

105-O-12

AN ORDINANCE

**Amending City Code Subsection 3-5-6-(T) to Increase the Number of
Class T Liquor Licenses from Zero to One
(Smylie Brothers Brewing Co., LLC d/b/a
Smylie Bros. Restaurant and Brewery, 1615 Oak Ave.)**

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

SECTION 1: Section 3-5-6-(T) of the Evanston City Code of 1979, as amended ("City Code"), is hereby further amended by decreasing the number of Class T liquor licenses from zero (0) to one (1), to read as follows:

- (T) CLASS T licenses, which shall authorize the retail sale of beer in combination brewpub restaurants, which beer is brewed by the licensee at any of its designated premises in a brew pub for consumption on or off the licensed premises and the sale of alcoholic liquor excluding beer for consumption on the premises where sold. Notwithstanding any of the foregoing, the on-premises consumption of beer and other alcoholic liquor is permitted only in the restaurant area. No class T 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. Establishments holding class T licenses must have some food service available when alcoholic liquor, including beer brewed at any of the licensee's designated locations, is being sold. Class T licenses authorize retail sales of beer for off-premises consumption only in original packages to persons of at least twenty-one (21) years of age, class T licenses shall be issued only to premises located within the core area.

Each class T license shall be subject to the following conditions:

1. It shall be unlawful for a class T licensee to sell a single container of beer for off-premises consumption unless the container is greater than or equal to forty (40) fluid ounces or 1.18 liters.
2. Beer purchased in original packages for consumption off the licensed premises shall not be consumed in the restaurant. All beer sold for consumption off the premises shall be placed in a paper or plastic bag prior to its delivery to the purchaser.

- 3. It shall be unlawful for the holder of a class T license to offer for sale at retail any beer 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 of 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.
- 4. The combination brewpub restaurant must have a valid brew pub license from the State of Illinois for the brewing of beer.

The annual fee for 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 one (1) such licenses shall be in force at any one (1) time.

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

SECTION 3: If any provision of this Ordinance 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 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 24, 2012

Approved:

Adopted: October 1, 2012

October 12, 2012

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

