

11/17/98
11/25/98

109-O-98

AN ORDINANCE

**Amending Title 3, Chapter 5 of the
City Code to Provide for a New Class of
Alcoholic Liquor License, the Class S License**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Section 3-5-1 of the Evanston City Code of 1979, as amended, be and it hereby is further amended, by adding the following definition in appropriate alphabetical order, to read as follows:

3-5-1 **COMBINATION RESTAURANT/PACKAGE STORE:** An entity under single ownership and management, containing a restaurant which sells alcoholic liquor and a package store which sells wine only in original packages for consumption off the premises, operated as a single unit under one roof in the retail package store area.

SECTION 2: That the lead-in sentence of Section 3-5-6 is revised, with no other changes in Section 3-5-6 except as provided below in Section 3 of this Ordinance 109-O-98, to read as follows:

3-5-6 **CLASSIFICATION AND LICENSE FEES.** Licenses issued hereunder shall be divided into the classes provided for in this Section 3-5-6.

SECTION 3: That Section 3-5-6 is amended by adding a new subsection (S) to read as follows:

3-5-6-(S) Class S Licenses, which shall authorize the retail sale in combination restaurant/package stores of alcoholic liquor in the restaurant area and wine only in the package store area. Sales of

alcoholic liquor in the restaurant area of the licensed premises shall be for consumption on the premises where sold. No Class S License may be granted to or retained by an establishment in which the facilities for food preparation and service are not primarily those of a "restaurant", as defined in Section 3-5-1 of this Chapter. It shall be unlawful for any person licensed hereunder to sell "alcoholic liquor" at a "bar", as defined in Section 3-5-1 of this Chapter, except to persons attending a reception or party not open to the public. Alcoholic liquor may be sold in restaurants holding Class S Licenses only during the period when their patrons are offered a complete meal. Class S Licenses authorize retail sales of wine only in original packages to persons of at least twenty-one (21) years of age in the retail package store area of the licensed premises, for consumption off the premises. Each Class S License shall be subject to the following conditions:

1. The Class S licensee must sell alcoholic liquor in the restaurant area and wine in original packages in the package store area in accordance with the Class S License provisions and restrictions. The Class S License requires the licensee to operate both the restaurant and retail package areas.
2. The sale of wine in its original package shall be confined to an area which is separated by a full enclosure or full partition with a controlled access to and from the restaurant area. The retail package area shall be accessed only through the restaurant.
3. The retail package area shall occupy no more than 10% of the total floor space (including office, bathroom and kitchen space).
4. It shall be unlawful for a Class S licensee to sell a single container of wine unless the container is greater than or equal to 750 ml.
5. It shall be unlawful for a Class S licensee to sell a single container of wine in the original package for consumption off the premises unless the container, as originally packaged, is stoppered with a cork. The sale of such wine in containers with twist-off tops is expressly prohibited by a Class S licensee.
6. Items purchased in the retail package area in original packages are not to be consumed in the restaurant area.

7. It shall be unlawful for a Class licensee to consummate the sale of wine in original packages except solely within the area set forth in subsection 2 supra and with a cash register designated as for the sale of such wine, which cash register is operated by a person of at least twenty-one (21) years of age.

8. Class S licensees shall sell alcoholic liquor in the restaurant area only during the hours set forth in Section 3-5-9.

9. It shall be unlawful for the holder of a Class S License to offer for sale at retail any wine in original packages for consumption off the premises where sold before the hour of ten o'clock (10:00 a.m.) or after the hour of ten o'clock (10:00 p.m.) on Monday through Thursday; before the hour of ten o'clock (10:00 a.m.) or after the hour or eleven o'clock (11:00 p.m.) Friday and Saturday; and before the hour of twelve o'clock (12:00 noon) and after the hour of ten o'clock (10:00 p.m.) on Sunday.

10. Every wine offered for retail sale in original packages must be offered for sale in the restaurant area and listed on the restaurant's preprinted menu.

11. Class S License fees are as follows:

The annual single-payment fee for initial issuance or renewal of such license shall be \$7,500.00

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-5-7 of this Chapter, shall be \$7,865.00

No more than zero (0) Class S licenses shall be in force at any one time.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 23, 1998

Adopted: December 14, 1998

Approved: December 17, 1998

Lorraine A. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel