

45-O-13

AN ORDINANCE

**Amending Subsection 3-4-6-(AA) of the City Code to Decrease the
Number of Class AA Liquor Licenses from One to Zero
(Closure of Central Street Cafe, 2800 Central Street)**

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

SECTION 1: Subsection 3-4-6-(AA) of the Evanston City Code of 2012,
as amended, is hereby further amended by decreasing the number of Class AA liquor
licenses from one (1) to zero (0), to read as follows:

(AA) CLASS AA licenses, which shall authorize: (i) the serving of alcoholic liquor, beer and/or wine that is incidental and complementary to meal service and the retail sale of fine cheeses, deli and gourmet food products, and related accessories; (ii) the retail sale of wine, refrigerated beer, and/or unrefrigerated beer, in original packages, for consumption off the premises; (iii) the tasting of wine and/or beer not exceeding the limits set forth herein. Each Class AA license shall be issued subject to the following conditions:

1. Class AA licenses shall authorize the retail sale only of wine, imported beer, and American craft beer, and of no other alcoholic liquors, for consumption off the premises.
2. Class AA licenses may be issued only to or retained by establishments in which the facilities for food preparation and service are those of a "restaurant, type 1," as defined in Section 6-18-3 of this Code.
3. Class AA licenses may be issued only to those businesses for which the principal merchandise offered for retail sale is wine, imported beer, and American craft beer, in original packages, for consumption off the premises. Licensees may also sell wine-, and beer-related accessories, small gourmet food products, and specialty gift products such as fine food accessories. Not more than twenty (20) percent of total gross square foot area of the licensed premises may be designated for the sale of wine, refrigerated beer, and/or unrefrigerated beer. No tobacco product of any kind shall be sold or offered for sale on the licensed premises.

4. Class AA licenses shall permit the sale and service of alcoholic liquor, wine, and/or beer to patrons for immediate consumption on the licensed premises, when such sale is incidental and complementary to the purchase and consumption of meals. The indoor seating area where alcoholic liquor, wine, and/or beer is served for such consumption shall be identified on a scale drawing of the licensed premises submitted with the application for the class AA license, and is subject to the review and approval of the Local Liquor Control Commissioner. The retail sale of bottles of wine to patrons on the premises is permitted provided that the licensee charges a minimal corkage fee to such patrons.
5. It shall be unlawful for any holder of a class AA license that provides outdoor restaurant seating in the public right-of-way as a permitted sidewalk cafe pursuant to Subsection 7-2-6(D) this Code, as amended, to serve alcoholic liquor, wine, and/or beer to any patron seated in the public right-of-way without concurrently serving a meal to said patron.
6. Class AA licenses shall permit the sale of alcoholic liquor, wine, and/or beer in a designated bar area. Any such designated bar area shall be subject to the following limitations and requirements:
 - a. The bar area shall include a bar and/or seating area.
 - b. The bar area of the restaurant open to patrons either seated or standing shall not exceed fifteen (15) percent of the total interior area of restaurant open to patrons, not including restrooms.
 - c. The bar area must be identified on a scale drawing of the licensed premises submitted with the application for the class AA license, and is subject to the review and approval of the Local Liquor Control Commissioner.
 - d. No alcoholic liquor, wine, or beer may be offered for sale or served in the bar area unless the licensee is concurrently offering for sale or serving meals to patrons dining outside of the bar area.
 - e. The bar area shall not be located in the public right-of-way, in whole or in part, regardless of whether the licensee has a sidewalk cafe permit.
7. Class AA licenses shall permit the tasting of samples of those wines and/or beers permitted to be sold under this classification, on the licensed premises during authorized hours of business. No charge, cost, fee, or other consideration of any kind shall be levied for any such tasting. Licensees shall not provide more than three (3) free samples, each of which shall not exceed one (1) fluid ounce, to any person in a day.

Licensees must have at least one (1) BASSET-certified site Manager on-premises whenever offering wine and beer for tasting. Licensees must provide food service when offering wine and/or beer for tasting.

8. The sale of alcoholic liquor, wine, and/or beer shall be limited to the hours of 10:00 a.m. until 9:00 p.m. Monday through Thursday; 10:00 a.m. until 10:00 p.m. Friday through Saturday; 12:00 noon until 9:00 p.m. on Sunday.

The applicant for the renewal only of such licenses may elect to pay the amount herein semiannually. Such election shall be made at the time of application.

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

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable according to the provisions of Section 3-4-7 of this Chapter, shall be \$5,160.00.

No more than zero (0) 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 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 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: April 22, 2013

Approved:

Adopted: May 13, 2013

May 15, 2013

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