

Effective Date: March 29, 2010

2/3/2010

13-O-10

AN ORDINANCE

**Amending Section 3-5-6(S) of the City Code of the City of
Evanston to Decrease the Number of Class S Liquor Licenses
from One to Zero ("Stained Glass, Ltd. d/b/a the Stained Glass
Wine Bar Bistro," 1735 Benson Avenue)**

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

SECTION 1: That Section 3-5-6(S) of the Evanston City Code of 1979, as amended, is hereby further amended by decreasing the number of Class S liquor licenses from one (1) to zero (0), 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 ten percent (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 sixteen (16) fluid ounces or 0.473 liters.

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 S 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 of this Chapter.

9. The sale of alcoholic liquor at retail pursuant to the Class S license may begin after eight o'clock (8:00) a.m., Monday through Sunday. Alcoholic liquor shall not be sold after the hour of twelve midnight on any day.

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

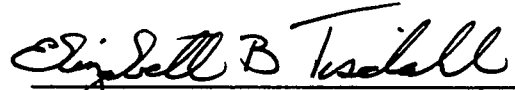
The total fee required hereunder for renewal Applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-5-7 of this Chapter, shall be \$7,875.00

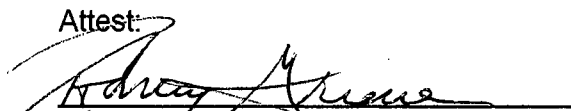
No more than zero (0) such licenses shall be in force at any one time.

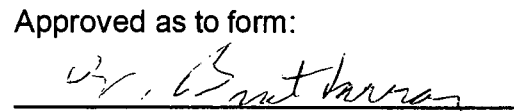
SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this Ordinance 13-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 22, 2010 Approved:
Adopted: March 8, 2010 March 15, 2010


Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar, City Attorney

