

79-O-11

AN ORDINANCE

**Amending City Code Section 3-5-6-(AC) to Authorize
Limited Alcohol Consumption in Viewing Auditoriums**

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

SECTION 1: Subsection 3-5-6-(AC) of the Evanston City Code of 1979,
as amended, is hereby further amended to read as follows:

(AC) Class AC licenses, which shall authorize the sale, as described herein, of alcoholic liquor, for consumption on the premises of an arts cinema, having a minimum seating capacity of eight hundred (800) and located in the Core District, while food service is available. Establishments holding Class AC licenses must have some food service available and at least one (1) BASSET-certified site manager on the premises when alcoholic liquor is being sold. Each Class AC license shall be subject to the following conditions:

1. Sale, Possession and Consumption: Sale of alcoholic liquor shall be restricted to the café area only. Possession and consumption of alcoholic liquor shall be permitted in the café area and in the viewing auditoriums pursuant to 3-5-6-(AC)-2.
2. Restrictions on Alcohol in Auditoriums: A class AC licensee may permit patrons to exit the café area while possessing or consuming alcoholic liquor if the licensee first verifies that every such patron:
 - a. Is at least twenty-one (21) years of age;
 - b. Is wearing a wristband, issued by a BASSET-certified employee of the licensee, that indicates the patron is at least twenty-one (21) years of age;
 - c. Has in his/her possession no more than one (1) alcoholic beverage served in an open plastic container of a different color, size and design than those in which non-alcoholic beverages are served;

- d. Is viewing a motion picture rated PG-13 or R by the Motion Picture Association of America, or attending a Special Event approved by the Local Liquor Commissioner pursuant to 3-5-6-(AC)-3.
3. Special Event: Upon approval by the Local Liquor Commissioner of a request submitted by the licensee for a Special Event to be held at the arts cinema, the sale and consumption of alcoholic liquor on the premises during a Special Event shall be permitted pursuant to the terms of 3-5-6-(AC)-2.
4. Special Event Waiver: For a Special Event, the restrictions of 3-5-6-(AC)-3 may be waived, in writing, by the Local Liquor Commissioner if he/she finds that alternative procedures proposed by the licensee will prevent underage persons from being served alcoholic liquor. Such a waiver may be granted only after a review of the licensee's written proposal of alternate practices. The licensee shall submit any request for a waiver and the accompanying written proposal at the same time he/she seeks the Local Liquor Commissioner's approval for a Special Event under 3-5-6-(AC)-3. If such a waiver is granted, it shall be effective only for the Special Event as described in the application and shall cease to have effect at the conclusion of said Special Event.
5. The sale of alcoholic liquor shall only take place from eleven o'clock (11:00) a.m. to one o'clock (1:00) a.m. Sunday through Saturday and while the licensed premises is open for the showing of motion pictures or a Special Event pursuant to 3-5-6-(AC)-3. Under no circumstances shall alcoholic liquor be served more than one (1) hour prior to the advertised showing time of the first motion picture to be screened on any day, or any Special Event.
6. No licensee shall employ on its premises any person under the age of twenty-one (21) years to attend bar, or to pour, draw, or mix alcoholic liquor on said premises.
7. A licensee shall be liable for any alcohol consumption by any person younger than twenty-one (21) years of age on the licensed premises, regardless of whether the alcohol was purchased from the licensee.

The annual single payment fee for initial issuance or renewal of such license shall be five thousand dollars (\$5,000.00).

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 five thousand, two hundred fifty dollars (\$5,250.00).

No more than one (1) such license shall be in force at any one time.

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

SECTION 3: If any provision of this Ordinance 79-O-11 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

SECTION 4: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: This Ordinance 79-O-11 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 24, 2011

Approved:

Adopted: November 28, 2011

November 29, 2011

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel