes and devices, smoking and carburetion masks, carburetor pipes, electric pipes, air driven pipes, chillums, bongs, or ice pipes or chillers, or any other such device or delivery system, regardless of the details of the product appearance or marketed name.

Person means any individual, firm, partnership, corporation, company, association, joint venture or any employee or agent thereof.

Public places shall mean any portions of buildings that are open to the public, regardless of whether it is owned in whole or in part by private entities or whether a fee is charged for admission. This includes, but not limited to hospitals, restaurants, retail stores, offices, elevators, theaters, educational facilities, libraries, polling places, public restrooms, bars, bowling alleys, skating rinks, and a majority of hotel rooms.

Retail/Ancillary shall mean an establishment that sells tobacco, alternative products, vapor products, electronic smoking devices/electronic cigarettes and non-electronic smoking devices where the sales of these products are ancillary and not the main source of revenue.

Tetrahydrocannabinol (THC) products means product which contains THC derived from the cannabis sativa plant such as delta 8 vapes, gummy bears and similar products containing THC.

Tobacco products shall include any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic smoking device/electronic cigarette and alternative nicotine product as defined in this section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Tobacco Store shall mean an establishment that derives more than 50% of its gross revenue from the sales of tobacco, alternative products, vapor products, electronic smoking devices/electronic cigarettes and non-electronic smoking devices.

Vending machine means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices.

Sec. 3-19-2. Licensing.

- (A) All persons or entities selling, offering for sale, giving or delivering tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices in the village will be required to hold and maintain a valid tobacco license from the village. A separate license shall be required for each point of sale establishment.
1. Failure to renew a village or state of Illinois tobacco license by the due date shall result in the suspension of the local license ~~and a \$250.00 late fee.~~
 2. A \$50.00 fee will be assessed for all lost, misplaced, duplicate or additional copies of the village issued tobacco license.
- (B) A license authorizes the person therein named to expose for sale, sell or offer for sale tobacco products, alternative tobacco/nicotine products, vapor products electronic smoking devices/electronic cigarettes, or non-electronic smoking devices only at the place designated therein.
- (C) No license required by this chapter shall be issued or renewed to the following:
1. A person who is indebted to the village or other governmental entity for payment of any fees, charges, bills or taxes which he/she is obligated to pay.
 2. ~~A person who has been convicted of a felony under any federal or state law.~~ A person who has been convicted of a felony under federal or state law, unless the chief of police determines

that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and further investigation by the village's police department. The burden of proof of sufficient rehabilitation shall be on the applicant.

3. A person who has been convicted within the last five years of a violation of any federal, state, or village law concerning the possession or sale of tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices or has forfeited his bond to appear in court to answer to any charges for any violation.
 4. ~~A person who within one year of application for a tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device, or non-electronic smoking device dealer's license has been convicted of, plead guilty to, or been placed on supervision for any tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device, or non-electronic smoking device related offense shall be considered not of good character and reputation.~~
 - ~~5.~~ 4. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee, including a background check for both licensee and manager or agent.
 - ~~6.~~ 5. A person who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is issued.
- (D) A tobacco, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette, or non-electronic smoking device license granted herein, is nontransferable and is valid only for the person(s) or business entity and location specified in the license application.
1. If licensee changes business location, licensee must obtain a new license prior to engaging in the sale and distribution of tobacco products, alternative tobacco/nicotine products, vapor products electronic smoking devices/electronic cigarettes, or non-electronic smoking devices at the new location.
 2. Any sale, transfer, or assignment of 50 percent or more of the ownership of a business, or the death of a shareholder, member and/or partner with 50 percent or more interest, in a business shall terminate the license. The new owner shall be required to obtain a new license prior to engaging in the sale and distribution of tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices. For purposes of this section, whether the sale, transfer or assignment of 50 percent or more of a business interest occurs in one or more transactions is not relevant to the termination of the license.
- (E) It shall be the responsibility of each licensee to be informed regarding all laws, federal, state or local, applicable to tobacco product, alternative tobacco/nicotine product, vapor product electronic smoking device/electronic cigarette, or non-electronic smoking device retailing.
1. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to the applicable provisions of this chapter.
 2. Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette, or non-electronic smoking device license any status or right other than a limited, conditional privilege to act as a tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette, or non-electronic

smoking device retailer at the location identified on the face of the license. Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette, or non-electronic smoking device license any status or right to act as a tobacco product, alternative tobacco/nicotine product, vapor product or electronic smoking device/electronic cigarette retailer in contravention of any applicable law.

- (F) Any licensee who has been convicted of a felony under any federal or state law, any misdemeanor in which tobacco products, alternative tobacco/nicotine products, vapor products electronic smoking devices/electronic cigarettes, or non-electronic smoking devices were involved, or any violation listed in subsection (C)3 of this section shall notify the village president of such conviction. Such notification shall be made within 30 days after the sentencing for the conviction.
- (G) Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

Sec. 3-19-3. Application.

Any person desiring such a license shall first make written application for that purpose to the village clerk in which shall be set forth the full name of the applicant and the locations at which such sales are proposed to be made as well as such other information as may be necessary for the village to conduct an appropriate background check. However, no such background check shall be required if the applicant is concurrently the holder of a valid village liquor license. If the chief of police is satisfied upon the conclusion of such background check that the applicant is of good character and reputation and is a suitable person to be entrusted with the sale of tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarette, or non-electronic smoking devices, he/she shall cause a license to be issued to such applicant upon payment to the village of the annual license and background check fee. All answers and statements made in the application shall be complete, truthful, and correct. Any omissions or misrepresentations in the license application may be cause for denial and revocation of a license.

Any application made for a license shall be denied if an immediate family member has had a tobacco license revoked by the Village.

- (A) The license period shall be from May 1 to April 30. Effective January 1, 2025, the license period shall be from January 1 to December 31.
- (B) ~~The fee for a new license shall be \$50.00 plus \$100.00 for the background check fee, payable to the village. Initial application fee shall be \$200.00 (includes one background check) for retail/ancillary businesses. Each additional background check shall be \$100.00.~~
 - 1. Annual renewal fee for retail/ancillary businesses shall be \$100.00.
- (C) ~~The fee for a renewed license shall be \$50.00, payable to the village. Initial application fee shall be \$650.00 (includes one background check) for tobacco store establishments. Each additional background check shall be \$100.00.~~
 - 1. Annual renewal fee for a tobacco store establishment shall be \$550.00.

Sec. 3-19-4. Enforcement.

- (A) It shall be the duty of the Village of Oswego Police Department to monitor compliance with tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette, or non-electronic smoking device regulations of this village and/or all of the state laws applicable to tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes and non-electronic smoking devices in this village, to issue

finer for violations, to investigate violations, and to cooperate with village personnel in the administration of the tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette, or non-electronic smoking device laws and in developing ways and means to improve conditions, and to carry out those duties specifically imposed upon the department by this chapter and the tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette and non-electronic smoking device ordinances of this village.

- (B) The Village of Oswego Police Department shall inspect each licensee for compliance no less than three times per year. Compliance checks may also be conducted in response to documented citizens' complaints of underage purchase.
- (C) The Village of Oswego Police Department shall report any violations of this chapter by a licensee to the village president and village clerk.

Sec. 3-19-5. Sales by underage person.

It shall be unlawful for any licensee, or its agent, director, manager, employee, officer, associate, member or representative, to engage, employ or permit any person under 16 years of age to sell tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices in any licensed premises.

Sec. 3-19-6. Sales to minors.

- (A) It shall be unlawful for any person to sell, offer for sale, give or deliver tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices in any of its forms to any person under 21 years of age.
- (B) Before selling, offering for sale, giving, or furnishing a tobacco product, electronic smoking device/electronic cigarette, non-electronic smoking device or alternative nicotine product to another person, the person selling, offering for sale, giving, or furnishing the tobacco product, electronic smoking device/electronic cigarette, non-electronic smoking device or alternative nicotine product shall verify that the person is at least 21 years of age by:
 1. Examining photographic identification that establishes the person to be 21 years of age or older.
 2. For sales of tobacco products, electronic smoking devices/electronic cigarettes, non-electronic smoking device or alternative nicotine products made through the internet or other remote sales methods, performing an age verification through an independent, third party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 21 years of age or older.

Sec. 3-19-7. Purchase, usage or possession by minors.

- (A) It shall be unlawful for any person under the age of 21 years to purchase any tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices.
- (B) It shall be unlawful for any person under 21 years of age to use any tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices.

- (C) It shall be unlawful for any person under 21 years of age to possess any tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices.

Sec. 3-19-8. Prohibitions.

- (A) It shall be unlawful to distribute free tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices, as well as coupons for such products in or at any event or place open to the public, except upon premises which hold a current and valid license.
- (B) It shall be unlawful for any person to sell or offer for sale tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices which are not contained within the manufacturer's packaging. Such packaging must include all required health warnings and a tax stamp verifying that these products have been legally taxed.
- (C) It shall be a violation for any licensee to sell, distribute or market any alternative tobacco/nicotine product, vapor products, electronic smoking devices/electronic cigarettes, or non-electronic smoking devices that contain cannabis, and/or any other controlled substances or analog substances as set forth in the Illinois Cannabis Control Act, 720 ILCS 550/1, et seq., and Illinois Controlled Substances Act, 720 ILCS 570/1, et seq.
- (D) On-site consumption of cannabis at a retail tobacco store is banned and shall be considered a violation.
- (E) It shall be a violation for the sale of any illegal products. It shall be the responsibility of each licensee to be informed regarding all illegal products.
- (F) It shall be unlawful for any licensee or any employee or agent of any such licensee to sell, deliver, or distribute any product which contains THC.
- (G) It shall be a violation for any person whose tobacco license is revoked to be associated with a licensed tobacco establishment in any capacity.
- (H) No licensed establishment shall obstruct the windows, doors, or other area open to the public of the licensed establishments, and such windows, doors and other areas shall be maintained to provide an open and clear view into the establishment. This requirement may be waived if the licensed establishment provides documentation that the village or state requires coverings or with prior written permission of the village or state.

Sec. 3-19-9. Electronic smoking devices/electronic cigarettes.

- (A) It shall be a violation of this chapter to use a non-electronic smoking device or product in any place, or in a manner, prohibited under the Smoke Free Illinois Act, 410 ILCS 82/1, et seq., which is referred to, adopted, and made a part hereof as if fully set forth in this chapter.
- (B) No person, employer, business entity, whether for-profit or nonprofit, shall permit the use of non-electronic smoking devices or products in an area under the legal or de facto control of that location and in which smoking is prohibited under the Smoke Free Illinois Act, 410 ILCS 82/1.

Sec. 3-19-10. Vending machines.

Vending machines and other devices for the sale or distribution of tobacco products, tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, and non-electronic smoking devices are prohibited.

Sec. 3-19-11. Signs.

Signs informing the public of the age restrictions provided for in this chapter shall be posted by every licensee at or near every display of tobacco products, alternative tobacco/nicotine products, vapor products, electronic smoking devices/electronic cigarettes, and non-electronic smoking devices. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE TOBACCO/NICOTINE PRODUCTS, VAPOR PRODUCTS, ELECTRONIC SMOKING DEVICES/ELECTRONIC CIGARETTES, OR NON-ELECTRONIC SMOKING DEVICES TO PERSONS UNDER TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW

Sec. 3-19-12. Responsibility of licensees.

Every act or omission constituting a violation of any of the provisions of this chapter by an agent, director, manager, employee, officer or representative of a licensee shall be deemed and held to be the act or omission of such licensee, and the licensee shall be punishable in the same manner as if it were directly responsible for the act or omission. The licensee shall reasonably assure that smoking is prohibited in indoor public places and workplaces.

Sec. 3-19-13. Suspension or revocation.

- (A) Any licensee which violates any of the provisions of this chapter shall be subject to the suspension or revocation of its tobacco product, alternative tobacco/nicotine product, vapor product, electronic smoking device/electronic cigarette, or non-electronic smoking device license.
1. The chief of police or his/her designee may seek the suspension or revocation of said license by filing charges with the village president and village clerk alleging a violation of this chapter. Neither the village president nor any other member of the village board shall be involved in the initial decision to file charges.
 2. Before any suspension or revocation order shall be issued, the village shall notify the licensee of the specific charges against it and of its right to a hearing before an adjudication officer appointed by the village board. Notice shall be served upon the licensee at least seven days prior to the hearing date by first class or express mail, overnight carrier or personal service. At the hearing, the licensee may be represented by counsel, cross examine witnesses and present documentary evidence and witnesses. The chief of police or his/her designee shall present sufficient evidence from witnesses having personal knowledge of the offense to prove, by a preponderance of the evidence, that a violation of the aforementioned provisions occurred. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings under this section. The record of each hearing shall include: a) a record of the testimony presented at the hearing, which may be by tape recording or other appropriate means; b) any document presented at the hearing; and c) a copy of the written notice of hearing that was served.
 3. Following review and consideration of the record, the adjudication officer shall issue in writing a determination as to whether a violation occurred. If a violation is found, the village board may suspend the license for a period not to exceed 30 days or revoke the license. The licensee may seek review of a suspension or revocation order in a court of competent jurisdiction.
- (B) A violation of this chapter shall also constitute grounds for suspension and/or revocation of any and all village licenses issued to the persons or premises where such violations occur. Such revocation or suspension shall be as provided for in the ordinance granting such license.
- (C) If a tobacco, alternative products, vapor products, electronic smoking device/electronic cigarette or non-electronic smoking establishment license is revoked for any cause, no tobacco, alternative products, vapor products, electronic smoking device/electronic cigarette, or non-electronic

smoking establishment license shall be granted by the village to the owners of the business for which the license was issued, or be granted for the property on which the premises was located for which the revoked license was issued, for a period of three years after the date of the revocation that will allow a tobacco, alternative products, vapor products, electronic smoking device/electronic cigarette or non-electronic smoking establishment to be operated on the premises described in the revoked license unless the revocation order has been vacated by court order.

Sec. 3-19-14. Penalty.

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

Section 4: That provisions of Title 3 Chapter 31 of the Village Code of the Village of Oswego are hereby amended as follows:

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

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

There shall be no more than three (3) Class A-1 licenses in effect at any one time.
There shall be no more than one (1) Class A-2 licenses in effect at any one time.
There shall be no more than eleven (11) Class A-3 licenses in effect at any one time.
There shall be no more than nine (9) Class B-2 licenses in effect at any one time.
There shall be no more than three (3) 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 one (1) Class F-2 licenses in effect at any one time.
There shall be no more than one (0) Class G licenses in effect at any one time.
There shall be no more than zero (0) Class N-2 licenses in effect at any one time.

Section 5: That provisions of Title 6 Chapter 2 of the Village Code of the Village of Oswego are hereby deleted as follows:

~~Sec. 6-2-7. Indecent publications.~~

~~It shall be unlawful to display any immoral, indecent, or obscene publications, printed or written matter or picture or other representation in view of the public or in any place where it may come into the possession of minors, or to disclose or expose any such material to a minor.~~

Section 6: That provisions of Title 6 Chapter 14 of the Village Code of the Village of Oswego are hereby amended as follows:

Cannabis

Sec. 6-14-5. Penalty.

Any person who admits liability/guilt or is found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing for violating any paragraph of this chapter shall be subject to a class ~~III~~ IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(F) of this Code.

Section 7: That provisions of Title 8 Chapter 8 of the Village Code of the Village of Oswego are hereby amended as follows:

Curbside Mailboxes

Sec. 8-8-1. Regulations.

For the purpose of this section, curbside mailbox shall include any city, rural or highway contract route mailboxes, newspaper boxes, fast freight drop off boxes and any similar devices intended for use as a curbside drop off or delivery to be served by a carrier from a vehicle.

(G) In no event will the village pay to replace or repair any mailbox constructed in a manner which encroaches in the roadway in violation of the setback in subsection (C)1 of this section. The village will not reimburse to replace or repair any damaged mailbox unless said damage is caused by the village. Snow impact to the mailbox is not considered to be caused by the village for the purpose of reimbursement. If the village causes said damage, reimbursement for repair or replacement shall be limited to a maximum cost of \$100.00 per separately standing mailbox, including the mailbox, mount, assembly, pole, footing, and labor, and any repair or replacement must be made in accordance with the standards of this chapter. Residents should notify the village within three business days of the damage for the village to schedule an inspection of the damage. All receipts must be submitted by ~~April 30~~ December 31 of the fiscal year in which the damage occurred to be reimbursed.

Section 8: That provisions of Title 9 Chapter 4 of the Village Code of the Village of Oswego are hereby amended as follows:

Sec. 9-4-8. No parking on certain streets; hours.

- (A) It shall be unlawful to leave unattended, or park any motor vehicle upon Main Street, in the village, between ~~Van Buren~~ Tyler Street and Jefferson Street, and on Jefferson Street between Main Street and Madison Street and on Jackson Street between ~~Main Street and~~ Madison Street and Harrison Street, and on Van Buren Street between Adams Street and Madison Street north between Washington Street and the Waubensee Creek bridge and on Adams Street south between Washington Street and Tyler Street for a period of more than five minutes, between the hours of 9:30 p.m. and 6:30 a.m. daily including Sundays and holidays, during any period when there has accumulated upon the streets more than one inch of snow or during any period when the proper village authorities are carrying on or conducting snow removal operations. This prohibition shall remain in effect until such time as the said streets have been plowed or the snow has been removed therefrom.
- (B) It shall be unlawful to leave unattended or park any motor vehicle upon any village street other than as specified in subsection (A) of this section, when there has accumulated upon the streets two inches or more of snow. This prohibition shall remain in effect until such time as the street has been plowed, the snow has been removed therefrom, or the snowfall has stopped.
- (C) Whenever a police officer of the village finds a vehicle parked in violation of this section, and where such vehicle constitutes an obstruction to snowplowing or traffic, interferes with the use of streets, or in any other manner creates a dangerous or unsafe condition, such vehicle is hereby declared a nuisance and a hazard to public safety, and said police officer is hereby authorized to cause the removal of such vehicle by a tow company of village choice during snow removal operations of the village on such streets, and the expense of such removal and storage by the tow company garage shall be paid by the owner or operator of said vehicle, in addition to any other penalties imposed by this chapter.

- (D) It shall be unlawful to park any motor vehicle upon Madison Street (U.S. Route 34), between ~~Jackson~~ Washington Street and Jefferson Street in the village, at any time.
- (E) It shall be unlawful to park any motor vehicle upon Devoe Drive on the western side of the street between Chapin Way (northern-most intersection) and Chapin Way (southern-most intersection) in the village, between the hours of 7:00 a.m. and 12:00 p.m. on school days.
- (F) It shall be unlawful to park any motor vehicle on the fire hydrant side of the roadway upon Chapin Way between Devoe Drive (northern-most intersection) and Devoe Drive (southern-most intersection) in the village, between the hours of 7:00 a.m. and 12:00 p.m. on school days.
- (G) It shall be unlawful to park any motor vehicle upon Bennet Court (north and south) on both sides of the street in the village, between the hours of 7:00 a.m. and 12:00 p.m. on school days.
- (H) It shall be unlawful to park any motor vehicle upon Townsend Drive, between Harvey Road and Devoe Drive in the village, at any time.

Sec. 9-4-16. Overnight parking.

- (A) *Overnight parking prohibited.* It shall be unlawful for the driver or owner of any vehicle to park any vehicle, or to permit any vehicle to be parked, on any street in the village between the hours of 2:00 a.m. and 5:00 a.m. of any day, except in an emergency.
- (B) *Overnight lot parking prohibited.* It shall be unlawful for the driver or owner of any vehicle to park any vehicle, or to permit any vehicle to be parked, in any village owned parking lot or parking garage listed below between the hours of 2:00 a.m. and 5:00 a.m. of any day, except in an emergency or as set forth in section 9-4-16(C):

111 S. Harrison Street — Village parking lot

176 S. Harrison Street – Village parking garage

110 S. Adams Street — Village parking lot

100 Parkers Mill — Village parking lot

77 S. Adams Street — Village parking garage

1000 Station Drive — Village parking lot

- (C) *Exceptions.* Due to the prevailing design of streets and/or driveways within the following areas, overnight parking shall be permitted therein:

1. *Original town.*

Adams Street N. (North Street to 2nd Street)

Adams Street S. (168+)

Ashland Street

Bell Court

Benton Street E. and W.

Douglas Street

Faro Court

Forest Avenue (246—507)

Franklin Street

Fuller Avenue
Garfield Street
Grant Street
Hickory Street
Jackson Place
Jackson Street E. (5—136)
Jay Street
Jefferson Street (30—57)
Judson Street
Locust Street
Madison Court
Madison Street S. (100+)
Main Street (~~130+~~ 204+)
Maple Street
Monroe Street
Park Street
Polk Street
Tyler Street E. and W.
~~Van Buren Street W. (Main Street to Madison Street S.)~~
Van Buren Street E. (Madison Street S. to Washington Street)
Village Parking Garage, subject to and in accordance with section 9-4-19(E)
Washington Street — E. and W.
West End Court
Wilson Place

2. *Designated area.*

Presidential Street hometown signed area.

Washington Street hometown signed area.

The parking areas located along the outside of the travel lanes on Ogden Falls Boulevard between its north and south intersections with Waterbury Circle.

(D) *Temporary waiver.* The chief of police or the watch commander is authorized to temporarily waive the parking restrictions in this section upon request and good cause shown and upon determination that such waiver will not adversely affect the safety of life or property.

(E) *Penalty.* Any person found liable/guilty by a preponderance of the evidence of a violation of this section in an administrative/judicial hearing shall be subject to a class I fine, plus applicable hearing costs, as provided in subsection 1-4-3(D) of this Code. Each day a violation exists after notice is received by such individual shall be a separate offense.

Section 9: 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 10: REPEALER

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

Section 11: 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 18th day of March 2024.

TOM GUIST	<u>AYE</u>	KAREN NOVY	<u>AYE</u>
KIT KUHRT	<u>AYE</u>	JENNIFER JONES SINNOTT	<u>AYE</u>
KARIN MCCARTHY-LANGE	<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 18th day of March 2024.



RYAN KAUFFMAN, 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:

ORDINANCE AMENDING TITLE 1 CHAPTER 3, TITLE 3 CHAPTER 7, TITLE 3 CHAPTER 19, TITLE 3 CHAPTER 31, TITLE 6 CHAPTER 2, TITLE 6 CHAPTER 14, TITLE 8 CHAPTER 8, AND TITLE 9 CHAPTER 4 OF THE OSWEGO MUNICIPAL CODE FOR THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS

(Various Code Amendments)

which Ordinance was duly adopted by said Board of Trustees at a special meeting held on the 18th day of March 2024, and thereafter approved by the Village President on the 18th day of March 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.

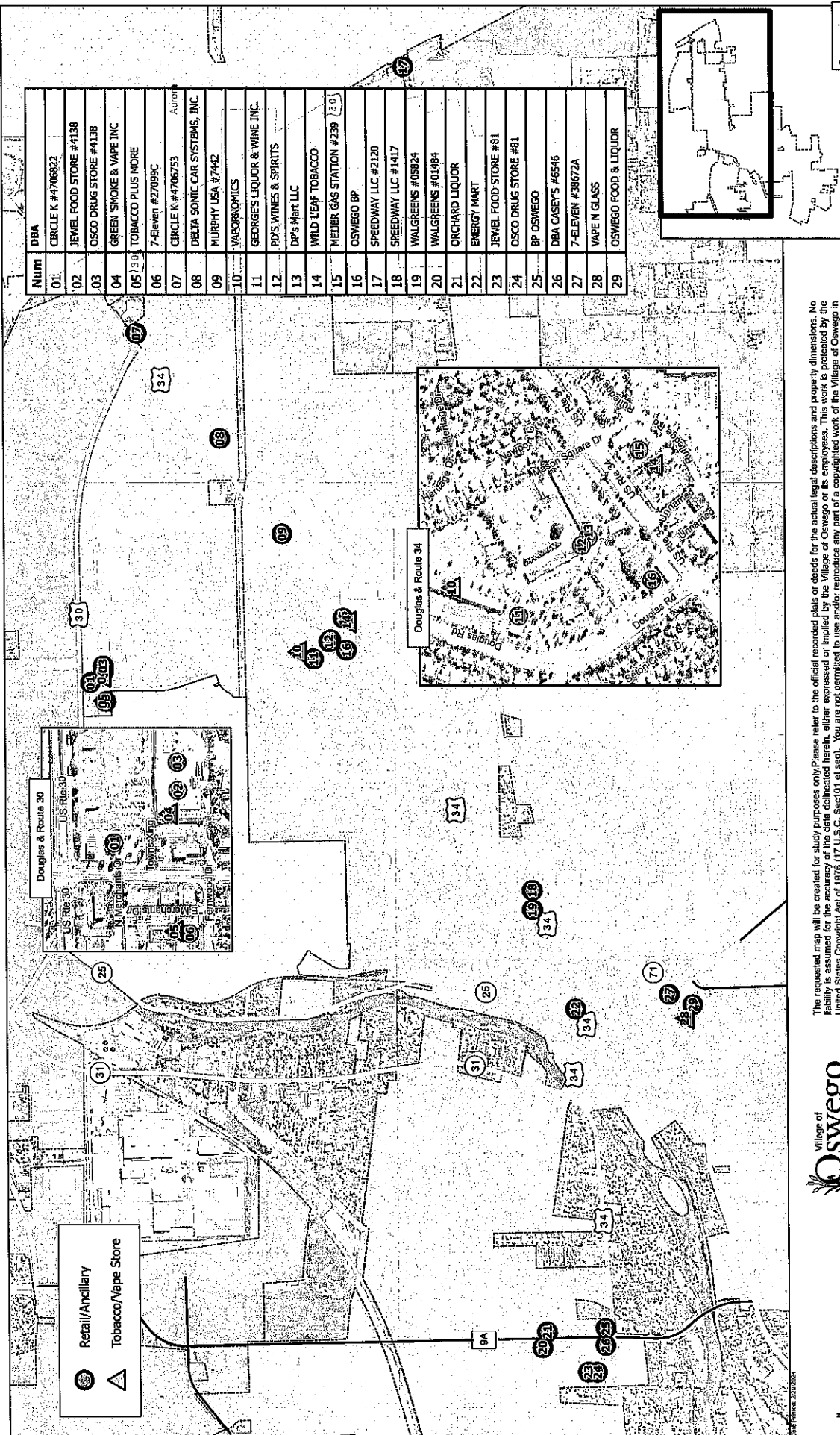
IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of March 2024.



Tina Touchette

Tina Touchette, Village Clerk
Village of Oswego

Tobacco Locations



The requested map will be created for study purposes only. Please refer to the official recorded plats or deeds for the actual legal descriptions and property dimensions. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by the Village of Oswego or its employees. This work is protected by the United States Copyright Act of 1976 (17 U.S.C. Sec.101 et seq). You are not permitted to use and/or reproduce any part of a copyrighted work of the Village of Oswego in violation of Federal Copyright Law. Doing so may result in prosecution under such law. If you wish to use property in which the Village of Oswego owns a copyright, you must obtain written permission through the Community Development Department in the Village of Oswego, located at 100 Parkers Mill, Oswego, Illinois 60549.

