

10-0-12

AN ORDINANCE

Amending City Code Section 3-5-6-(S), "Classification & License Fees"

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

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

- (S) CLASS S licenses, which shall authorize the retail sale in combination restaurant/package stores of alcoholic liquor in the restaurant area and alcoholic liquor 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 alcoholic liquor 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 alcoholic liquor 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 alcoholic liquor 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. 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.
 4. It shall be unlawful for a class S licensee to sell a single container of beer unless the volume of the container is greater than forty (40) ounces or 1.18 liters.
 5. It shall be unlawful for a class S licensee to sell a single container of alcoholic liquor, except wine and beer which are regulated by Subsections (S)3 and (S)4 of this section, unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
 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 alcoholic liquor in original packages except solely within the area set forth in Subsection 2., above, and with a cash register designated as for the sale of such alcoholic liquor, 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.
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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. 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 (1) time.

SECTION 2: This Ordinance 10-O-12 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this Ordinance 10-O-12 or application thereof to any person or circumstance is ruled 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 provision or invalid application of this Ordinance is severable.

SECTION 5: The findings and recitals 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.

Introduced: January 9, 2012

Approved:

Adopted: January 23, 2012

January 25, 2012

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel