ORDINANCE NO. 1782

ORDINANCE REPEALING AND REPLACING CHAPTER 111 OF THE CODE OF ORDINANCES ENTITLED ALCOHOLIC BEVERAGES

WHEREAS, the Illinois legislature has adopted the Illinois Liquor Control Act (235 ILCS 5, (the "Act"), which regulates the manufacture, sale, bottling, blending, selling, bartering, transportation, transfer, and delivery of alcoholic liquors and spirits within the State of Illinois and provides for the licensure of parties engaged in said activities.

WHEREAS, the Act grants every city in the State of Illinois the power to, by general ordinance, determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with Act; to establish the application requirements (as not inconsistent with the Act) for each classification of license and to establish fees for same; to restrict sales to minors; to provide penalties for violations; and further grants to the Local Liquor Control Commissioner the power to issue, renew, suspend, and revoke licenses.

WHEREAS, the City of Fulton (the "City") is an Illinois municipal corporation, is a "city" under the Act, and the corporate authorities of the City have the power to enact ordinances pertaining to the manufacture, sale, bottling, blending, bartering, transportation, transfer and delivery of alcoholic liquors and spirits within the corporate limits of the City.

WHEREAS, the corporate authorities of the City may establish rules and regulations pertaining to both zoning and business within the corporate limits of the City.

WHEREAS, the City previously enacted ordinances pertaining to alcoholic liquors and spirits pursuant to its authority under the Act and codified same as Chapter 111 of the City's Code of Ordinances.

WHEREAS, the corporate authorities of the City determined that Chapter 111 of the City Code should be reviewed to determine whether any changes were necessary or desirable to bring the City Code into compliance with state requirements and to re-examine the city's liquor license classifications, requirements, numbers and fees.

WHEREAS, the corporate authorities of the City established a Special Liquor Committee to conduct the aforementioned review.

WHEREAS, the Special Liquor Committee conducted multiple open meetings to review Chapter 111 of the Code and have made their recommendation to the city authorities that Chapter 111 of the Code be repealed and replaced with a new ordinance.

WHEREAS, the city authorities have had the opportunity to review the Special Liquor Committee's recommendation to repeal Chapter 111 and the text of new ordinance drafted according to the Committee's recommendations.

WHEREAS, the proposed ordinance to repeal Chapter 111 and replace it with a new ordinance was presented to the corporate authorities in the regular meeting of the City Council held on _____, 2026.

WHEREAS, the city authorities accept the recommendations of the Special Liquor Committee to repeal Chapter 111 in its entirety and to replace same with a new ordinance.

NOW, THEREFORE, be it Ordained by the Mayor and City Council of the City of Fulton, as follows:

SECTION ONE: Chapter 111 of the Code of Ordinances of the City of Fulton is repealed in its entirety and shall be replaced with a new Chapter 111, the text of which is as follows:

"

CHAPTER 111: ALCOHOLIC BEVERAGES

DIVISION 1: GENERALLY

§ 111.01 Definitions.

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

Alcoholic liquor means alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this article shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume.

Banquet facility means a building used for the service of food and beverages to groups of persons attending for planned events or occasions, which building is not open for the general service of food and beverages to the public at large on a regular basis, and from which the service of food and beverages is to persons or groups who have a common, shared or affinitive relationship to the other members of the group for the planned event or occasion.

Beer means a beverage produced by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Bowling alley means every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling played with composition balls and ten wooden pins, is played, and consisting of at least eight full sized bowling lanes.

Convenience store means a retail outlet or store from which the sale of groceries, food, beverage and other sundry items is conducted, and which generally occupies a parcel of land of less than 20,000 square feet, with building or sales area comprising less than 5,000 square feet, and which may also include the sale of motor vehicle fuels and other petroleum products.

Drug store means a retail establishment which, together with other items, is duly authorized to sell at retail prescription drugs and which employs a registered pharmacist full time on the premises for the dispensing of prescription drugs.

Grocery store means a retail outlet or store:

(1) Whose principal business is the sale of groceries and food items for human consumption in packages for consumption off the premises; and

(2) Which maintains total grocery retail display and sales floor area of at least 10,000 feet.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guest, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Keg means a container designed and capable of holding beer or other fermented alcoholic liquor in a quantity of five or more gallons from which the beverage is dispensed by and through a separate device or apparatus, typically referred to as a "tap" or "tapper," attached to or inserted into the container.

Licensee means any person, firm, corporation, partnership or club holding a license under the provisions of this chapter.

Original package means any bottle, flask, jug, can, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked, or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor.

Package store means a retail establishment the principal business of which is the sale of alcoholic beverages in the original packages for consumption off the premises, and for which sales of other products is ancillary to the sale of alcoholic beverages.

Resident manager means a person who is a resident of the city or Whiteside County, Illinois, and is either (i) a full-time employee or other designated agent of the licensee and is regularly on the licensed premises during hours when the business is open, or (ii) is otherwise responsible for managing or conducting the business of the licensee.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Wine means an alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

§ 111.02 Local Liquor Control Commissioner.

(a) The Mayor shall be the Local Liquor Control Commissioner and shall be charged with the administration of the appropriate provisions of this Chapter and other ordinance or resolutions of the city relating to alcoholic liquor as may be enacted.

(b) The Mayor may appoint a Deputy Local Liquor Control Commissioner to assist him or her in the exercise of the powers and performance of the duties herein provided for the Local Liquor Control Commissioner, and may delegate to the Deputy Local Liquor Control Commissioner such responsibilities of the Local Liquor Control Commissioner, from time to time, as he or she sees fit.

§ 111.03 Hours generally.

(a) No alcoholic liquor shall be sold, delivered, transferred, consumed, distributed or given away upon or about any licensed premises by anyone except during the permitted hours of operation for the licensee's class of license pursuant to §111.45 of this Code.

(b) No person except a licensee, employee or agent of a licensee shall be or remain upon or within any licensed premises for more than 15 minutes past the required ending time for sales, and no person, including a licensee or an employee or agent of a licensee shall be or remain upon or within any licensed premises during the period more than 45 minutes past the time for ending of sales of alcoholic liquor; provided, however, that the restrictions upon persons being within or upon a licensed premises by this subsection shall not apply to a hotel, restaurant, bowling alley, grocery store, drug store or convenience store so long as the areas within and from which alcoholic liquor is sold and dispensed is closed in a manner to prohibit persons from entering into or upon said area except during times in compliance with this subsection.

(c) Nothing in this section shall prohibit licensees, their agents, employees or independent contractors hired by the licensee to render services to the licensee from being upon or within the licensed premises for the purpose of cleaning, redecorating or repairing the licensed premises during hours when otherwise prohibited, but provided that no sale, delivery, transfer, distribution, giving away or consumption of any alcoholic beverage shall occur upon the licensed premises during prohibited hours.

§111.04 Sale, delivery or consumption; original package required

No alcoholic liquors shall be sold, delivered, consumed or possessed except in the original package and with the seal unbroken in or on any property owned by or under the control of the city, including all streets and alleys, except for the specific premises licensed for a special event under the provisions of and §111.26. A violation of this section shall be punishable pursuant to §10.99 of this Code.

§ 111.05 Sanitary conditions.

All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.

§ 111.06 Purchase, possession or attendance at licensed premises by minors.

(a) It is unlawful for any person to sell, give or deliver alcoholic liquor to any person under the age of 21 years.

(b) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor nor misrepresent his or her age for the purpose of purchasing or obtaining, or attempting to purchase or obtain, alcoholic liquor.

(c) In every place where alcoholic liquor is sold, there shall be displayed at all times in a prominent place ...

"NOTICE TO ANY PERSON UNDER THE AGE OF 25:
YOU ARE EXPECTED TO SHOW PROPER IDENTIFICATION AS PROOF OF AGE"

"WARNING TO PERSONS UNDER THE AGE OF 21!
YOU ARE SUBJECT TO A FINE UP TO $500.00 UNDER THE ORDINANCES OF THE CITY OF FULTON IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING LIQUOR."

(d) It is unlawful for any person under the age of 21 years to attend any bar or to draw, pour or mix any alcoholic liquor in any licensed premises, but provided that a person 18 years of age or older, in connection with the employment of such person, may serve alcoholic beverages to booths or tables in a restaurant licensed under this article.

(e) It shall be unlawful for any licensee, or his agent or employee, to suffer or permit any person under the age of 21 years to be in or remain in any room or compartment adjoining or adjacent or situated in the room or place where such licensed premises is located; provided that this section shall not apply to any minor who is accompanies by his parent or guardian or to any licensed premises which derives its principal business from the sale of services or commodities other than alcoholic liquor or to any person 18 years of age or older employed in accordance with subsection (3) of this section.

(f) A violation of this section shall be punishable pursuant to §10.99 of this Code with the minimum fine assessed to be not be less than $500.

§ 111.07 Sale to certain persons prohibited

It is unlawful for any holder of an alcoholic liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be under legal disability or in need of mental treatment.

§ 111.08 Gambling on premises

There shall be no card games or gambling allowed on any premises licensed to sell alcoholic liquor, except for video gaming terminals licensed under the Illinois Video Gaming Act, and for which the licensed premises holds a permit issued by the city under the provisions of §112.93 of this Code. No video gaming terminals shall be located on licensed premises for a licensee who does not hold a license authorized to hold a video gaming license under §111.25(i). No person under the age of 21 years shall be permitted to use or play a video gaming terminal, and any licensee who knowingly permits a person under the age of 21 years to use or play a video gaming terminal shall be subject to fine, suspension of license or revocation of license as provided in this Code.

§ 111.09 Removal, storage of alcoholic liquor after hours

During the hours when alcoholic liquor is prohibited from being sold, the premises shall be closed to the public or all alcoholic liquor shall be removed from sight and placed in some room or locker which is securely locked, and the lock shall not be opened until the hour when alcoholic liquor may again be sold.

§ 111.10 Tumultuous conduct.

No licensee or his agent or employee shall suffer or permit any person to disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct upon the licensed premises, and such conduct is hereby prohibited upon any premises for which a license to sell alcoholic liquor at retail has been issued pursuant to this article. Any licensee, or his agent or employee in charge of the licensed premises, shall, upon request of the police department, aid the police department in the

quelling or elimination of any conduct or activity prohibited by this section and shall report such conduct to the police department as soon as possible following the initiation of such conduct, and shall cooperate fully with the police department.

§ 111.11 Other prohibited conduct in upon licensed premises.

The following kinds of conduct on premises licensed to sell alcoholic liquors within the City are prohibited:

(a) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which prohibited by law;

(b) the actual or simulated touching, caressing or fondling of the breast, buttocks, anus, or genitals;

(c) The actual or simulated displaying of the breast, pubic hair, anus, vulva, or genitals;

(d) The displaying of films or pictures depicting acts, a live performance of which is prohibited by subsections (a), (b) or (c) of this section;

(e) The permitting by any licensee, his or her agent or employee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus;

(f) The allowance by a licensee, his or her agent or employee of any persons to perform, present, participate, or direct in or upon the licensed premises any play or dance or other performance which acts are prohibited by subsections (a), (b) or (c) of this section.

§ 111.12 Acts of agents or employees; liability of licensee.

Every act or omission of whatsoever nature constituting a violation of any of the provisions of this city code or any provisions of the Liquor Control Act by an officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of the licensee, and said licensee shall be punishable in the same manner as if said act or omission had been done or omitted by the licensee.

DIVISION 2: LICENSE

§ 111.20 Required.

It is unlawful to sell or offer for sale in the city any alcoholic liquor without having a license, or in violation of the terms of such license.

§ 111.21 Application.

(a) An application for a license for retail sale of alcoholic liquor shall be made to the Local Liquor Control Commissioner and or the Deputy Local Liquor Commissioner in writing and, if the applicant is an individual, shall be signed by the applicant, or if the applicant is a club, limited liability company, for-profit corporation or partnership, shall be signed by a duly authorized agent or partner thereof. Applications for such license shall provide the following information:

(1) Where the applicant is an individual, the name, date of birth and residence address of the applicant.

(2) Where the applicant is a partnership, whether the partnership is a general or limited partnership, and the name, date of birth and residence address of each partner and whether such partner is a general or limited partner.

(3) Where the applicant is a corporation for profit, the following:

a. The date of incorporation;

b. State of incorporation;

c. Objects for which organized;

d. Name, date of birth and residence address of each stockholder owning more than ten voting shares of stock of the corporation;

e. Name, date of birth and residence address of the resident manager of the establishment and location for which the license is sought.

(4) If the applicant is a corporation or a limited liability company, the application shall have attached to it a copy of the most recent annual report filed by the corporation with the Secretary of State of Illinois, or if the corporation shall have been organized for a period of time less than one year, a copy of the articles of incorporation or organization .

(5) If the applicant is an individual, a statement as to the citizenship of the applicant, place of birth of the applicant, and if a naturalized citizen, the time and place of naturalization.

(6) The location and description of the premises or place of business which is to be operated under such license.

(7) A statement as to whether the applicant has made a similar application for a similar license on premises other than described in this application, and the disposition of such application.

(8) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article under the laws of the state or ordinances of the city.

(9) Whether a previous license by any state or subdivision thereof or by the federal government has been revoked, and the reasons therefor.

(10) A statement that the applicant will not violate any of the laws of the state or the United States, or any ordinance of the city in the conduct of business.

(11) Where the applicant is a corporation or limited liability company for profit, a corporation not for profit or a club, the application shall be signed by the chief executive officer and by the person designated as resident manager, and signature of the resident manager shall constitute an acknowledgement by the resident manager of the requirements for operation as a licensee under this article and of the laws of the state.

(12) Where the applicant is a partnership, the application shall be signed by all general partners.

(13) Applicants for Class "A", "A-1", or "B-1" license shall also be required to make a presentation to the City Council at a regularly scheduled council meeting pursuant to §111.25(l) of this Code.

(b) Application for a new license shall be submitted to the office of the Local Liquor Commissioner at least 30 days prior to the proposed effective date of the license. Applications for renewal licenses shall be submitted to the Local Liquor Commissioner for filing by end of business on April 30th of each year. Upon filing of such applications, the mayor as Local Liquor Control Commissioner is authorized to direct the chief of police to investigate the qualifications of the applicant, and report findings to the mayor. In the event that the mayor shall determine that the license application, new or renewal, should be denied, a copy of any report of investigation

submitted by the chief of police shall be delivered to the applicant with the statement of denial. Any applicant whose application may be denied may request of the mayor a hearing, and such request shall be in writing and submitted to the mayor within seven days after service of the notice of denial. The Local Liquor Control Commissioner shall schedule a hearing to the denied applicant promptly, and shall conduct the hearing in accordance with the requirements applicable to proceedings against license holders for violations.

§ 111.22 Restrictions on issuance

(a) No alcoholic liquor license shall be issued to:

(1) A person who is not a resident of the City of Fulton or Whiteside County, Illinois, except in the case where the licensee has a resident manager;

(2) A person who is not of good character and reputation in the community;

(3) A person who has been convicted of a felony under any federal or state law, unless the state liquor control commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the commission investigation;

(4) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

(5) A person whose license issued under this article has been revoked for cause;

(6) A person who, at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(7) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation or membership interests of such limited liability company, would not be eligible to received a license hereunder for any reason other than residence and citizenship in the city; but provided that any corporation or limited liability company must designate a resident manager thereof who is a resident of the city;

(8) A corporation or limited liability company unless it is incorporated or organized in the Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of

1983 or the Limited Liability Company Act to transact business in Illinois. The Local Liquor Control Commissioner shall permit and accept from an applicant for a license proof prepared from the secretary of state's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois;

(9) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of a licensee;

(10) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any such violation;

(11) A person who does not beneficially 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 to be issued;

(12) Any law enforcing public official, including member of local liquor control commissions, any mayor, alderman or member of the city council; and no such official shall have a direct interest in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to any alderman in relation to premises that are located within the city if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food; (ii) the issuance of the license is approved by the state liquor control commission; (iii) the issuance of the license is in accordance with all applicable local ordinances in effect within the city; and (iv) the alderman granted a license does not vote on alcoholic liquor issues pending before the city council. Notwithstanding any other provision of this paragraph (12) to the contrary, an alderman may have a direct interest in the manufacture, sale or distribution of alcoholic liquor, as long as he or she is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the alderman with the direct interest in the manufacture, sale or distribution of alcoholic liquor shall not participate in any meeting, hearings, or decisions on maters impacting the manufacture, sale or distribution of alcoholic liquor;

(13) A person who is not a beneficial owner of the business to be operated by the licensee;

(14) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of section 28-1 of, or as proscribed by, section 28-1.1 or 28.3 of the Illinois Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(15) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Illinois Raffles Act, or the Illinois Pull Tabs and Jargames Act;

(16) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have or maintain liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in 235 ILCS 6/21a.

(17) A person who fails to make available or to supply proof of completion of a state certified BASSET program for all persons required to be trained, as provided in section 16-387.1 of the Municipal Code of the city.

(b) No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consisted of school books, school supplies, food, lunches or drinks for such minors.

(c) No person issued a license to operate as a restaurant, and licensed as such, shall sell alcoholic liquor except with meals.

(d) No license shall be issued to sell alcoholic liquor as a club unless the club has the qualifications specified in section 16-354 hereof.

(e) No license shall be issued to any person, firm or corporation which would be in violation of the provisions of section 6-11 of the Illinois Liquor Act of 1934, as amended (235 ILCS 5/6-11).

§111.23 BASSET training required.

(a) Effective May 1, 2026, all original or renewal applications for liquor license shall be accompanied by proof of completion of a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purchases of alcoholic beverages. For existing licensees as of the date set

forth above, licensees shall submit proof of completion of the BASSET program for all such persons within 120 days.

(b) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by 235 ILCS 5/3-12 (11.1) and 6-27 and title 77 of Illinois Administrative Code, chapter XVI, section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

(c) After May 1, 2026, any new owner, manager, employee, or agent requiring BASSET training, shall within 120 days from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall, until completion of the BASSET program, work under the supervision of a person who has completed BASSET training.

(d) A photocopy of certificate of completion for all owners, managers, employees, or agents required by this section to have BASSET training shall be maintained by the establishment, in a manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(e) The city shall accept all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs as qualified to administer and certify BASSET training.

(f) Copies of all BASSET training certificates will be required from each liquor license establishment upon their initial application and renewal application there after.

(g) Special event 501(c)(3) not-for-profit applicants are exempt from the BASSET training certification requirements.

§111.24 Termination date; advance fee payment; refund policy

Each alcoholic liquor license shall terminate on the April 30 next following its issuance. The license fee shall be paid in advance – and there shall be no refund of any portion of the same. All licensees will be permitted to make 2 payments. The first payment will be due May 1st and the second payment will be due November 1st.

§111.25 License classifications; number of licenses; fees; hours of operation; video gaming eligibility.

The number, kind and classification of licenses shall be as follows:

(a) Class "A" licenses, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption either (a) on premises at a bar or lounge that is available for customer use, and (b) off premises in package form. All new Class "A" license applicants shall be required to submit a written business plan to the Local Liquor Control Commissioner and make a presentation to the City Council pursuant to §111.07(L), including architectural plans if available, before the Local Liquor Control Commissioner may issue a Class "A" license to the applicant. The hours during which liquor sales may occur for Class "A" licensees shall be limited to the following:

Off-Premise Sales	Monday through Sunday, 6:00 A.M. to 1:45 A.M. on the following day
On-Premise Sales	Monday through Saturday, 6:00 A.M. to 1:45 AM on the following day Sunday, 9:00 A.M. to 1:45 A.M. on the following day

The annual fees for such Class "A" licenses shall be as follows.

Initial/New Application	$3,000 for all new applicants
Renewal Application	$2,000 for all existing licensees to renew license

(b) Class "A-1" licenses, which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption off the premises. All new Class "A-1" license applicants shall be required to submit a business plan to the Local Liquor Control Commissioner and make a presentation to the City Council pursuant to §111.07(L), including architectural plans if available, before the Local Liquor Control Commissioner may issue a Class "A-1" license to the applicant. The hours during which liquor sales may occur for Class "A-1" licensees shall be limited to the following:

Monday through Sunday	6:00 A.M. to 10:00 P.M. on the same day

The annual fees for such Class "A-1" licenses shall be as follows:

Initial/New Application	$3,000 for all new applicants
Renewal Application	$2,000 for all existing licensees to renew license

(c) Class "B" licenses, which shall authorize the retail sale of beer and/or wine for consumption off premises. All new Class "B" license applicants shall be required to submit a business plan, including any architectural plans, if available, to the Local Liquor Control Commissioner before the Local Liquor Control Commissioner may issue a Class "B" license to the applicant. The hours during which liquor sales may occur for Class "B" licensees shall be limited to the following:

Monday through Sunday	6:00 A.M. to 1:45 A.M. on the following day.

The annual fees for such Class "B" licenses shall be as follows:

Initial/New Application	$1,500 for all new applicants
Renewal Application	$1,250 for all existing licensees to renew license

(d) Class "B-1" licensees, which shall authorize the retail sale of beer and/or wine for consumption on the premises. All new Class "B-1" license applicants shall be required to submit a written business plan to the Local Liquor Control Commissioner and make a presentation to the City Council pursuant to §111.07(L), including architectural plans if available, before the Local Liquor Control Commissioner may issue a Class "B-1" license to the applicant. The hours during which liquor sales may occur for Class "B-1" licensees shall be limited to the following:

Monday through Saturday	6:00 A.M. to 1:45 A.M. on the following day
Sunday	9:00 A.M. to 1:45 P.M. on the following day

The annual fees for such Class "B-1" licenses shall be as follows:

Initial/New Application	$1,500 for all new applicants
Renewal Application	$1,250 for all existing licensees to renew license

(e) Class "C" licensees, which shall authorize the retail sale of alcoholic liquors for consumption on the premises, but only be issued to licensees who conduct on the premises a restaurant business as defined under §111.01 of this Code and only when at least sixty percent (60%) of the gross receipts (or anticipated gross receipts) of the licensee are generated by the sale of food or nonalcoholic beverages. The hours during which liquor sales may occur for Class "C" licensees shall be limited to the following:

Monday through Sunday	9:00 A.M. to 10:00 P.M. on the same day

The annual fees for such Class "C" licenses shall be as follows:

Initial/New Application	$3,000 for all new applicants
Renewal Application	$2,000 for all existing licensees to renew license

(f) Class "D" licenses, which shall authorize the consumption of beer and/or wine, but not the retail sale of alcoholic beverages, brought onto the premises of a business operating as a public accommodation by a patron or patrons for their personal consumption while being served food in the establishment of the Class "D" licensee. The hours of consumption of alcohol for a Class "D" license shall be limited to the following:

Monday through Sunday	9:00 A.M. to 10:00 P.M. on the same day

The annual fees for such Class "D" licensees shall be as follows:

Initial/New Application	$500 for all new applicants
Renewal Application	$500 for all existing licensees to renew license

(g) *Temporary license.*

(1) *Purpose.* A temporary liquor license may be issued for a limited period of time for the purpose of allowing the licensee to operate a beer garden off the licensed premises to raise funds for charitable, educational or civic purposes.

(2) *Licenses.* No license shall be issued unless the applicant has been licensed by the City and been in operation as a going-concern for a period of not less

than one year prior to making application for such license. Application shall be made with the Local Liquor Control Commissioner at least 60 days prior to the date of intended sale of distribution of alcoholic beverages and shall be made in accordance with the provisions of this subchapter.

(3) *Term of the license*. A temporary license may be issued for a period not to exceed three consecutive calendar days and shall be subject to the provisions of this subchapter regarding time of sale, unless the Local Liquor Control Commissioner at least sixty (60) days prior to the date of intended sale or distribution of alcoholic beverages and shall be made in accordance with the provisions of this subchapter.

(4) *Application*. In addition to the usual requirements, the applicant shall include the following information:

(a) The location for which the license is sought;

(b) A copy of the written, signed lease or rental agreement or other written authority for the use of the location if the application is not the owner of said location;

(c) A statement setting forth the purpose for the issuance of said license;

(d) A statement setting forth the applicant's arrangements for crowd control;

(e) Certificate of insurance showing evidence of dram shop and liability insurance coverage;

(f) A request for specific times and dates for the term of said license.

(5) *Fees*. The fee for a temporary license shall be $50 for each day. Requests which include Sunday shall pay an additional $25 and shall be paid in full at the time the license is issued. This fee is in addition to any Special Event Application Fees.

(h) *Number of Licenses*. The number of licenses which shall be issued and be in full force and effect at any one time shall be as follows:

Class "A"	Limited to 6 license(s)
Class "A-1"	Limited to 3 license(s)
Class "B"	Limited to 3 license(s)
Class "B-1"	Limited to 1 license(s)
Class "C"	Limited to 10 license(s)
Class "D"	Limited to 3 license(s)

(i) *Video Gaming License Eligibility.* The following liquor license Classes shall be eligible to make application to the City and to the State of Illinois for a video gaming license:

Classes Eligible for Video Gaming Licensure	Class "A" Class "B-1"

All other liquor license Classes are restricted from obtaining a video gaming license.

(j) *Expiration of Applications.* A liquor license application of class where there is no open license available to issue shall expire (1) calendar year from the date of the original application; in which case, the applicant may make a new application.

(k) *Dormant Status of License.* A Class "A", "A-1", or "B-1" license which is surrendered or revoked shall not be considered open and may not be issued by the Local Liquor Control Commissioner until such time as the City Council shall determine by ordinance whether said license shall be made available.

(l) *City Council Presentation.* All applicants for a Class "A", "A-1", or "B-1" must make a presentation to the City Council that includes the following:

(1) a written business plan for the proposed business and said business plan shall be in writing if the license sought is a Class "A" or "B-1" license;
(2) building/architectural plans for any new construction or remodel of an existing building;
(3) a timeline for the opening of the business;
(4) projected gross revenues for the business; and
(5) projected employment opportunities with the business.

§111.26 Special events liquor licenses.

Special events liquor licenses for the sale of beer and wine only for consumption on the designated premises may issued for a special event covering a period not to exceed three days upon application to the mayor of the city. The applicant for a special events liquor license must be organized as a not-for-profit organization. The mayor shall receive the application and review along with the Chief of Police, and Public Works Director. Issuance of the license shall be upon the following terms: (a) filing of the application for a Special Event permit pursuant to §112.120 of this Code; (b) meeting of all requirements contained in the Special Event Application; and (c) payment of a $50 fee per day per event. Said fee shall be in addition to the special event application fee.

§ 111.27 Transfer.

(a) *License not transferable.* No license shall be transferable by the licensee to any other person, firm, corporation, partnership, limited liability company, or other entity.

(b) *Validity.* Licenses issued under this division are a purely personal privilege to the licensee only and exist for a period not to exceed one year after issuance, unless sooner revoked. The license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, nor be subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate intestate devolution, but it shall cease upon the death of the licensee; provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, may continue the business of the sale or manufacture or alcoholic liquor under order of the appropriate court, and may exercise the privilege of the deceased or insolvent or bankrupt licensee after the death, insolvency or bankruptcy of such licensee until the expiration of the license, but no longer than six months after the death, bankruptcy or insolvency of such licensee. No refund shall be made of any portion of the license fee paid.

(c) *Transfers of ownership interests.* Notwithstanding anything to the contrary in this section, the sale or transfer of a majority of the ownership interests of a corporate or limited liability licensee shall not be considered a transfer of a liquor license, and such license shall continue in effect, provided that:

(1) The sale or transfer is made in connection with the sale or transfer of the licensed establishment as a going concern;

(2) The license has not been surrendered or revoked;

(3) The business operations at the licensed establishment have not been discontinued for a period in excess of 30 days;

(4) An application shall be submitted to the Local Liquor Control Commissioner with such information and representations as are required pursuant to section 111.21 of this Code, and shall be investigated and approved or rejected, as in the case of applications for original licenses; and

(5) The provisions of section 111.22 of this Code relating to restrictions on issuance of licenses are satisfied.

(d) *Transfer of Location*. The Local Liquor Control Commissioner must authorize any transfer of a license to a different licensed location. A license may be removed to another location if (1) the licensee submits application and permission is granted by the Local Liquor Control Commissioner and the Illinois Liquor Control Commission; (2) the situs of the location is in compliance with all city codes, including zoning codes; (3) all improvements on the premises necessary to operate the business have been made prior to the transfer; (4) the licensee is the same person, partnership, entity, as operated at the prior location; and (5) all licensed activities cease at the prior licensed location upon transfer of the license to the new location. The transfer of a license to a different location shall be privilege rather than a right.

§111.28 Renewal.

Any licensee under this division may renew his license at the expiration thereof, provided he is then qualified to receive a license, and the premises for which such renewal license is sought is suitable for such purpose.

§ 111.29 Revocation, suspension or fine; hearing required

(a) The mayor, as Local Liquor Control Commissioner, may suspend or revoke any license issued under this chapter, and in addition to the suspension of a license, may levy a fine on the licensee for each violation in an amount not to exceed $1,000.00 for each separate violation. Each day on which a violation continues shall constitute a separate violation, but provided that not more than $10,000 in fines may be imposed or levied against any licensee during the period of his license. Such suspension, revocation or levying of a fine against a licensee may be for any of the following reasons:

(1) The licensee has violated any of the laws of the United States relating to the sale of alcoholic liquor, or any of the provisions of the Illinois Liquor Control Act, or any ordinance enacted by the city council, including this chapter, or any applicable rules and regulations adopted by the mayor, or by the state liquor control commission.

(2) The licensee has made a willful false statement as to any material fact on the application for such license.

(3) The licensee has permitted an unlawful, disorderly or immoral practice upon the licensed premises.

(4) The licensee has refused to testify under oath to all relevant and material questions propounded to him at any hearing conducted by the mayor in which violation of any law of the United States, of the State of Illinois, or any ordinance of the city regulating the sale of alcoholic liquor has been charged.

(5) The State of Illinois Liquor Control Commission has suspended or revoked the license of the licensee, or has imposed a fine upon the licensee.

(6) The licensee has failed during the term for which the license is issued to conform to any of the requirements for the initial issuance of a license to sell alcoholic liquors.

(7) The licensee, if a corporation, limited liability company or partnership, fails to maintain a resident manager within 90 days.

(b) However, no such license shall be so revoked or suspended, and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three-day written notice to the licensee, affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Local Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

(c) The Local Liquor Control Commissioner shall, within five days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either that amount of fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five days upon the licensee.

§111.30 Change of location, permit.

A license to sell alcoholic beverages issued pursuant to this article shall not permit the sale or delivery of alcoholic liquor to a retail purchaser at any location other than the premises described in the application and license. Such location may be changed upon only written permit to make such change issued by the mayor. No change of location shall be permitted unless the proposed new location is proper one for the retail sale alcoholic liquor under the statutes of this state and the ordinances of this city.

§111.31 Appeals.

All appeals to the state liquor control commission shall be limited to a review of the official record of the formal proceedings before the Local Liquor Control Commissioner.

§111.32 Keg sales; registration; requirements.

(a) Each purchaser of a keg shall provide a current government issued photo identification and the purchaser's name, address, and individual identification number to the licensee who shall record and document that information in a log. The log shall also contain the individual keg identification assigned to the keg by the license, and include the date of sale and indicate the date of sale and indicate that the photo identification that was produced was matched to the purchaser. The log shall also record the name of the person responsible for the sale of each keg sold by the licensee. The information required under this section shall be maintained by the licensee for a minimum period of six months after the date of sale.

(b) All licensees shall assign, record and attach to each keg sold for offsite consumption an individual keg registration label or sticker, before the sale and the sticker shall also include a prominent warning stating that it is illegal to alter, damage or remove the sticker from the keg.

(c) Licensees of keg alcohol shall obtain the individual keg identification stickers from the Whiteside County Sheriff's Department which shall record to whom the stickers are distributed and shall restrict the distribution of the stickers to licensed alcoholic retailers. The Sheriff's Department shall maintain a record of such distribution.

(d) The licensee shall collect a deposit in an amount established by the licensee, but not less than $50 for each keg. Purchasers shall be informed to and shall return the keg to the licensee where the keg was purchased with the individual keg registration sticker attached, intact and legible on or before 60 days from the date of sale. If the purchaser fails to return the keg to such licensee within 60 days or if the sticker is not attached and legible for identification the deposit shall be forfeited and retained by the licensee. A licensee may extend the time to return a keg in its sole discretion.

(e) The licensee shall record in the log the date the keg is returned, the name of the person that returned the keg and whether the keg identification sticker was still attached and legible.

§111.33 Restrictions on location.

(a) *General restrictions on location.*

No license shall be issued for the retail sale of any alcoholic liquor within 100 feet of any church, school, hospital, home for the aged or indigent persons or veterans, and no license shall be issued hereafter authorizing the sale of alcoholic liquor in any building located in a block where over 50% of the property, according to street frontage of the block (or blocks of both streets if a corner lot), and a like amount of property in the block opposite such location (or in the blocks opposite of a corner lot) is, at the time of filing the application for such license, or used for residential purposes and the rest is vacant property. Notwithstanding the foregoing, this provision shall not be used to deny renewal of a license to a licensee in good standing at the time of the passage of this section.

(b) *Zoning.*

No license shall be issued to any premises unless the sale or distribution of alcoholic liquor at such premises complies with all appliable zoning ordinances for the City.

§111.34 Inspection of premises.

(a) The premises used by each licensee hereunder and any adjacent premises occupied or controlled by the licensee or his or her agent for the purpose of the sale and/or consumption of alcoholic beverages shall conform in all respects to the applicable building and fire codes of the city heretofore or hereafter adopted. The Mayor, City Administrator, or their delegates, may enter and inspect the premises of each licensee hereunder, including any adjacent premises occupied or controlled by the licensee or his, her, or its agent to determine compliance with such building or fire code.

(b) The Mayor, Chief of Police, and all members of the police force may enter and inspect the premises of each licensee hereunder or any adjacent premises occupied or controlled by the licensee or his or her agent at ay time and they may take possession of and remove any intoxicating liquors found upon the premises in violation of this division.

(c) All licenses now in force or hereafter issued under this Division shall be subject to the reservation of the authority of the City under this Section to enter and inspect the licenses premises, and refusal by the licensee or his agent to permit such action shall constitute sufficient grounds for the immediate suspension or revocation of the licensee by the Local Liquor Control Commissioner.

§111.35 Defaulter.

Whenever any licensee does not pay when due any license fee, tax, assessment, utility account or other indebtedness due the City on any account or for any purpose, the license issued under this Division may be revoked or suspended by the Local Liquor Control Commissioner as otherwise provided herein.

§111.36 Nonuse of License

If a license is not used by a licensee within a period of 180 days from the date of its issuance, the license is subject to revocation in the discretion of the Local Liquor Control Commissioner; provided further that if the use of a license lapses for a period of 180 days, the licensee is subject to revocation in the discretion of the Local Liquor Control Commissioner. Notwithstanding the foregoing, the liquor control commissioner may, in his or her discretion, grant the licensee an extension of time under this section if the Local Liquor Control Commissioner, in his or her discretion, determines that the licensee is

continuing to progress towards opening or re-opening its licensed premises for alcohol sales.

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SECTION 2: The provisions and sections of this Ordinance shall be deemed to be separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION 3: The City Clerk is directed to publish this Ordinance in pamphlet form.

SECTION 4: This Ordinance shall be in full force and effect from and after May 1, 2026.

PASSED by the Mayor and City Council of the City of Fulton, Whiteside County, Illinois, on the 27th day of July, 2026, and deposited and filed in the office of the City Clerk in said City on that date pursuant to roll call vote as follows:

Elected Alderman: 8

Ayes; 6

Nays: 0

Absent: 2

Tori Wade

City Clerk of the City of Fulton, Illinois

APPROVED BY THE Mayor of the City of Fulton, this 27th day of July 2026

Shane Malone, Mayor of the City of Fulton, Illinois

Published in pamphlet form this 27th day of July, 2026