

59-0-10

AN ORDINANCE

**Amending Portions of Section 3-5-8 of the City Code
to Permit Certain Changes in Liquor License Classifications**

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

SECTION 1: That Subsection 3-5-8-(H) of the Evanston City Code of 1979, as amended ("City Code"), is hereby further amended to read as follows:

(H) Pro Rata License Fee Credit for Change in License Classification: If during the term of the current license, a licensee applies for and receives a license of a class with a higher fee than the current license, any payments made for the original license will be applied to the new license. If, during the term of the current license, a licensee requests and receives a change in license class pursuant to Subsection I-2 of this Section, for a class of license with a lower fee than the current license, the licensee shall not receive any refund. The term of the license will remain the same.

SECTION 2: That Section 3-5-8 of the City Code, "License Conditions," is hereby further amended by the enactment of a new Subsection (I) thereof, to read as follows:

(I) Change in License Classification:

1. Except as provided for in Subsection I-2 below, any request by a holder of a current, valid liquor license for a change in license classification must submit a new, complete license application.
2. During the term of a current, valid liquor license, or through an application for a renewal license, a holder of a Class B, B1, C, or Q license may request a change in license classification, without having to submit a new license application, so long as the criteria a, b, c, and d, and the applicable criterion e through h are met:
 - a. There has been no change in ownership or personnel as set forth in Subsection (B) of this Section.

- b. There has been no change in location as set forth in Subsection (D) of this Section.
- c. There has been no other change regarding the license holder that would require automatic termination of said license pursuant to the terms of this Chapter.
- d. Granting the change in license classification would not violate any terms of Evanston, Illinois, or U.S. law.
- e. A holder of a class B liquor license may request a change in license classification only to a class C, D, Q, or R license.
- f. A holder of a class B1 liquor license may request a change in license classification only to a class B, C, D, Q, or R license.
- g. A holder of a class C liquor license may request a change in license classification only to a class D or R license.
- h. A holder of a class Q liquor license may request a change in license classification only to a class R license.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.


SECTION 4: That this Ordinance 59-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 22, 2010 Approved:
 Adopted: November 22, 2010 December 3, 2010


 Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


 Rodney Greene, City Clerk


 W. Grant Farrar, City Attorney