

Res. 23-48

Ford County Liquor Control Ordinance

Drafted by The Ford County Board on May 8th of 2023.

SECTION 1. Legislative Purpose

WHEREAS, the Ford County Board wishes to implement this liquor control ordinance into one comprehensive ordinance, thus clarifying the law with respect to alcoholic beverages in Ford County.

WHEREAS the health, safety and welfare of the people of Ford County Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted, the following has been adopted by the Ford County Board of Paxton, Illinois.

WHEREAS the Ford County Board Chairman who serves as the "Liquor Control Commissioner" for Ford County, together with the advice and consent of the County Board do believe to be in the best interest of the County and to promote business and tourism throughout Ford County.

THEREFORE, BE IT ORDAINED AND ADOPTED AS FOLLOWS:

That the County Clerk is hereby authorized to distribute a certified copy of this ordinance to the County Board, Liquor Control Commission, elected sheriff and Liquor Commissioner.

Each applicant will get their license by choosing one form of liquor sales. They may add additional endorsements with their corresponding costs to the original license but they will only have one license.

When obtaining a Liquor License, you are agreeing to allow law enforcement, Health Department, Liquor Commissioner of Ford County, or anybody who represents the public well-being, inside the structure where the sale of liquor or the manufacture of liquor are taking place. Any effort to prevent these entities from the performance of their job is grounds for suspension or loss of liquor license.

If the licensee feels the authorities are overstepping the law or interpreting a situation in error, the Licensee may appeal their suspension to the Liquor

Commission. If the Licensee still feels like they have not been represented adequately, they may appeal it to the entire Ford County Board.

The County Board shall be the final say in this decision. The County cannot be charged for loss of sales in the situation, no matter the outcome. The individual licensee has the right to appeal the decisions of the local Liquor Control Commission under 235 ILCS 5/7-9.

It will be the Licensee's responsibility to check with the Ford County Health Department to ensure any type of license or inspections that are required, are complied with.

No one under the age of 18 shall be allowed to serve alcohol. People who do serve alcohol shall be Bassett trained and Certified.

All licensees shall state thereon the fact that it is a retail license for the sale of liquor, the name of the licensee, and the address and description of the premises for which it is granted, the date of its issuance, and expiration, and shall be duly attested by the Liquor Commissioner.

The initial (first time) liquor license and its endorsements need to be approved by the County Liquor Commission. Before a license can be renewed to the initial license issued, the fee of the total license and any endorsements must be paid to the County. Endorsements cannot be added later in the year. They can only be added to a license at the time of renewal or initial application.

If for some reason the Liquor Commission denies the renewal of an annual Liquor License on December 1, the owner of the establishment or his representative may appeal it to the entire County Board. Their decision is final and appealable.

SECTION 2. DEFINITIONS

(see section 5 for LICENSE ENDORSEMENT DEFINITIONS)

(1) Act: The Illinois Liquor Control Act of 1934, as amended (235ILCS 5/1-1 et seq.)

(2) Alcoholic Liquor: " includes 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.

(3) Club: A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcohol liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servers and employees for cooking, preparing and servicing food and meals for its members and their guests; provided, that such a club files with the Commission at the time of its application for a license under this ordinance that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governmental body out of the general revenue of the club.

(4) Commissioner: The Chairman of the Board of Ford County

(5) Convenience store: Any public place kept, used maintained, advertised and held out to the public as a place at which the primary purpose is to offer gasoline and/or limited groceries and sundries for sale, the retail sale of alcoholic liquors being incidental thereto.

(6) Liquor Control Commission: Will consist of five(5) members from the County Board (two (2) from each district appointed by the Liquor

Commissioner)of which includes the Chairman of the County Board and the currently Elected Sheriff (1) equals 7 members total.

(7) Person: Any natural person, firm, partnership, association or corporation.

(8) On-Premises Sales: Direct consumer sales for consumption on the premises of an establishment.

(9) Off-Premises Sales: Sales of products such as wine, spirit, or beer sales that happen at retail locations for the consumption at another location, such as one's home. These products must be sold to a customer in packages sealed by the manufacturer.

(10) Restaurant: 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 and falls under the inspection of the County Health Department.

(11) Retailer: A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.

(12) Retail Sale: A sale for use of or consumption and not for resale in any form.

(13) Sale: Any transfer, exchange , delivery or barter in any manner, or by any means whatsoever, including a transfer of alcoholic liquors by and through a transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term "sale" includes any license to an importing distributor's license even if both licenses are held by the same person.

(14) State Commission (ILCC) The Illinois Liquor Control Commission as created in 235ILCS 5/3-1 and/or otherwise provided for.

(15) Tampered Liquor is any liquor found to laced or infused with illegal drug or unknown manmade substance is not covered under a Ford County Liquor License and may be grounds for criminal action

(16) See Section V for licenses (endorsements) with definitions and fees.

SECTION 3. LIQUOR CONTROL COMMISSION

The Chairman of the Ford County Board of Ford County, Illinois, as determined by that body in the manner provided by law, shall be, that person hereby designated as the Liquor Commissioner of said County for the territory outside the limits of any city or incorporated town in said Ford County, Illinois, and they shall be charged with the administration in such jurisdiction of the appropriate provisions of said Act of the General Assembly and of this Ordinance, and for those purposes shall possess the authority and perform the duties imposed on them by law with respect to said office, in the manner provided by law 235 ILCS 5/7-5 should the situation warrant such action. If the Chairman of the County Board is unavailable, then the Vice Chairman of the County Board shall act as the Liquor Control Commissioner, and shall act as such in and for that area in the County of Ford, State of Illinois, which is not within the limits of any city, incorporated town or village. If the Vice Chairman of the County is unavailable, the Sherriff of Ford County shall act as the Liquor Commissioner, and shall act as such in and for that area in the County of Ford, State of Illinois, which is not within the limits of any city, incorporated town or village.

SECTION 4. LICENSE REQUIRED

No person, firm, partnership, association or corporation shall act as a retailer of alcoholic liquor or engage in a business selling, offering for sale, or keeping with an intention of selling for use or consumption and not for resale or providing for consumption by the public alcoholic liquors in the territory outside the limits of any city or incorporated municipality in Ford County, Illinois without first securing and having a valid license issued by the Liquor Commission of said County.

No person shall manufacture, bottle, sell, barter, transport, deliver, furnish with or without cost or possess any alcoholic liquor for beverage purposes, except for personal use as specifically in the Act and/or this Ordinance.

No person shall manufacture, transport, deliver, furnish, rectify any alcoholic liquor, without first obtaining Federal Permits such as Distilled Spirit Plant (DSP) and show proof of obtainment.

SECTION 5. LICENSE ENDORSEMENT —FEES AND DEFINITIONS

The County Board shall have powers to grant liquor licenses with the prior authorization of the Liquor Commission for the selling of retail alcoholic liquor. The Liquor Ordinance shall allow the licensee to sell and offer for retail sale, on the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form. The County has set a cap of limited liquor licenses per licensed category. If one of the current license holders decides not to renew, then the Liquor Commissioner or Elected Sheriff may suspend the Liquor license until another applicant is chosen who meets the criteria. Any change in the number of licenses will require Liquor Control Commission approval. An applicant for a Liquor License shall have no grounds for grievance if a license is awarded to another applicant.

A. Retailer’s License: Fee \$500 annual

A Retailer’s Liquor License shall allow the licensee to sell and offer for sale at retail, only at the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form; provided that any retail liquor license issued to a manufacturer shall only permit such manufacturer to sell alcoholic beverages at retail on the premises actually occupied by such manufacturer [235ILCS 5/5-1(d)], the only exception being a wine-maker’s retail license—2nd location [235 ILCS 5/5-1(i)]. All applicants for licensing as a liquor retailer must complete this application. Respond to all questions on the application and furnish all required supporting documents. Failure to do so will result in the rejection of the application and non-issuance of a state liquor license. The county sets a cap of one (1) license per district.

B. Special Use Permit: Fee \$50 per event

The Special Use Permit Liquor License shall allow an Illinois licensed liquor retailer to transfer a portion of its alcoholic liquor inventory from its licensed retail premises to a designated site for a special event.

C. Special Retailer Liquor Application

i. Brew Pub: \$50 annual (Manufacturer License required in addition) A “brew pub” means a person who manufactures no more than 155,000 gallons (5,000 barrels) per year only at a designated licensed location, to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated location and who is allowed to sell at retail from the licensed location, provided that a brew pub licensee shall not sell for off-location consumption more than 155,000 gallons (5,000 barrels) per year (235 ILCS 5/1-3.33). The county sets a cap of one (1) license per district.

ii. Distilling Pub: \$50 annual (Manufacturer License required in addition) A “distilling pub” license shall allow the licensee to only (i) manufacture up to 5,000 gallons of spirits per year only on the premises specified in the license, (ii) make sales of the spirits manufactured on the premises or, with the approval of the State Commission, spirits manufactured on another distilling pub licensed premises that is wholly owned and operated by the same licensee to importing distributors and distributors and to non licensees for use and consumption, (iii) store the spirits upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off premises consumption no more than 5,000 gallons per year so long as such sales are only made in-person, (v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the State Commission, annually transfer no more than 5,000 gallons of spirits manufactured on the premises to a licensed distilling pub wholly owned and operated by the same licensee. The county sets a cap of one (1) license per district.

iii. Caterer Retailer: \$50 annual (Manufacturer or Retail License required in addition) A “caterer retailer” means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed. A Caterer Retailer license must be connected to an established manufacturer, retailer, rectifier, or distributor.

iv. Wine Maker Retailer: Fee \$100 annual (Manufacturer License required in addition) A wine-maker's retail license shall allow the licensee to sell and offer for sale at retail in the location specified on the license not more than 50,000 gallons of wine per year for use or consumption, but not for resale in any form. This license shall be issued only to a person licensed as a first-class or second-class wine-maker. A wine-maker's retail licensee, upon receiving permission from the Commission, may conduct business at a second location that is separate from the location specified in its wine-maker's retail license. The county sets a cap of one (1) license per district.

D. Homebrewer Special Event: \$50 per event

"Homemade brewed beverage" means beer or any other beverage obtained by the alcoholic fermentation of an infusion or concoction of grains, sugars, or both in water and includes, but is not limited to, beer, mead, and cider made by a person 21 years of age or older, through his or her own efforts, fermented at his or her place of residence, fermented at another place of residence of a homemade brewed beverage brewer, or fermented at a premises of a commercial enterprise that is engaged primarily in selling supplies and equipment for use by home brewers and not for a commercial purpose but for consumption by that person or his or her family, neighbors, guests, and friends or for use at an exhibition, demonstration, judging, tasting, or sampling with sampling sizes as authorized by Section 6-31 of the Illinois Liquor Control Act or as part of a contest or competition authorized by Section 6-36 of this Act.

E. Distributor License: Fee \$750 annual

A distributor license, granted pursuant to the Illinois Liquor Control Act, permits an entity other than a manufacturer, non-resident dealer, or retailer to purchase, store, possess, or warehouse any alcoholic liquors for resale or reselling at wholesale whether within or without Illinois. The county sets a cap of one (1) license per County.

An Importing Distributor's License, granted pursuant to the Illinois Liquor Control Act, permits an already licensed Illinois distributor to import into this state, from any point in the United States outside of Illinois, from an Illinois-

licensed, non-resident dealer or foreign importer, whether for itself or another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation or compounding of products other than alcoholic liquors, or for importing more than one gallon of such liquors from any point in the United States outside of Illinois for consumption in any one calendar year. A licensed importing distributor may purchase alcoholic liquor in barrels, casks or other bulk containers, and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors.

A foreign importer's license, granted pursuant to the Illinois Liquor Control Act, permits an already-licensed Illinois distributor to import into Illinois from any point outside of the United States, any alcoholic liquors other than bulk, for sale to a licensed importing distributor. A foreign importer shall not hold a non-resident dealer license. A foreign importer shall be required to purchase alcoholic liquor from a non-resident dealer within the United States or any other person located outside the United States.

F. Wine Shipper's License: Fee \$350 annual

A Winery Shipper's License allows a person with 1) a first-class or second-class wine manufacturer's license; 2) a first-class or second-class wine-maker's license; or 3) a limited wine manufacturer's license or who is licensed to make wine under the laws of another state, to ship wine made by that licensee directly to a resident of Illinois, who is 21 years of age or older, for that resident's personal use and not for resale. The county sets a cap of one (1) license per district.

G. Broker's License: Fee \$500 annual

"Broker" means (i) a person who solicits orders for or offers to sell or supply alcoholic liquors to retailers for a fee or commission, for or on behalf of a person authorized to manufacture or sell at wholesale alcoholic liquors within or without the state, or (ii) a person within this state, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from

this state and delivered to residents outside of this state by an express company, common carrier, or contract carrier. The county sets a cap of one (1) license per county.

H. Non-Beverage User License: Fee broken out by class

A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in Section 8-1 of the Illinois Liquor Control Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor. The county sets a cap of one (1) license per district per class.

- i. CLASS 1 - Not to exceed 500 Gal \$24.00
- ii. CLASS 2 - Not to exceed 1,000 Gal \$60.00
- iii. CLASS 3 - Not to exceed 5,000 Gal \$120.00
- iv. CLASS 4 - Not to exceed 10,000 Gal \$240.00
- v. CLASS 5 - Not to exceed 50,000 Gal \$600.00

I. Tasting Representative: Fee \$50 annual.

“Tasting” means a supervised presentation of alcoholic products to the public at an off-premises licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part thereof. Only products registered with the Illinois Liquor Control Commission may be tasted in the following amounts: Distilled Spirits - 1/4 oz., Wine - 1oz., and Beer

- 2oz.; notice of the tasting may be given. A tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40 of the Illinois Liquor Control Commission Rules. The county sets a cap of one (1) license per district.

J. Special Event Retailer: Fee \$25 per day OR \$50 for 3 day event OR \$200 from 4-15 day event.

A Special Event Retailer's License shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form, and only at the location and on the specific date(s) designated for the special event on the license. An "event" can be defined as a single theme. A Special Event Retailer's License must be obtained for each single theme per location with a maximum duration of 15 days. All are required to secure a license for each 15-day increment and each special "event".

K. Warehouse License: Fee \$50 annual per Federally bonded site

A brewer warehouse permit may be issued to the holder of a class 1 brewer license or a class 2 brewer license. If the holder of the permit is a class 1 brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 930,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. If the holder of the permit is a class 2 Brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 3,720,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. Sales to non-licensees are prohibited at the premises specified in the brewer warehouse permit.

A craft distiller warehouse permit may be issued to the holder of a class 1 craft distiller or class 2 craft distiller license. The craft distiller warehouse permit shall allow the holder to store or warehouse up to 500,000 gallons of spirits manufactured by the holder of the permit at the premises specified on the permit. Sales to non-licensees are prohibited at the premises specified in the craft distiller warehouse permit.

L. Brewery License (Class 1,2,3): Fee \$100 annual (Manufacturer License required in addition) The county sets a cap of one (1) license per district per Class.

i. Class 1: SUMMARY: • 930,000 gallons (30,000 barrels) production limit • Self- distribution eligible • May not hold a Brew Pub License
DEFINITION: A “Class 1 Brewer” is a licensed brewer or licensed non-resident dealer who manufactures not more than 930,000 gallons (30,000 barrels) of beer per year and is not a member of, or affiliated with - directly or indirectly - a manufacturer that produces more than 930,000 gallons (30,000 barrels) of beer or any other alcoholic liquor per year. A Class 1 Brewer may make sales and deliveries to distributors and importing distributors. A Class 1 Brewer may make application to the Commission for a self-distribution exemption to allow the sale of not more than 232,500 gallons (7,500 barrels) of the exemption holder’s beer to retailers annually [235 ILCS 5/3-12(18)(a) of the Liquor Control Act].

ii. Class 2: SUMMARY: • 3,720,000 gallons (120,000 barrels) production limit • Not eligible to self-distribute • May transfer to commonly-owned Class 2 brewer locations up to 3,720,000 gallons (120,000 barrels) of manufactured beer • May hold no more than three (3) Brew Pub Licenses
DEFINITION: A Class 2 Brewer is a licensed brewer or licensed non-resident dealer, who is not a Class 1 Brewer, who manufactures up to 3,720,000 gallons (120,000 barrels) of beer per year provided that the Class 2 Brewer licensee is not a member of, or affiliated with - directly or indirectly - a manufacturer that produces more than 3,720,000 gallons (120,000 barrels) of beer per year or any other alcoholic liquor. A Class 2 Brewer licensee may make sales and deliveries to distributors and importing distributors but shall not make sales or deliveries to any other licensee. If the Commission provides prior approval, a Class 2 Brewer licensee may annually transfer up to 3,720,000 gallons (120,000 barrels) of beer manufactured by that Class 2 Brewer licensee to the premises of a licensed Class 2 Brewer wholly owned and operated by the same licensee [235 ILCS 5/3-12(18)(a) of the Liquor Control Act].

iii. Class 3: SUMMARY: • 155,000 gallons (5,000 barrels) at any single brewery premises (production limit) and no more than 465,000 gallons (15,000 barrels) of beer in the aggregate (production limit) • Self- distribution eligible • May transfer up to 155,000 gallons of beer manufactured by that Class 3 brewer to the premises of a licensed Class 3 brewer wholly owned and

operated by the same licensee • Permitted to sell on licensed premises to non-licensees for on or off premise consumption beer manufactured by the Class 3 brewer on the premises, beer manufactured by any other brewer, Class 1 brewer, Class 2 brewer, or Class 3 brewer, and cider, wine and spirits.

DEFINITION: A class 3 brewer license, which may be issued to a brewer or a non-resident dealer, shall allow the manufacture of no more than 465,000 gallons of beer per year and no more than 155,000 gallons at a single brewery premises, and shall allow the sale of no more than 6,200 gallons of beer from each in-state or out-of-state class 3 brewery premises, or 18,600 gallons in the aggregate, to retail licensees, class 1 brewers, class 2 brewers, and class 3 brewers as long as the class 3 brewer licensee does not manufacture more than a combined 465,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 465,000 gallons of beer per year to make sales to importing distributors, distributors, retail licensees, brewers, class 1 brewers, class 2 brewers, and class 3 brewers in accordance with the conditions set forth in paragraph (20) of subsection (a) of Section 3-12. [235 ILCS 5/3- 12(20)(a) of the Liquor Control Act] Any brewer or non-resident dealer which holds self-distribution privileges pursuant to a Class 1 brewer license or a Class 3 Brewer license under this act shall deliver beer to any retailer in the brewer's wholly owned or leased vehicles or through a freight forwarding service, excluding common carriers such as Federal Express, United Parcel Service, or similar common carriers, and shall provide services to the retailer upon the request of the retailer if such services are permitted under this Act and the rules of the Commission.

M. Craft Distiller (Class 1& 2): Fee \$100 annual (Manufacturer License required in addition) The County sets a cap of one (1) license per District per Class.

i. Class 1: SUMMARY: • 50,000 gallons production limit • Self-distribution eligible • May not hold a Distilling Pub License CLASS 1 CRAFT DISTILLER'S LICENSE FEE: \$75.00 DEFINITION: A class 1 craft distiller license, which may only be issued to a licensed craft distiller or licensed non-resident dealer, shall allow the manufacture of up to 50,000 gallons of spirits

per year provided that the class 1 craft distiller licensee does not manufacture more than a combined 50,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. If a class 1 craft distiller manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a class 1 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a first-class wine-manufacturer license or a first-class wine-maker's license, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of wine per year. A class 1 craft distiller licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (19) of subsection (a) of Section 3-12 of this Act. However, the aggregate amount of spirits sold to non-licensees and sold or delivered to retail licensees may not exceed 5,000 gallons per year. A class 1 craft distiller licensee may sell up to 5,000 gallons of such spirits to non-licensees to the extent permitted by any exemption approved by the State Commission pursuant to Section 6-4 of this Act. A class 1 craft distiller license holder may store such spirits at a non-contiguous licensed location, but at no time shall a class 1 craft distiller license holder directly or indirectly produce in the aggregate more than 50,000 gallons of spirits per year. A class 1 craft distiller licensee may hold more than one class 1 craft distiller's license.

However, a class 1 craft distiller that holds more than one class 1 craft distiller license shall not manufacture, in the aggregate, more than 50,000 gallons of spirits by distillation per year and shall not sell, in the aggregate, more than 5,000 gallons of such spirits to non-licensees in accordance with an exempt.

ii. Class 2: Summary • 100,000 gallons production limit • Not eligible to self-distribute • May transfer to commonly-owned Class 2 Craft Distiller's locations up to 100,000 gallons of manufactured distilled spirits • May hold no

more than three (3) Distilling Pub Licenses SUMMARY: DEFINITION: A class 2 craft distiller license, which may only be issued to a licensed craft distiller or licensed non- resident dealer, shall allow the manufacture of up to 100,000 gallons of spirits per year provided that the class 2 craft distiller licensee does not manufacture more than a combined 100,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. If a class 2 craft distiller manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 brewer license, shall not manufacture more than 3,720,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a class 2 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a second-class wine- maker's license, shall not manufacture more than 150,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 150,000 gallons of wine per year. A class 2 craft distiller licensee may make sales and deliveries to importing distributors and distributors but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 craft distiller licensee may annually transfer up to 100,000 gallons of spirits manufactured by that class 2 craft distiller licensee to the premises of a licensed class 2 craft distiller wholly owned and operated by the same licensee. A class 2 craft distiller may transfer spirits to a distilling pub wholly owned and operated by the class 2 craft distiller subject to the following limitations and restrictions: (i) the transfer shall not annually exceed more than 5,000 gallons; (ii) the annual amount transferred shall reduce the distilling pub's annual permitted production limit; (iii) all spirits transferred shall be subject to Article VIII of this Act; (iv) a written record shall be maintained by the distiller and distilling pub specifying the amount, date of delivery, and receipt of the product by the distilling pub; and (v) the distilling pub shall be located no farther than 80 miles from the class 2 craft distiller's licensed location. A class 2 craft distiller shall, prior to transferring spirits to a distilling pub wholly owned by the class 2 craft distiller, furnish a written notice to the State Commission of intent to transfer spirits setting

forth the name and address of the distilling pub and shall annually submit to the State Commission a verified report identifying the total gallons of spirits transferred to the distilling pub wholly owned by the class 2 craft distiller. A class 2 craft distiller license holder may store such spirits at a non-contiguous licensed location, but at no time shall a class 2 craft distiller license holder directly or indirectly produce in the aggregate more than 100,000 gallons of spirits per year. [235 ILCS 5/3-12(19)(a) of the Liquor Control Act].

N. Manufacture: Fee \$750 annual

A manufacturer is every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for himself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as above defined. To manufacture means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with an alcoholic liquor, whether for oneself or for another, and includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in this Act to serve drinks for consumption on the premises where sold. All containers or packages of blended alcoholic liquors shall have affixed thereto a label setting forth and stating clearly the names of all ingredients which the blended alcoholic liquors offered for sale shall contain. The County sets a cap of twelve (12) licenses per District.

i. Distiller: A Distiller is a person who distills, ferments, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic liquor. A distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors, and non-beverage users and to no other licensees. This includes a manufacturer of wine but does not include a manufacturer of beer or bottler of wine.

ii. Rectifier: A Rectifier is any person who rectifies, ferments, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic liquor, other than by original or continuous distillation.

iii. Brewer: A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection (e) of Section 6-4 of this Act, including any alcoholic liquor that subsection (e) of Section 6-4 authorizes a brewer to sell in its original package only to a non- licensee for pick-up by a non-licensee either within the interior of the brewery premises or at outside of the brewery premises at a curb-side or parking lot adjacent to the brewery premises, subject to any local ordinance.

iv. First Class Wine Manufacturer: A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees. If a first-class wine- manufacturer manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If the first-class wine- manufacturer manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. A first-class wine-manufacturer shall be permitted to sell wine manufactured at the first-class wine-manufacturer premises to non- licensees.

v. Second Class Wine Manufacturer: A wine-manufacturer means a person who is engaged in the manufacture of wine. A second-class wine-manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

vi. First Class Wine Maker: A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. If a first-class winemaker

manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If the first-class winemaker manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. A first-class winemaker holding a class 1 brewer license or a class 1 craft distiller license shall not be eligible for a wine-maker's premises license but shall be permitted to sell wine manufactured at the first-class wine-maker premises to non licensees.

vii. Second Class Wine Maker: A second-class wine-maker's license shall allow the manufacture of up to 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. If a second-class winemaker manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 brewer license, shall not manufacture more than 3,720,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a second-class wine-maker manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 craft distiller license, shall not manufacture more than 100,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year.

viii. Limited Wine Manufacturer: A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors and to non licensees in accordance with the provisions of the Illinois Liquor Control Act. A limited wine manufacturer uses only grapes, berries, other fruits, fruit products, honey and vegetables produced or grown in Illinois, except as defined in the Illinois Liquor Control Act, Section 5/1-

3.31.

ix. Craft Distiller: A craft distiller license shall allow the craft distiller to apply for either a Class 1 Craft Distiller License or a Class 2 Craft Distiller License, but not both.

O. Club License: Fee \$200 annual

Private clubs, including private entities, shall have the right to sell, at retail for consumption on the premises only, to authorized members and guests of said private entities. The County sets a cap of one (1) license per District.

SECTION 6. PERSONS/ENTITIES INELIGIBLE TO RECEIVE LICENSE

No license of any kind issued by the Liquor Control Commission shall be issued to:

- (1) A person who is not a citizen of the United States.
- (2) A person who has been convicted of a felony under any Federal or State law, if the Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust. Burden of proof to show sufficient rehabilitation shall be on the applicant.
- (3) A person who has been convicted of being the keeper or is keeping a house of prostitution and/or gambling.
- (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 Ordinance, or the Act has been revoked or suspended for cause unless approved unanimously by the Ford County Liquor Commission
- (6) A partnership, if any general partner thereof, or limited partner thereof owning more than five percent (5%) of the aggregate partner interest in such partnership would not be eligible to receive a license hereunder, for any reason other than citizenship and residence within the County of Ford.
- (7) Corporation, if any officer, manager or director thereof; or any stockholders owning in aggregate more than five percent (5%) of the stock of

such corporation, would not be eligible to receive a license hereunder, for any reason other than citizenship and residence with the County of Ford.

(8) A Corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" (805 ILCS 5/101 et seq).

(9) A person whose place of business is conducted by a manager or agent unless the manager/agent resides in Ford County and the manager or agent possess the same qualifications required by the licensee.

(10) A person who has been convicted of a violation of any Federal or State law concerning manufacture, possession or sale of alcoholic liquor or has forfeited his/her bond to appear in court to answer questions for any such violation.

(11) A person or applicant who neither beneficially owns or leases for the full license from the premises for which the license is issued. No Ford County Liquor Control Commission member shall be interested directly in manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official, whose premises are not located within the territory subject to the jurisdiction of that official if the issuance of such a license is approved by the State Liquor Control Commission

(12) A person who is neither an owner nor a beneficial owner or an employee of the business to be operated by the licensee.

(13) A person who has been convicted of a gambling offense as prescribed by any kind of subsections (a) (3) through (a) (10) or section 28-1; or as prescribed by section 28-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore amended (720 ILCS 5/28- 1, 5/28-3) or as prescribed by a statute or replaced by any kind of the aforesaid statutory provisions.

(14) A person to whom a Federal Wagering Stamp has been issued by the Federal Government for the current tax period

(15) A partnership to which a Federal Wagering Stamp has been issued by the Federal Government for the current tax period, or if any of the partners

have been issued a Federal Gambling device stamp or Federal Wagering Stamp by the Federal Government for the current tax period.

(16) A corporation, if any officer, manager or direct thereof; or any stockholder owning in an aggregate more than twenty percent (20%) of such corporation's stock has been issued a Federal Wagering Stamp for the current tax period

(17) Any premises for which a Federal Wagering Stamp has been issued by the Federal Government for the current tax period

(18) Any person or entity indebted for any delinquent real estate or personal property taxes, Retailers Occupation (sales) taxes debt or other financial obligation to the County of Ford

(19) Any person or entity not able to provide a Certificate of Insurance that shows currently in force Liquor Law liability (Dram Shop) insurance

(20) For any other reason as outlined in the Act or voted on by The Ford County Commission.

If any of the foregoing grounds for ineligibility for a license is found by a court to be contrary to or not authorized by the state law, such ground(s) shall not apply.

SECTION 7. FORM OF LICENSE ISSUED

(1) An applicant for a retail license shall submit to the liquor control commissioner an application, in writing, under oath and in duplicate, which shall be in the same form and content required to be filed with the Liquor Control Commissioner of the State of Illinois, setting forth, in detail, all information and statements required by Section I of Article 7 of said, Act "Relating to Alcoholic Liquors".

(2) One copy of such application shall be filed with the County Clerk of said county, and the other copy shall be retained by the Ford County Liquor Control Commissioner.

(3) No applicant for a liquor license shall be eligible to receive the same unless he possesses the qualifications required by law for that particular state liquor license; and if it appears from such application, or said Liquor Commissioner shall otherwise ascertain, that the applicant is not a suitable person to conduct such business, they shall reject said application, and order the refund of such license fee to be paid to said applicant, minus any expenses incurred by the County which refund shall be made by the County Treasurer in the manner provided by law.

(4) The Liquor Control Commissioner may revoke any license issued by the County Board if they determine that the licensee has violated any of the provisions of said "Act Relating to Alcoholic Liquors", or of this Resolution, or any applicable rule or regulation established or promulgated by the Liquor Control Commissioner not consistent with the law.

(5) All proceedings for the revocation of a license shall be before the County Liquor Control Commission and shall be conducted and determined in the manner provided by law. Whenever any license shall have been revoked by said liquor control commissioner, the licensee, his or her agents, servants and employees shall immediately cease or discontinue the conduct of such business in the premises described in said license.

(6) The license renewal date will not change because of a suspension or revocation. If the licensee does not agree with the suspension, they may appeal to the Liquor Control Commission and ultimately, the entire County Board, in the event of a violation of any of the regulations imposed herein are not addressed. Any lost income due to the suspension of a license cannot be charged to the County under any circumstances, whether the licensee is successful or not.

SECTION 8. DISPLAY OF LICENSE

The licensee shall cause his license and each endorsement issued under the provisions of their Ordinance to be framed and hung in plain view in a conspicuous place on the licensed premises. All licenses shall comply with the State mandated display of warning signs as cited in the Act.

SECTION 9. PRIVILEGE GRANTED BY LICENSE- NATURE AS PROPERTY- EXPIRATION OF LICENSE-NOT LIABLE TO ATTACHMENT, GARNISHMENT OR EXECUTION- TRANSFERABILITY

A license shall be purely a personal privilege and shall expire on November 30th and renew December 1st following the date of issuance, unless revoked earlier as provided in this Ordinance.

(1) No license shall subject to attachment, garnishment or execution, nor shall it be alienable or transferable voluntarily or involuntarily and shall not descend by the laws of testate or intestate devolution, but it shall cease upon death of the licensee. Provided always, that the executor or administrator of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of said alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased, or insolvent bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months therefrom; nor shall any part of such license fee be refunded because of the discontinuance of the business.

SECTION 10. RENEWAL OF LICENSE

(1) All licenses shall be renewed annually on December 1st of each year. Applications for renewal must be submitted to the liquor control commissioner by the 1st day of November of the same year under consideration for the Liquor Control Commission to vote on. All new applications must be submitted 30 days prior to issuance of license and must include on the application all stockholders, their % of holdings in the corporation. Renewal of license shall be submitted 1 week prior to issuance of license. All out-of-State corporations must be registered with the Secretary of State prior to applying for an Illinois Liquor License.

When a simple annual renewal is needed and no infractions have taken place over the past year, the liquor commission may approve the renewal.

Any licensee may renew his license at the expiration thereof, provided they are qualified to receive a license and the premise for which such renewal license is sought for such purpose; and provided further that the renewal

privilege herein provided for shall not be construed as a vested right which shall in any case prevent the County Board for Ford County from decreasing the number of licenses to be issued within County of Ford.

(2) Any license issued to a corporation for profit shall terminate upon transfer of a majority of ownership of the corporation to another individual unless said individual continues to meet the Ford County Ordinance requirements.

(3) Whenever a non-corporate licensee under this Ordinance forms a corporation to operate in lieu of said licensee, an application and transfer filling fee is required. The said Corporation must follow all rules previously outlined in this ordinance.

(4) Failure to apply for renewal of a liquor license and to accompany such renewal application with the corresponding fee will be considered by the Liquor Committee a decision not to renew.

SECTION 11. SALES

No licensee, nor officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor according to current State of Illinois alcohol law. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person in accordance with Illinois State alcohol laws. except in the performance of a recognized religious ceremony or service. No person under eighteen (18) years of age, may sell or serve alcoholic liquor.

SECTION 12. SANITARY AND SAFETY CONDITIONS

Failure to conform to the Ford County Health Department Ordinance or violation of any county and/or State codes may be considered sufficient cause for revocation or suspension of license.

SECTION 13. DISORDERLY CONDUCT NOT TO BE PERMITTED

No licensee under this Ordinance shall permit any disorderly conduct or disturbance of the peace thereon on the premises listed on the liquor license. Failure to control the conduct of patrons on the property may be considered

sufficient cause for revocation or suspension of a license.

SECTION 14. RECORDS OF LICENSES ISSUED

The Commissioner shall cause to keep a public record of all such licenses issued by the County Board or Liquor Committee.

SECTION 15. NUMBER OF LICENSES ISSUED

The Ford County Board has agreed to place a cap on number of licenses issued in Ford County. The cap, according to each license listed in section V is unlimited licenses in the County. Each license may have multiple endorsements for the sale of alcohol

SECTION 16. OPENING AND CLOSING HOURS

The hours of sale of Liquor under this ordinance are 9am to 1am

SECTION 17. REVOCATION OR SUSPENSION OF LOCAL LICENSE

The Liquor Commissioner shall have the authority to suspend or revoke a license pursuant to this ordinance under the following circumstances:

(1) If the Liquor Commissioner has reason to believe that the continued operation of a particular licensee will immediately threaten the welfare of the community, the Liquor Control Commissioner may issue a temporary suspension for the licensed premises to be closed for not more than seven (7) days upon the written issuance of a written order stating the reason for the suspension and without notice of hearing to the licensee. The Liquor Commissioner shall have a hearing before the end of the seven (7) day suspension for a license suspension to extend beyond seven (7) days. It should be remembered that possession of a Liquor License and any endorsements corresponding with that License is a privilege and not a right. That privilege can be revoked at any time by violation of the rules of this Ordinance in accordance with 235 ILCS 5/7-5 after said public hearing.

OR

(2) The licensee shall not sell, give or deliver alcoholic beverages in violation of The State Of Illinois Law and Federal Law.

OR

(3) When requested by the liquor Commissioner, the licensee fails to provide the necessary costs and expenses of adequate police protection and supervision of the licensed premises if an event on the licensee's property or place of business dictates that a potential safety situation may exist.

OR

(4) The licensee fails, refuses, or neglects to permit or authorize the Liquor Commissioner, Health Department or anyone representing public safety to have access to the licensee's premises. This includes any law enforcement officer to enter at any time upon the premises licensed hereunder to determine whether not any of the provisions of said "Act Relating to Alcoholic Liquors", or any rules or regulations adopted by the State Liquor Control Commission, or any of the provisions of this Ordinance have been, or are being violated therein and at such a time to examine the premises of the licensee in connection therewith.

SECTION 18. PENALTIES

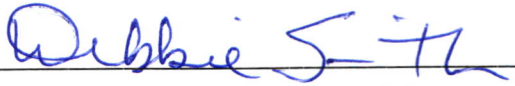
The Liquor Control Commission may revoke or suspend any Ford County license if it is determined that the licensee has violated any of the provisions of this ordinance or any applicable rules or regulations established by the liquor control commissioner, the Liquor Control Commission, or the State Commission, or any provision of the Liquor Control Act; however, no license shall be suspended or revoked and no license shall be fined except after a public hearing by the liquor control commissioner with a three (3) day written notice to the licensee and affording the licensee an opportunity to appear and defend, except as provided in section 17 (a) of this ordinance which allows for a seven (7) day immediate suspension if the welfare of the community is immediately threatened. In lieu of suspension or revocation, the liquor control commissioner may, at their discretion, levy a fine on the license for such violation. In addition to the suspension, the local liquor control commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period,

and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the county or municipal treasury, as the case may be.

SECTION 19. SEVERABILITY CLAUSE

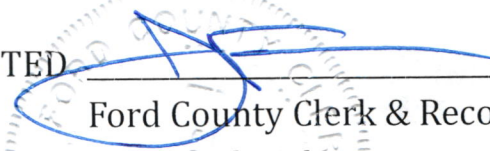
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

This Ordinance shall repeal and otherwise supersede all preceding ordinances. ADOPTED AND APPROVED this 8th day of May, 2023 at the regular meeting of the Ford County Board by its Chairman.



Ford County Chairman of the Board
Debbie Smith

ATTESTED



Ford County Clerk & Recorder
Amy Frederick

