

Effective Date: January 1, 2014

8/26/13
9/13/13

90-0-13

AN ORDINANCE

**Amending and Revising City Code Title 3, Chapter 4
"Liquor Control Regulations"**

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

SECTION 1: Title 3, Chapter 4 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to read as follows:

CHAPTER 4 - LIQUOR CONTROL REGULATIONS

SECTION:

- 3-4-1. - DEFINITIONS.
- 3-4-2. - LOCAL LIQUOR CONTROL COMMISSIONER.
- 3-4-3. - LICENSES.
- 3-4-4. - APPLICATION FOR LICENSES.
- 3-4-5. - RESTRICTIONS ON LICENSES.
- 3-4-6. - CLASSIFICATION AND LICENSE FEES.
- 3-4-7. - DISPOSITION OF FEES.
- 3-4-8. - LICENSE CONDITIONS.
- 3-4-9. - CLOSING HOURS.
- 3-4-10. - PREMISES; SANITARY CONDITIONS, MAINTENANCE.
- 3-4-11. - SALES TO MINORS, CERTAIN PERSONS RESTRICTED.
- 3-4-12. - EMPLOYMENT OF MINORS.
- 3-4-13. - RESPONSIBILITY OF PARENTS AND OTHERS FOR ALCOHOL CONSUMPTION BY MINORS.
- 3-4-14. - REVOCATION OR SUSPENSION OF LICENSE.
- 3-4-15. - COMPLAINT OF VIOLATION.
- 3-4-16. - PENALTY.
- 3-4-17. - RESPONSIBILITY FOR VIOLATIONS.
- 3-4-18. - ALCOHOL AWARENESS TRAINING.
- 3-4-19. - SEALING AND REMOVAL OF OPEN WINE BOTTLES FROM A RESTAURANT

3-4-1. - DEFINITIONS.

Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

<i>ALCOHOL.</i>	The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, but not including denatured alcohol or wood alcohol.
<i>ALCOHOLIC LIQUOR.</i>	Any alcohol, spirits, wine and beer, and every liquid or solid, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (0.5%), or less, of alcohol by volume.
<i>APPLICANT.</i>	An individual, copartnership or corporation which seeks to be licensed under the provisions of this Chapter. In the case of a corporation, it shall mean the officers, directors, all persons owning directly or beneficially more than five percent (5%) of the stock of such corporation and the person operating as manager of the premises. In the case of a combination grocery/drugstore, "applicant" shall mean the officers, directors, all persons owning directly or beneficially more than five percent (5%) of the stock of the entity having charge of the licensed premises and the person(s) operating as manager(s) of the premises.
<i>BEER.</i>	A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager, porter and the like.
<i>BREW PUB.</i>	A manufacturer of beer only at a designated premises to make sales to importing distributors, distributors, and to nonlicensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises.
<i>COMBINATION DRUG/GROCERY STORE.</i>	A store with affiliated drug and grocery companies managing a combination drug and grocery store as a single store under one roof.
<i>COMBINATION RESTAURANT/PACKAGE STORE.</i>	An entity under single ownership and management, containing a restaurant which sells alcoholic liquor and a package store which sells wine only in original packages for consumption off the premises, operated as a single unit under one roof in the retail package store area.
<i>CORE AREA.</i>	The area starting at the center of the intersection of Church Street and Orrington Avenue, thence northeast on Orrington Avenue to the intersection of Orrington Avenue and Clark Street, thence northwest on Elgin Road to the intersection of Elgin Road and Benson Avenue, thence south on Benson Avenue to the intersection of Clark Street, thence west on Clark Street to the intersection of Maple Avenue, thence north on Maple Avenue to the intersection of University Place, thence west on University Place to the Railroad Right of Way, then south along said

	<p>Railroad Right of Way to Clark Street, thence west on Clark Street to the intersection of Clark Street and Oak Avenue, thence south on Oak Avenue to the first east/west alley south of Davis Street, thence east along said east/west alley to the intersection of Maple Avenue, thence south along Maple Avenue to the south line of Holmgrens consolidation of lots 3 and 4 in the Village of Evanston which lies approximately 100.10 feet south of the south line of Grove Street, thence east along said line extended to the center line of Elmwood Avenue, thence north on Elmwood Avenue to the intersection of Grove Street, thence east on Grove Street to the intersection with the railroad right of way, thence southeast along said railroad right of way to the center line of Lake Street, thence east along Lake Street to the center line of the first north/south alley east of Sherman Avenue, thence north along said alley to the intersection of said alley with Grove Street, then southeast along Grove Street to Chicago Avenue, thence northeast along Chicago Avenue to Davis Street, then northwest along Davis Street to the first alley northwest of Chicago Avenue, thence northeast along said alley to Church Street, thence northwest along Church Street to Orrington Avenue, the point of beginning.</p>
GROCERY STORE.	<p>A building or portion thereof where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over the counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer.</p>
HOTEL.	<p>Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where a restaurant is located and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which fifty (50) or more rooms are used for the sleeping accommodations for transients.</p>
Illinois Liquor Control Commission ("ILCC").	<p>The state commission created by the Illinois Liquor Control Act of 1934, as amended ("Act"), 235 ILCS 5/3-1 <i>et seq.</i>, that hears and determines appeals from orders of the local liquor control commissioner in accordance with the provisions of the Act.</p>
ORIGINAL PACKAGES.	<p>Any bottle, flask, jug, can, cask, barrel, growler, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.</p>
PACKAGE STORE.	<p>A place of business in which the premises is used primarily or exclusively for the retail sale of alcoholic liquor in original packages for consumption off the premises where sold. In the case of a package store affiliated with, and operated under the same roof as, a drugstore, one one-way exit door may be provided to allow passage from the package store into the drugstore. Complete floor to ceiling separation between the package store and liquor store is otherwise required.</p>

<i>RESTAURANT.</i>	Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, which offers patrons complete meals, including dinner and/or luncheon menu at which the service of alcoholic beverages is incidental and complementary to the service of such meals. Limited food service such as provided by lounges, luncheonettes, diners, coffee shops, drive ins, etc., does not satisfy the requirements of this definition.
<i>RETAIL PACKAGE STORE AREA.</i>	The area starting at the center of the intersection of Church Street and Orrington Avenue, thence northeast on Orrington Avenue to the intersection of Orrington Avenue and Clark Street, thence northwest on Clark Street and Elgin Road to the intersection of Elgin Road and Sherman Avenue, thence north on Sherman Avenue to the intersection of Sherman Avenue and University Place, thence west on University Place to the intersection of University Place and Elgin Road, thence northwest on Elgin Road to the intersection of Elgin Road and Emerson Street, thence west on Emerson Street to the intersection of Emerson Street and Oak Avenue, thence south on Oak Avenue to the intersection of the east/west alley south of Emerson Street, thence west along said alley to the railroad right of way, thence southeast along said railroad right of way to the intersection of the railroad right of way and Clark Street, thence west on Clark Street to the intersection of Clark Street and Oak Avenue, thence south on Oak Avenue to the first east/west alley south of Davis Street, thence east along said east/west alley to the intersection of Maple Avenue, thence south along Maple Avenue to the south line of Holmgrens consolidation of lots 3 and 4 in the Village of Evanston which lies approximately 100.10 feet south of the south line of Grove Street, thence east along said line extended to the center line of Elmwood Avenue, thence north on Elmwood Avenue to the intersection of Grove Street, thence east on Grove Street to the intersection with the railroad right of way, thence southeast along said railroad right of way to the center line of Lake Street, thence east along Lake Street to the center line of the first north/south alley east of Sherman Avenue, thence north along said alley to the intersection of said alley with Grove Street, thence southeast along Grove Street to Chicago Avenue, thence northeast along Chicago Avenue to Davis Street, thence northwest along Davis Street to the first alley northwest of Chicago Avenue, thence northeast along said alley to Church Street, thence northwest along Church Street to Orrington Avenue, the point of beginning.
<i>RETIREMENT COMMUNITY.</i>	Housing developed, planned, designed, and operated to provide a full range of accommodations and services for older adults including independent living, assisted living, sheltered care, and nursing home care. Residents may move from one (1) level to another as needs change. This term shall include, but will not be limited to, continuing care communities and life care retirement communities.
<i>RETIREMENT HOME (HOME</i>	A facility for older adults that provides services and rooming units, dwelling units of any type, sheltered care, or intermediate or skilled

<i>FOR THE AGED).</i>	nursing care services.
<i>RETIREMENT HOTEL.</i>	An establishment where meals are provided as part of the price of the accommodations, that caters primarily to nontransient guests and either holds itself out to the public as a retirement facility, selectively caters to or solicits the elderly, or has admission standards based on age. A retirement hotel may not offer any type of long term care, including nursing or sheltered care services.
<i>UNIVERSITY AREA.</i>	That area of the City east of the east line of Sheridan Road and south of the south line of Lincoln Street, extended to the lake shore and northeasterly of the northeasterly line of that portion of Sheridan Road running in a generally northwesterly and southeasterly direction south and east of the intersection of Sheridan Road at Chicago Avenue, and such line created thereby extended to the lake shore, but excepting therefrom a corridor having a depth of one hundred fifty feet (150') bounded by the north, south and west lines of said described area.
<i>WINE.</i>	Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of "alcohol" as defined above.

3-4-2. - LOCAL LIQUOR CONTROL COMMISSIONER.

- (A) *Mayor.* Pursuant to 235 ILCS 5/4-2, the Mayor of the City is the local liquor control commissioner and shall administer within the City the appropriate provisions of this Chapter.
- (B) *Liquor Control Review Board.* The Mayor, as the local liquor control commissioner, may appoint a person or persons to assist him/her in the exercise of the powers and the performance of the duties of the local liquor control commissioner. This includes, the investigation and review of all applications, renewals and complaints; investigation of the operation of all licensed establishments; conduct hearings; receiving evidence and sworn testimony; and making recommendations to the commissioner.
- (C) *Powers and Duties.* The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses:
1. To grant, suspend for not more than thirty (30) days, or revoke any local licenses issued to persons for premises within the City ;
 2. To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under this Chapter to determine whether any of the provisions of this Chapter or any rules or regulations adopted by him/her or by the ILCC have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;
 3. To receive complaints from any person pertaining to any of the provisions of

this Chapter, or any rules or regulations adopted pursuant hereto, and to act upon such complaints as necessary;

4. To receive liquor license fees ;
5. In the event that an application is rejected by the local liquor control commissioner, the Council may overrule him/her within thirty (30) days of the rejection. An ordinance specifically providing that the order of the commissioner be reversed and an additional license of the class applied for be created shall be adopted by the vote of two-thirds (2/3) of all the aldermen then holding office. When such an ordinance is adopted, the commissioner shall issue such license to the applicant. An ordinance adopted under this subsection by a two-thirds (2/3) vote is not subject to a Mayoral veto;
6. The Mayor, as local liquor control commissioner, shall keep a complete record of all such liquor licenses issued by him/her;
7. He/shemay revoke any liquor license for any violation of any provision of this Chapter, or for any violation of any State law pertaining to the sale of alcoholic liquor.

3-4-3. - LICENSES.

(A) License Required.

1. It shall be unlawful to sell or offer for sale in the City any alcoholic liquor without having a liquor dealer's license, or in violation of the terms of such license.
2. Each license shall terminate one year from the date of issuance;
3. Any licensee may renew his/her license at the expiration thereof, provided that he/she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. This renewal privilege shall not be construed as a vested rightor will prevent the City Council from decreasing the number of licenses to be issued within its jurisdiction.

(B) Conditional License.

1. Upon request an applicant may receive a conditional license. This license may be issued to an applicant who complies with all licensing requirements of this Chapter, except for the completion of the fingerprint checks. No fees will be returned to a conditional licensee who fails to qualify for an annual license.
2. A conditional license is subject to all provisions of this Chapter except as otherwise provided in this subsection (B).

3. The issuance of a conditional license shall not be construed as creating a vested right or expectation in the issuance of an annual license.

4. A conditional license shall contain the following language:

The licensee, by accepting this license, waives any right to a hearing and consents to summary and automatic revocation of the conditional license upon notice by the City that the fingerprint checks render the licensee ineligible under the requirements of this Chapter to hold a liquor license.

5. An annual license will be issued to the conditional licensee upon receipt of fingerprint information which verified that the licensee is eligible to receive an annual City liquor license.

3-4-4. - APPLICATION FOR LICENSES.

Written applications for licenses shall be made to the local liquor control commissioner and signed by the applicant, or by a duly authorized agent thereof.. All applications shall be verified by oath or affidavit and contain the following statements and information.

- (A) The name, age and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation, the date of incorporation, the objects for which it was organized, a summary of its activities during the past year, and the names and addresses of the officers, directors, all persons owning directly or beneficially more than five percent (5%) of the stock of such corporation and the person operating as manager of the premises.
- (B) The citizenship of the applicant, the place of his/her birth, and if a naturalized citizen, the time and place of his/her naturalization.
- (C) The character of business of the applicant; and in the case of a corporation, the objects for which it was formed.
- (D) The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- (E) The amount of goods, wares and merchandise on hand at the time application is made.
- (F) The location and description of the premises or place of business which is to be operated under such license.
- (G) A statement whether applicant has made application for a similar or other license on premises other than that described in the application, and the disposition of

such application.

- (H) A statement that applicant is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this state, or the ordinances of the City, and a statement as to whether applicant has ever been convicted of a felony.
- (I) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked or suspended, and the reasons thereof.
- (J) A statement that the applicant understands and shall not violate any of the laws of the state of Illinois, or of the United States, or any ordinances of the City in the conduct of his/her place of business. This statement will also recite that all applicants acknowledge that they shall read this Chapter and that they agree and understand that they are bound by it.
- (K) Before any license shall be issued on such application, the applicant shall furnish a bond with a corporate surety, such corporate surety to be a surety company regularly authorized to act as surety and to be approved by the local liquor control commissioner. Such bond shall provide against any violation by the principal, his/her agents or employees of any of the terms of this Chapter or any Chapter, rules and regulations now in force or which may hereafter be in force in the City affecting the operation of such business. The penalty of such bond shall be two thousand five hundred dollars (\$2,500.00).

In lieu of such corporate surety, such applicant may furnish a bond to the City with two (2) sureties who shall be residents of the City and each of whom shall be able to schedule real estate owned by him/her in the City of a market value of twice the penalty of such bond over and above any encumbrances, taxes, assessments, homestead rights and liens of any character. Such proposed surety shall file with the local liquor control commissioner a schedule setting forth the street address, as well as the legal description of the real estate owned by him; the names of all persons interested therein, whether or not the same is improved; if improved, the nature of the improvements thereon; whether or not the same is encumbered and if encumbered, the amount and nature of the encumbrance; whether or not the same is subject to homestead rights, listing any unpaid taxes except current taxes and unpaid special assessments, and any other liens, if any; the approximate estimated value of such property over and above encumbrances, and such other information as the local liquor control commissioner may request to aid him/her in determining the sufficiency of the bond. Such schedule shall be sworn to by the proposed surety.

- (L) Before any liquor license shall be issued on such liquor license application and renewal, the applicant shall furnish a valid certificate of liquor liability (dramshop) insurance to the local liquor control commissioner. Such insurance policy shall cover the applicant, be issued by a responsible insurance company authorized and licensed to do business in the state of Illinois, and specifically name the City of Evanston as an additional insured in the aggregate amount of one million dollars

(\$1,000,000.00). The insurance policy required by this Subsection shall be in effect prior to the issuance of any liquor license and be for a term of at least twelve (12) months, and shall coincide with the period the liquor license is in effect.

3-4-5. - RESTRICTIONS ON LICENSES.

No such license shall be issued to.

- (A) A person who is not a resident of the City;
- (B) A person who is not of good character and reputation in the community in which he/she resides;
- (C) A person who is not a citizen of the United States;
- (D) A person convicted of a felony under any federal or state law if the local liquor control commissioner determines, after investigation, that such person is not sufficiently rehabilitated to warrant the public trust;
- (E) A person convicted of being the keeper of or is keeping a house of ill fame;
- (F) A person convicted of pandering or other crime or misdemeanor opposed to public decency and morality;
- (G) A person whose license under this Chapter was revoked ;
- (H) A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license under a first application;
- (I) A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license;
- (J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning directly or beneficially in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- (K) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act, 805 ILCS 6-5/1.01 et seq., to transact business in Illinois;
- (L) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;

- (M) A person convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his/her bond to appear in court to answer charges for any such violation;
- (N) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;
- (O) Any elected public official; or an employee of the City or an appointee to any board or commission of the City, which employee or appointee is charged with the responsibility of administering or enforcing this Chapter;
- (P) Any applicant who shall fail to be eligible for and receive a license to sell alcoholic liquor from the state of Illinois, except where such applicant fails to be eligible due to the location requirements of the state;
- (Q) A person who is not a beneficial owner of the business to be operated by the licensee;
- (R) A person convicted of gambling pursuant to the Illinois Criminal Code, 720 ILCS 5/28-1, 28-3, as amended;
- (S) A person who owes any debt or unpaid tax to the City;
- (T) Any person to whom issuance of a liquor license is prohibited by the Illinois Liquor Control Act of 1934, as amended, 235 ILCS 5/1 *et seq.*

3-4-6. - CLASSIFICATION AND LICENSE FEES.

Licenses issued hereunder shall be divided into the classes provided for in this Section.

Class	Type	Consume on site	Consume off site	Initial fees	Renew fee	Licenses	Location limit	Permitted hours
A	Restaurant/ Beer & Wine Shop	Liquor	Beer, wine	\$5,000	\$5,000	0	None	10 a.m. – 9/10 p.m. 12 pm – 9 pm (Sun)
B	Movie theater	Liquor	None	\$5,000	\$5,000	1	Core	11 a.m. – 1 a.m.
C	Hotel or restaurant	Liquor	None	\$4,300	\$4,300	18	Core	11 a.m. – 2 a.m.
C1	Hotel or restaurant	Liquor	None	\$8,000	\$8,000	5	Core	11 a.m. – 2

								a.m.
D	Restaurant	Liquor	None	\$2,800	\$2,800	52	None	11 a.m. – 2 a.m.
E	Package store	None	Liquor	\$25,000	\$4,100	2	None	8 a.m. – midnight
F	Grocery	None	Liquor	\$35,000	\$11,500	8	Store over 12K SF (product display)	8 a.m. – midnight
G	Grocery	None	Beer/Wine	\$20,000	\$4,100	3	Store over 12k SF (product display)	8 a.m. – midnight
H	Restaurant	Liquor	None	\$2,800	\$2,800	1	None	11 a.m. – 10 p.m. (Mon - Sat.); 12 p.m. – 10 pm (Sun)
I	Restaurant/ package store	Liquor	Liquor	\$7,500	\$7,500	1	None	8 a.m. – 2 a.m.
J	Brewpub	Liquor	Beer	\$7,500	\$7,500	1	Core	10 a.m. – 10 p.m. (Mon – Thu); 10 a.m. 11 p.m. (Fri – Sun)
K	Beer and wine shop	Tasting	Beer, wine	\$5,000	\$5,000	3	Store under 5K SF	8 a.m. – midnight
L	Grocery	None	Liquor	\$5,000	\$5,000	1	Store between 5K and 7K SF (product display)	8 a.m. – midnight
M, N, O	Reserved							
P	Craft Distillery	Sampling	Liquor	\$1,800	\$1,800	1	None	10 a.m. – 11

								p.m.
P1	Craft Brewery	Beer	Beer	\$1,800	\$1,800	1	None	10 a.m. – 10/11 p.m.
Q	Retirement Facility	Liquor	None	\$1,800	\$1,800	3	None	11 a.m. – 12 a.m.
R	University	Liquor	None	\$4,300	\$4,300	2	University area	11 a.m. – 1 a.m.
S	Veterans Groups	Liquor	None	\$500	\$500	1	None	11 a.m. – 1 a.m.
T	Catering	Beer, Wine	None	\$1,800	\$1,800	2	None	10 a.m. – 1/2 a.m.
U	Theater	Beer, Wine	None	\$1,300	\$1,300	0	Not in public buildings	1 hour before performance and at intermission
V	Live Music Venues	Liquor	None	\$8,000	\$8,000	0	Core	4 p.m. – 2/3 a.m.
X, Y	Reserved							
Z1-Z4	One-day licenses	Varies	None	Varies			Varies	10 a.m. – 10:30 p.m./ 2 a.m.

(A) CLASS A 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 A license shall be issued subject to the following conditions:

1. Class A 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 A 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 A 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 A 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 A 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 A 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.
7. 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

(B) Class B licenses, which shall authorize the sale, as described herein, of alcoholic liquor, for consumption on the premises of a cinema, having a minimum seating capacity of eight hundred (800) and located in the Core District, while food service is available. Establishments holding Class B 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 B license shall be subject to the following conditions:

1. Sale, Possession and Consumption: Sale of alcoholic liquor shall be restricted to the café and temporary bar area only. Possession and consumption of alcoholic liquor shall be permitted in the café area and in viewing auditoriums pursuant to 3-4-6-(B)-2.
2. Restrictions on Alcohol in Auditoriums: A class B licensee may permit patrons to exit the café and temporary bar 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 3-4-6-(B)-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 3-4-6-(B)-2.
4. Special Event Waiver: For a Special Event, the restrictions of 3-4-6-(B)-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 3-4-6-(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 3-4-6-(B)-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 \$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 \$5,250.00.

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

(C) CLASS C licenses, which shall authorize the sale on the premises specified of alcoholic liquor only for consumption on the premises while food is available. Such licenses may be issued only to hotels or restaurants in the core area. Establishments holding Class C licenses must have some food service available when alcoholic liquor is being sold. The meanings of "hotel," "restaurant," and "core area" shall be as defined in Section 3-4-1 of this Chapter. 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 \$4,300.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be \$4,515.00.

No more than eighteen (18) such licenses shall be in force at any one (1) time.

(C1) CLASS C1 licenses, which shall authorize the sale on the premises specified of alcoholic liquor only for consumption on the premises while food is available. Such licenses may be issued only to hotels or restaurants in the core area. Establishments holding class C1 licenses must have some food service available when alcoholic liquor is being sold. The meanings of "hotel," "restaurant" and "core area" shall be as defined in Section 3-4-1 of this Chapter.

The sale of alcoholic liquor shall not take place between the hours of 2:00 a.m. and 11:00 a.m., except that sales may be made up to 3:00 a.m. on Friday, Saturday, Sunday mornings and up to 3:00 a.m. on the mornings of January 1, Memorial Day, July 4, Labor Day and Thanksgiving.

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 \$8,000.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be \$8,400.00.

No more than five (5) such licenses shall be in force at any one (1) time.

(D) CLASS D licenses, which shall authorize the retail sale in restaurants only of alcoholic liquor for consumption on the premises where sold. No such 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. Alcoholic liquor may be sold in restaurants holding class D licenses only during the period when their patrons are offered a complete meal. The applicants for the renewal of such licenses may elect to pay the amount required herein semiannually or annually. 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 \$2,800.00.

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 \$2,940.00.

No more than fifty two ((52) such licenses shall be in force at any one (1) time.

(E) CLASS E licenses, which shall authorize in the retail package store area the retail sale in package stores of alcoholic liquor in original packages to persons of at least twenty-one (21) years of age for consumption off the premises. The applicant for a class E license shall pay a first year license fee of twenty-five thousand dollars (\$25,000.00). Thereafter, the annual fee for a class E license shall be four thousand one hundred dollars (\$4,100.00). Each class E license shall be subject to the following conditions:

1. It shall be unlawful for a class E- licensee to sell a single container of beer unless the volume of the container is equal to or greater than forty (40) fluid ounces or 1.18 liters. It shall be unlawful for a licensee to bundle, tape, package, or otherwise manipulate single containers of beer for sale as a set. Any such manipulation of packaging shall be a violation of this Subsection. Nothing in this Subsection shall be construed as prohibiting the sale of packages containing six single containers of beer, including such packages consisting of various single containers of beer chosen by the consumer.
2. It shall be unlawful for a class E licensee to sell a single container of wine unless the container is greater than sixteen (16) fluid ounces or 0.473 liter.
3. It shall be unlawful for a class E licensee to sell a single container of alcoholic liquor, except beer and wine which are regulated by Subsections (E-)1. and (H)2. of this Section, unless the container is greater than sixteen (16) fluid ounces or 0.473 liter.
4. The sale of alcoholic liquor at retail pursuant to the class H license may begin after 8:00 a.m., Monday through Sunday. Alcoholic liquor shall not be sold after the hour of 12:00 midnight on any day.

The total number of class E licenses in force at any one (1) time shall not exceed two (2).

(F) CLASS F licenses, which shall authorize the retail sale of alcoholic liquor in grocery stores, combination stores as defined in Section 3-4-1 of this Chapter, and wholesale clubs requiring membership in original packages to persons of at least twenty-one (21) years of age for consumption off the premises. The applicant for such license shall pay an initial fee of \$35,000.00 and thereafter an annual fee of \$11,500.00.

1. It shall be unlawful for a class F licensee to sell a single container of beer unless the volume of the container is greater than forty (40) ounces or 1.18 liters. It shall be unlawful for a licensee to bundle, tape, package, or otherwise manipulate single containers of beer for sale as a set. Any such manipulation of packaging shall be a violation of this Subsection. Nothing in this Subsection shall be construed as prohibiting the sale of packages containing six single containers of beer, including such packages consisting of various single containers of beer chosen by the consumer.

2. It shall be unlawful for a class F licensee to sell a single container of wine unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
3. It shall be unlawful for a class F licensee to sell a single container of alcoholic liquor, except beer and wine which are regulated by Subsections (F)1. and (F)2. of this Section, unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
4. The sale of alcoholic liquor at retail pursuant to the class F license may begin after 8:00 a.m., Monday through Sunday. Alcoholic liquor shall not be sold after the hour of 12:00 midnight on any day.
5. No such license may be granted to an establishment that is located within five hundred (500) feet of a licensee holding a class N liquor license.
6. A class F licensee shall provide a minimum of twelve thousand (12,000) square feet of production, preparation, and display area in which products are prepared and are for sale.

The total number of class F licenses in effect at any one time shall not exceed eight (8).

(G) CLASS G licenses, which shall authorize the retail sale of beer and wine in grocery stores and combination stores as defined in Section 3-4-1 of this Chapter, and in original packages to persons of at least twenty-one (21) years of age for consumption off the premises. The applicant for such license shall pay an initial fee of \$20,000.00 and thereafter an annual fee of \$4,100.00.

1. It shall be unlawful for a class G licensee to sell a single container of beer unless the volume of the container is greater than forty (40) ounces or 1.18 liters. It shall be unlawful for a licensee to bundle, tape, package, or otherwise manipulate single containers of beer for sale as a set. Any such manipulation of packaging shall be a violation of this Subsection. Nothing in this Subsection shall be construed as prohibiting the sale of packages containing six single containers of beer, including such packages consisting of various single containers of beer chosen by the consumer.
2. It shall be unlawful for a class G licensee to sell a single container of wine unless the container is greater than sixteen (16) fluid ounces or 0.473 liter.
3. The sale of alcoholic liquor at retail pursuant to the class G license may begin after 8:00 a.m., Monday through Sunday. Alcoholic liquor shall not be sold after the hour of 12:00 midnight on any day.
4. A class G licensee shall provide a minimum of twelve thousand (12,000) square feet of production, preparation, and display area in which products are prepared

and are for sale.

The total number of class G licenses in effect at any one (1) time shall not exceed three (3).

(H) Class H licenses, which shall authorize the sale in restaurants of alcoholic liquor for consumption on the premises where sold. No such 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 3-4-1 of this Chapter. Alcoholic liquor may be sold in restaurants holding class H licenses only during the period when patrons are offered a complete meal. The sale of alcoholic liquor shall only take place from 11:00 a.m. to 10:00 p.m., Monday through Saturday and from 12:00 noon to 10:00 p.m. on Sunday. No alcoholic liquor may be consumed on the premises after 10:30 p.m., Sunday through Saturday. The applicants for the renewal of such licenses may elect to pay the amount required herein semiannually or annually. 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 \$2,800.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be \$2,940.00.

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

(I) CLASS I 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 I 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 3-4-1 of this Chapter. Alcoholic liquor may be sold in restaurants holding class I licenses only during the period when their patrons are offered a complete meal. Class I 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 I license shall be subject to the following conditions:

1. The class I 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 I 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 I licensee to sell a single container of wine unless the container is greater than sixteen (16) fluid ounces or 0.473 liter.
4. It shall be unlawful for a class I 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 I licensee to sell a single container of alcoholic liquor, except wine and beer which are regulated by Subsections (I)3 and (S)4 of this Section, unless the container is greater than sixteen (16) fluid ounces or 0.473 liter.
6. Items purchased in the retail package area in original packages shall not be consumed in the restaurant area.
7. It shall be unlawful for a class I licensee to sell 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 I licensees shall sell alcoholic liquor in the restaurant area only during the hours set forth in Section 3-4-9 of this Chapter.
9. The sale of alcoholic liquor at retail pursuant to the class I 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 IS 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 3-4-7 of this Chapter, shall be \$7,875.00.

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

(J) Class J 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 J 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 3-4-1 of this Chapter. Establishments holding class J 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 J 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 J licenses shall be issued only to premises located within the core area.

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

1. It shall be unlawful for a class J 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 J 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 to the provisions of Section 3-4-7 of this Chapter, shall be \$7,875.00.

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

(K) Class K licenses, which shall authorize the retail sale of wine and unrefrigerated beer only in original packages to persons of at least twenty-one (21) years of age for consumption off the premises.

1. It shall be unlawful for a class K licensee to sell a single container of wine unless the container is greater than or equal to sixteen (16) fluid ounces or four hundred seventy-three thousandths liter (0.473 l).

2. Wine tasting of only the wines permitted to be sold under this classification for consumption off-premises shall be permitted during authorized hours of business. 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 may sell samples, but the volume of any sample sold shall not exceed four (4) fluid ounces and the total volume of all samples sold to a person in a day shall not exceed ten (10) fluid ounces. Licensees shall not provide and/or sell more than ten (10) fluid ounces of samples to any person in a day. Licensees must have at least one (1) BASSET-certified site Manager on-premises whenever offering wine for tasting. Licensees must provide food service when offering wine for tasting.
3. The licensed premises shall not exceed a gross area of five thousand (5,000) square feet total.
4. Not less than twenty (20) percent of total gross square foot area of the licensed premises shall be designated for the sale of food.
5. Not more than ten (10) percent of total gross square foot area of the licensed premises may be designated for the sale of unrefrigerated beer.

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 three (3) such licenses shall be in force at any one (1) time.

The sale of alcoholic liquor at retail pursuant to the class K license may begin after 8:00 a.m. Monday through Sunday. Alcoholic liquor shall not be sold after the hour of 12:00 midnight on any day.

(L) CLASS L licenses, which shall authorize the retail sale of alcoholic liquor in a grocery store in original packages to persons of at least twenty-one (21) years of age for consumption off the premises. "Grocery store" is defined in Section 3-4-1 of this Chapter.

The annual fee for 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 \$5,250.00.

1. It shall be unlawful for a Class L licensee to sell a single container of beer unless the volume of the container is equal to or greater than forty (40) fluid ounces or 1.18 liters.
2. It shall be unlawful for a Class L licensee to sell a single container of wine unless the container is greater than or equal to sixteen (16) fluid ounces or 0.473 liters.
3. It shall be unlawful for a Class L licensee to sell a single container of alcoholic liquor, except beer and wine which are regulated by Subsections (V)1 and (V)2 of this Section, unless the volume of the container is greater than sixteen (16) fluid ounces or 0.473 liters
4. The sale of alcoholic liquor at retail pursuant to the Class L 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 o'clock (12:00) midnight on any day.
5. A Class L licensee shall provide a minimum of five thousand (5,000) square feet to a maximum of seven thousand five hundred (7,500) square feet of production, preparation, and display area in which products are prepared and are for sale.
6. The retail package area shall occupy no more than ten (10) percent of the total floor space (including office, bathroom and kitchen space).

The total number of Class L licenses in force at any one (1) time shall not exceed one (1).

Class (M), (N) and (O) Reserved.

(P) CRAFT DISTILLERY licenses, which shall authorize the on-site production and storage of alcohol in quantities not to exceed thirty thousand (30,000) gallons for one year after the effective date of this amendatory ordinance and thirty-five thousand (35,000) gallons thereafter, the sale of such alcohol to persons of at least twenty-one (21) years of age for consumption off-premises, and on-site sampling of such alcohol. Sales of alcohol manufactured outside the facility are prohibited. Such craft distillery licenses shall be issued subject to the following conditions:

1. It shall be unlawful for a class P licensee to sell a container of alcohol for off-premises consumption unless the container is greater than or equal to three hundred seventy-five milliliters (375 ml) in volume.
2. Class P licensees may, during authorized hours of business, offer samples of the alcohol permitted to be produced and sold pursuant to this classification.

Licensees shall not provide more than three (3) free samples, each of which shall not exceed one-quarter fluid ounce (0.25 fl.oz.), to any person in a day. Licensees may sell samples, but the volume of any sample sold shall not exceed one fluid ounce (1 fl.oz.) and the total volume of all samples sold to a person in a day shall not exceed two and one-half fluid ounces (2.5 fluid oz.). Licensees shall not provide and/or sell more than two and one-half fluid ounces (2.5 fluid oz.) of samples to any person in a day. Class P licensees must have at least one (1) BASSET-certified site manager on premises whenever offering samples of alcohol. Class P licensees must provide food service when offering samples of alcohol.

3. It shall be unlawful for the holder of a class P license to provide a sample of or sell any alcohol before the hour of ten o'clock (10:00) A.M. or after the hour of ten o'clock (10:00) P.M. on any Monday, Tuesday, Wednesday, or 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. Every class P licensee must have a valid craft distiller license from the state of Illinois.
5. Every employee of a class P licensee who participates in the production of alcohol, pursuant to this license class, must be BASSET-certified.

The annual single payment fee for initial issuance or renewal of such license shall be \$1,800.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be \$1,890.00.

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

(P-1) CRAFT BREWERY licenses, shall authorize the on-site production and storage of beer in quantities not to exceed four hundred sixty-five thousand (465,000) gallons (or 15,000 barrels) per year, the sale of such beer for consumption off-premises and on-site sampling and consumption of such beer by persons of at least twenty-one (21) years of age. Sale of beer manufactured outside the facility is prohibited. Such craft brewery licenses shall be issued subject to the following conditions:

1. It shall be unlawful for a Class P-1 licensee to sell a single container of beer for off-premises consumption unless the volume of the container is greater than forty (40) ounces or 1.18 liters.
2. During authorized hours of business, Class P-1 licensees may offer for on-site consumption samples of beer permitted to be produced and sold pursuant to

this classification. Licensees shall not provide more than three (3) free samples, each of which shall not exceed two (2) fluid ounces, to any person in a day. Licensees may sell for on-site consumption samples of the beer permitted to be produced and sold pursuant to this classification, provided the total quantity of the sampling package, regardless of the number of containers in which the beer is being served, does not exceed sixteen (16) fluid ounces.

3. Class P-1 licensees must have at least one (1) BASSET-certified site manager on-premises whenever beer is available for on-site consumption. Class P-1 licensees must provide food service whenever beer is available for on-site consumption.
4. It shall be unlawful for the holder of a Class P-1 license to provide a sample of or sell any beer before the hours of 10:00 a.m. or after the hour of 10:00 p.m. on any Monday, Tuesday, Wednesday or Thursday; before the hour or 10:00 a.m. or after the hour of 11:00 p.m. on any Friday or Saturday; and before the hour of 12:00 p.m. and after the hour of 10:00 p.m. on any Sunday.
5. Every Class P-1 licensee must have a valid Class 3 Brewer's License from the State of Illinois.
6. Every employee of a Class P-1 licensee who participates in the production and sale of beer, pursuant to this license class, must be BASSET-certified.

The annual single payment fee for initial issuance or renewal of such license shall be \$1,800.00.

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 \$1,890.00.

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

(Q) CLASS Q licenses, which shall authorize the sale on the premises specified of alcoholic liquor only for consumption upon the premises while food service is available. Such licenses shall be issued only to premises owned, operated and maintained by a "retirement community," "retirement home," or "retirement hotel," all as defined in Section 3-4-1 of this Chapter. Establishments holding class Q licenses must provide meals as part of the price of accommodations. Sales of alcoholic liquor by class Q licensees shall be to residents of the institution, invited guests and staff of the licensee only.

The sale of alcoholic liquor shall only take place from eleven o'clock (11:00) a.m. to twelve o'clock (12:00) midnight Monday through Sunday, except that sales may be made up to two o'clock (2:00) a.m. on the morning of January 1, Memorial Day, Labor Day, and Thanksgiving Day.

The applicant for the renewal only of such license 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 \$1,800.00.

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 \$1,890.00.

No more than three (3) such licenses shall be in force at any one (1) time.

(R) CLASS R licenses, which shall authorize the sale on the premises specified of alcoholic liquor only for consumption upon the premises while food service is available. Such licenses shall be issued only to premises owned, operated and maintained by not for profit educational institutions within the designated university areas. Establishments holding class R licenses must have some food service available when alcoholic liquor is being sold. Sales of alcoholic liquor by class R licensees shall be to students, faculty, alumni, invited guests and staff of the licensee only. The term "university area" shall be as defined in Section 3-4-1 of this Chapter.

The annual fee for such license shall be \$4,300.00.

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 \$4,515.00.

No more than two (2) such licenses shall be in force at any one (1) time.

(S) CLASS S licenses, which shall authorize the sale of alcoholic liquors for consumption only on the premises where sold and limited to members and their guests which may be issued only to nationally chartered veterans' organizations, maintaining permanent club quarters irrespective of the size of their memberships. The applicants for the renewal only of such licenses may elect to pay the amount required herein semiannually or annually. 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 \$500.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be \$525.00.

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

(T) CLASS T licenses, which shall authorize the sale of beer and wine for consumption on the premises where served, only to invited guests at private, catered functions. Such licenses shall be issued only to businesses defined as catering establishments under Title 6 of this Code and having a current Evanston business license. Catering establishments holding Class T licenses must have food service available when beer and wine are being served. The service of beer and wine shall be by employees of the licensed catering business. Class T licensees shall serve beer or wine only to invited guests at catered functions. Such licenses shall be issued only for the premises owned, operated, or maintained by the licensed catering business or for the location in which the licensed catering business shall serve food, beer and wine. The service of beer and wine shall only take place from ten o'clock (10:00) A.M. to one o'clock (1:00) A.M.; except, that service may be made up to two o'clock (2:00) A.M. on Saturday and Sunday mornings. The sale of beer and wine shall be deemed to occur at the address of the catering establishment.

The annual single payment fee for initial issuance or renewal of such license shall be one thousand eight hundred dollars (\$1,800.00).

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be one thousand eight hundred ninety dollars (\$1,890.00).

No more than two (2) such licenses shall be in force at any one (1) time.

(U) Class U licenses, which shall authorize the sale of beer and wine for consumption on the premises where served, limited to patrons of a theater presenting live stage performances during a period limited to one (1) hour prior to the start of the performance and during intermission(s); provided, that sales and consumption are restricted to lobby areas.

The annual single payment fee for initial issuance or renewal of such license shall be \$1,300.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be \$1,365.00.

No more than zero (0) such licenses shall be in force at any one (1) time.

The sale of beer and wine is prohibited in theaters located in public buildings.

(V) Class V licenses, which shall authorize the sale of alcoholic liquor for consumption on the premises where sold, when such premises is operated for the primary purpose of presenting live musical performances, for compensation. Patrons may be served at tables or at a bar installed to accommodate such service. Such licenses may be issued only to establishments located in the core area. The meaning of "core area" and live

musical performance shall be as defined in Section 3-4-1 of this Chapter.

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 \$8,000.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be \$8,400.00.

The sale of alcoholic liquor shall not take place between the hours of two o'clock (2:00) a.m. and four o'clock (4:00) p.m., except that sales may be made up to three o'clock (3:00) a.m., on Friday, Saturday, Sunday mornings and up to three o'clock (3:00) a.m., on the mornings of January 1, Memorial Day, July 4, Labor Day, and Thanksgiving. The sale of alcoholic liquor shall not take place more than two (2) hours before a live performance begins, nor more than two (2) hours after the end of a live performance.

No more than zero (0) such licenses shall be in force at any one (1) time.

(Z¹) Special-one day licenses, which shall authorize the sale on the premises specified of beer and wine only for events conducted by an educational, business, fraternal, political, civic, religious, or not for profit organization. Such special one-day licenses shall be issued subject to the following conditions:

1. No more than twelve (12) special one-day licenses shall be issued to any sales address in any one (1) calendar year.
2. No applicant shall receive more than twelve (12) special one-day licenses within any one (1) calendar year.
3. Only Evanston entities may receive the special one-day license. "Evanston entities" are hereby defined to include individuals residing within the City, including businesses, educational, fraternal, political, civic, religious, and not for profit organizations with a permanent address located within the City.
4. The license shall authorize the consumption of beer and wine only.
5. The sale of beer and wine shall only take place from 10:00 a.m. to 10:30 p.m. (Sunday through Thursday), and from 10:00 a.m. to 2:00 a.m. (Friday through Sunday).
6. The license shall be issued to and valid only for the "sales premises" described on the application.

7. The application shall contain the following information:
 - a. The name of applicant, address and telephone number.
 - b. The "sales premises" for which the license is applicable, a description of the approximate area of the sales premises, whether or not it is indoors or outside, and whether the event will be held on public or private property.
 - c. Whether or not the event is sponsored by a religious organization.
 - d. The hours of operation of the event, the sale date, the name of the property owner, and a written statement of consent from the property owner (if other than the applicant).
 - e. The person's name, telephone number and address who is responsible for conducting the event, and who will be on the premises during the actual event.
 - f. A statement that:
If I (we) am (are) granted this special liquor license, I (we) specifically recognize and agree that the Mayor may revoke this license at any time at the absolute discretion of the Mayor; and upon acceptance of this special liquor license, the holder specifically acknowledges the special privilege of obtaining this type of license and consents to all requirements, including the requirement of immediate forfeiture without reason.
 - g. Signature of applicant.
 - h. A statement that:
No person under twenty-one (21) years of age will be allowed to purchase or sell packaged alcoholic liquor at licensed event.
8. A copy of a certificate of liquor liability insurance, naming the City as certificate holder for the period during which beer and wine will be sold.
9. The fee for a class Z¹ liquor license shall be one hundred and fifty dollars (\$150.00), and shall be deposited with the application.
10. No special Z¹license shall be required for the following:
 - a. Gratuitous service of beer and wine on streets, alleys, sidewalks, parkways, public parkways and within public buildings, by neighborhood organizations to which a block party permit has been issued by the City Manager.
 - b. Sale of beer and wine in business districts at licensed special events by holders of current liquor licenses, at locations immediately adjacent to their regularly licensed premises.
11. No special Z¹licenses shall be issued in the university districts for sales on property owned by Northwestern University without the written consent of Northwestern University.
12. Applications for Z¹licenses shall be submitted to the local liquor control commissioner in accordance with the provisions of this Subsection Z¹. The local

liquor control commissioner shall have the authority to grant or refuse to grant any license.

13. No special Z¹license shall be issued unless the owner/manager/staff of the establishment at which the event will be held has received BASSET training within the previous three (3) years and will be on-site for the duration of the event. Alternatively, the representative of the sponsoring entity organizing the event must have received BASSET training within the previous three (3) years and will be on-site for the duration of the event.

(Z²) Special one-day licenses, which shall authorize the sale on the premises specified of alcoholic liquor only for events conducted by an educational, business, fraternal, political, civic, religious, or not-for-profit organization. Such Z²licenses shall be issued subject to the following conditions:

1. No more than twelve (12) Z²licenses shall be issued to any sales address in any one (1) calendar year.
2. No applicant shall receive more than twelve (12) Z²licenses within any one (1) calendar year.
3. Only Evanston entities may receive the Z²license. "Evanston entities" are hereby defined to include individuals residing within the City, including businesses, educational, fraternal, political, civic, religious, and not-for-profit organizations with a permanent address located within the City.
4. The sale of alcoholic liquor shall only take place from 10:00 a.m. to 10:30 p.m., Sunday through Thursday, and from 10:00 a.m. to 2:00 a.m., Friday through Sunday.
5. The license shall be issued to and valid only for the "sales premises" described on the application.
6. The application shall contain the following information:
 - a. The name of applicant, address and telephone number.
 - b. The "sales premises" for which the license is applicable, a description of the approximate area of the sales premises, whether or not it is indoors or outside, and whether the event will be held on public or private property.
 - c. Whether or not the event is sponsored by a religious organization.
 - d. The hours of operation of the event, the sale date, the name of the property owner, and a written statement of consent from the property owner (if other than the applicant).
 - e. The person's name, telephone number, and address who is responsible for conducting the event, and who will be on the premises during the actual event.
 - f. A statement that:

If I (we) am (are) granted this special liquor license, I (we) specifically recognize and agree that the Mayor may revoke this license at any time at the absolute discretion of the Mayor; and upon acceptance of this special liquor license, the holder specifically acknowledges the special privilege of obtaining this type of license and consents to all requirements, including the requirement of immediate forfeiture without reason.

g. Signature of applicant.

h. A statement that:

No person under twenty-one (21) years of age will be allowed to purchase or sell alcoholic liquor at licensed event.

7. A copy of a certificate of liquor liability insurance, naming the City as certificate holder for the period during which liquor will be sold.
8. The fee for a Class Z² liquor license shall be one hundred and fifty dollars (\$150.00), and shall be deposited with the application.
9. No special one-day liquor license shall be required for the following:
 - a. Gratuitous service of alcoholic liquor on streets, alleys, sidewalks, parkways, public parkways and within public buildings, by neighborhood organizations to which a block party permit has been issued by the City Manager.
 - b. Sale of alcoholic liquor in business districts at licensed special events by holders of current liquor licenses, at locations immediately adjacent to their licensed premises.
10. No Z²liquor licenses shall be issued in the university districts for sales on property owned by Northwestern University without the written consent of Northwestern University.
11. Applications for Z²licenses shall be submitted to the local liquor control commissioner in accordance with the provisions of this Subsection Z². The local liquor control commissioner shall have the authority to grant or refuse to grant all special one-day licenses. Before issuing any Z²liquor license, the Liquor Control Commissioner shall notify the Alderman of the Ward wherein the "sales premises" described on the application is located.
12. No one-day liquor license shall be issued unless the owner/manager/staff of the establishment at which the event will be held has received BASSET training within the previous three (3) years and will be on-site for the duration of the event. Alternatively, the representative of the sponsoring entity organizing the event must have received BASSET training within the previous three (3) years and will be on- site for the duration of the event.

(Z³) CLASS Z³ special one-day city owned building liquor licenses, which shall authorize the service of beer and wine only on the premises of the following facilities: Chandler-Newberger Center (1028 Central Street), Robert Crown Community Center/Ice Rink (1701 Main Street), Ecology Center (2024 McCormick Boulevard), Evanston Arts Center (2603 Sheridan Road), Noyes Cultural Arts Center (927 Noyes Avenue), Levy Senior Center (300 Dodge Avenue), the Fleet-wood-Jourdain Community Center (1655 Foster Avenue), and the Evanston Public Library (1703 Orrington Avenue). Such special one-day licenses shall be issued subject to the following conditions:

1. The license shall authorize the consumption of beer and wine only.
2. The service of beer and wine shall only take place from ten o'clock (10:00) a.m. to ten thirty o'clock (10:30) p.m. (Sunday through Thursday) and from ten o'clock (10:00) a.m. to twelve o'clock (12:00) midnight (Friday and Saturday), provided also that food is made available during those hours.
3. The license shall be issued to and valid only for the "service premises" described with particularity in the license. A license to use a particular "service premises" is not a license to use any other portion of the building. Chandler-Newberger Center, Robert Crown Community Center/Ice Rink, and Fleetwood-Jourdain Community Center shall be closed to the general public during the hours of service of beer and wine authorized by a class Z³ liquor license.
4. The application, which shall be submitted no later than twenty-one (21) days prior to the date of the service date sought, shall contain the following information:
 - a. The name of applicant, address and phone number.
 - b. The "service premises" for which the license is applicable, a description of the approximate area of the service premises.
 - c. The hours of operation of the event, the service date, the address, completion of a signed rental agreement, security deposit, and approval of the director of parks/forestry and recreation department or his/her designee.
 - d. The name, telephone number and address of the person who is responsible for conducting the event, and who will be on the premises during the actual event. Such person(s) must be at least twenty-one (21) years of age.
 - e. A statement that the applicant will provide security for the event, if and as required by the City.
 - f. A statement that:

If I (we) am (are) granted this special liquor license, I (we) specifically recognize and agree that the Mayor may revoke this license at any time at the absolute discretion of the Mayor; and upon acceptance of this special liquor license, the holder specifically acknowledges the special privilege of obtaining this type of license and consents to all requirements, including the requirement of immediate forfeiture without reason.

- g. Signature of applicant.
- 5. A copy of a certificate of liquor liability insurance, naming the City as additional insured in the amount of one million dollars (\$1,000,000.00) for the period during which liquor will be sold.
- 6. The fee for a class Z³ liquor license shall be seventy-five dollars (\$75.00) for residents and two hundred and sixty-five dollars (\$265.00) for nonresidents, and shall be deposited with the application.
- 7. Applications for special one-day class Z³ liquor licenses shall be submitted to the liquor control commissioner in accordance with the provisions of this Subsection Z³. The liquor control commissioner shall have the authority to grant or refuse to grant all special one-day liquor licenses.
- 8. No more than one (1) such license shall be granted per any facility, per day.

(Z⁴) CLASS Z⁴ special one-day city owned building liquor licenses, which shall authorize the service of alcoholic liquor only on the premises of the following facilities: Chandler-Newberger Center (1028 Central Street), Robert Crown Community Center/Ice Rink (1701 Main Street), Ecology Center (2024 McCormick Boulevard), Evanston Arts Center (2603 Sheridan Road), Noyes Cultural Arts Center (927 Noyes Avenue), Levy Senior Center (300 Dodge Avenue), the Fleet-wood-Jourdain Community Center (1655 Foster Avenue), and the Evanston Public Library (1703 Orrington Avenue). Such special one-day licenses shall be issued subject to the following conditions:

- 1. The license shall authorize the consumption of alcoholic liquor.
- 2. The service of alcoholic liquor shall only take place from ten o'clock (10:00) a.m. to ten thirty o'clock (10:30) p.m. (Sunday through Thursday) and from ten o'clock (10:00) a.m. to twelve o'clock (12:00) midnight (Friday and Saturday), provided also that food is made available during those hours.
- 3. The license shall be issued to and valid only for the "service premises" described with particularity in the license. A license to use a particular "service premises" is not a license to use any other portion of the building. Chandler-Newberger Center, Robert Crown Community Center/Ice Rink, and Fleetwood-Jourdain Community Center shall be closed to the general public during the hours of service of alcoholic liquor authorized by a class Z⁴ liquor license.
- 4. The application, which shall be submitted no later than twenty-one (21) days prior to the date of the service date sought, shall contain the following information:
 - a. The name of applicant, address and phone number.

- b. The "service premises" for which the license is applicable, a description of the approximate area of the service premises.
 - c. The hours of operation of the event, the service date, the address, completion of a signed rental agreement, security deposit, and approval of the Director of Parks, Recreation & Community Services or his/her designee.
 - d. The name, telephone number and address of the person who is responsible for conducting the event, and who will be on the premises during the actual event. Such person(s) must be at least twenty-one (21) years of age.
 - e. A statement that the applicant will provide security for the event, if and as required by the City.
 - f. A statement that:
If I (we) am (are) granted this special liquor license, I (we) specifically recognize and agree that the Mayor may revoke this license at any time at the absolute discretion of the Mayor; and upon acceptance of this special liquor license, the holder specifically acknowledges the special privilege of obtaining this type of license and consents to all requirements, including the requirement of immediate forfeiture without reason.
 - g. Signature of applicant.
5. A copy of a certificate of liquor liability insurance, naming the City as additional insured in the amount of one million dollars (\$1,000,000.00) for the period during which liquor will be sold.
 6. The fee for a class Z⁴ liquor license shall be one hundred and fifteen dollars (\$115.00) for residents and three hundred and forty dollars (\$340.00) for nonresidents, and shall be deposited with the application.
 7. Applications for special one-day class Z⁴ liquor licenses shall be submitted to the liquor control commissioner in accordance with the provisions of this Subsection Z⁴. The liquor control commissioner shall have the authority to grant or refuse to grant any Z⁴ license.
 8. No more than one (1) such license shall be granted per any facility, per day.

3-4-7. - DISPOSITION OF FEES.

Payment of license application or license renewal fees applicant may be made annually or semi-annually. If the applicant will pay semiannually, the applicant will note that at the time of the renewal application. All payments required by this subsection shall be paid to the local liquor control commissioner at the time the application is submitted. If a license application or renewal is denied, such payment shall be returned to the applicant. If the license application or renewal is granted, and the applicant will pay the total fee semiannually, a sum equal to fifty (50) percent of the total fees in such instance provided by Section 3-4-6 of this Chapter shall be paid to the City no later than 6 months/180 days following the date of issuance. The payment on a semiannual basis does not relieve the applicant from paying the full fee provided by Section 3-4-6 of this

Chapter. Semiannual payments do not create a semiannual license, but rather each license shall be issued for a period of one (1) year. Failure to make the payments shall result in the license being suspended during the period of such nonpayment and shall constitute grounds for revocation. All funds received by the City shall be deposited in the general corporate fund or in such other fund as the City Council may designate. All license fees received by the City shall be nonrefundable.

3-4-8. - LICENSE CONDITIONS.

(A) *Transfer of License.* A license shall be purely a personal privilege, good for only one (1) year after issuance unless it is revoked. A license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution; provided, that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor under the order of the appropriate court, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A licensee who owes any unpaid debt or tax to the City shall first pay any debt or tax to the City prior to renewal of the license.

(B) *Change in Personnel.*

1. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (5) percent of the stock or ownership interest, or managers of establishments licensed under this Chapter, shall be reported in writing to the local liquor control commissioner within ten (10) days of the change. All new personnel shall meet all the standards of this Chapter and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the local liquor control commissioner.
2. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.
3. When a license has been issued to a corporation and a change takes place in officers, directors, shareholders of more than five (5) percent of the stock or managers resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.
4. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.
5. When a licensee ceases to operate and closes its business premises, said

license shall terminate.

(C) *Termination or Transfer of License.*

1. When a license terminates as set forth in Subsections (A) and (B) of this Section, the maximum number of licenses in force for the respective license classification pursuant to Section 3-4-6 of this Chapter shall be reduced by one (1) for each license so terminated.
2. A transfer of license or a change in personnel as set forth in Subsections (A) and (B) of this Section shall be reported in writing to the liquor control commissioner within ten (10) days of the transfer or change.

(D) *Change of Location.* A liquor license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon a written permission to make such change issued by the liquor control commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the sale of alcoholic liquor under the laws of this state and the ordinances of the City.

(E) *Peddling.* It shall be unlawful to peddle alcoholic liquor in the City.

(F) *Sales on Credit.* No person shall sell or furnish alcoholic liquor at retail to any person on credit or in exchange for any goods, wares or merchandise, or in payment for any services rendered. This subsection shall not prohibit any hotel from permitting checks or statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests. This subsection shall not prohibit payment by credit or debit card for the purchase of liquor in the original package or container for consumption off the premises.

(G) *Class C, C¹ and Class D License Holders, Restrictions.* Sale of alcoholic liquor on the licensed premises of class C, C¹ and class D licensees shall be permitted only to those persons intending to purchase a meal for consumption on the premises. The holder of a class C, C¹ or class D license shall not sell or give away alcoholic liquor to any person unless he/she has reasonable grounds to believe that the recipient of such alcoholic liquor intends to consume a meal on the premises.

(H) *Pro Rata License Fee Credit for Change in License Classification.* If during the term of the current license, a licensee applies for a license of a class with a higher fee than their current license, any payments made for the original license will be applied to the new license. The term of the license will remain the same.

3-4-9. - CLOSING HOURS.

No person licensed hereunder as a seller of alcoholic liquor, other than persons holding class I licenses shall sell or permit to be sold or given away any alcoholic liquor between

the hours of one o'clock (1:00) a.m. and eleven o'clock (11:00) a.m., except that sales may be made up to two o'clock (2:00) a.m., on Saturday and Sunday mornings and on the morning of January 1, Memorial Day, Labor Day and Thanksgiving; however, no such sales shall be made between two o'clock (2:00) a.m. and twelve o'clock (12:00) noon on Sunday. No person licensed hereunder as a seller of alcoholic liquor with a class I license shall sell or permit to be sold or given away any alcoholic liquor between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m. All patrons and customers shall leave the premises not later than ten (10) minutes following the closing hours herein established.

3-4-10. - PREMISES; SANITARY CONDITIONS, MAINTENANCE.

(A) *Sanitary Conditions.* All premises used for the sale or storage of alcoholic liquor, shall fully comply with the ordinances of the City regulating the condition of premises for the storage and sale of food for human consumption.

(B) *Employees.* It shall be unlawful to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

3-4-11. - SALES TO MINORS, CERTAIN PERSONS RESTRICTED; AGE RESTRICTIONS & IDENTIFICATION CARDS

(A) No licensee, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he/she is over the age of twenty-one (21) years, if requested by the licensee, representative, agent or employee. No licensee, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years or to any intoxicated person.

(B) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under twenty-one (21) years of age except in the performance of a religious ceremony or service.

(C) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of alcoholic liquor or have alcoholic liquor in his/her possession. It shall be unlawful for any person under the age of twenty-one (21) to misrepresent his/her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the City where alcoholic liquor is sold or served. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card or obtain an identification card by means of false information.

(D) In every place in the City where alcoholic liquor is sold, there shall be displayed at all times in a prominent place a printed card which shall be supplied by the local liquor

control commissioner which shall read substantially as follows:

WARNING TO PERSONS UNDER 21 YEARS OF AGE

You may be fined between Five Hundred Dollars (\$500.00) to One Thousand Dollars (\$1,000.00) under the ordinances of the City of Evanston if you consume or possess alcoholic liquor or misrepresent your age for the purpose of obtaining or purchasing alcoholic liquor.

Only the following types of identification will be accepted for the purpose of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; State Photo Identification Card for non-drivers; visa or passport; and military identification card.

(E) It shall be unlawful for any holder of a liquor license, or his/her agent or employee, to permit any person under the age of twenty-one (21) to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided, that this subsection shall not apply to employees of the licensed premises, any person under the age of twenty-one (21) who is accompanied by his/her or her parent or guardian, or to that portion of any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor.

(F) Notwithstanding Subsection (E) of this Section, it shall be unlawful for any holder of a C¹ liquor license, or his/her agent or employee, to permit any person under the age of twenty-one (21) to be or remain anywhere on such licensed premises after the hour of twelve o'clock (12:00) midnight; provided that this Subsection shall not apply to employees of the licensed premises, or to any person under the age of twenty-one (21) who is accompanied by the person's parent or guardian. In addition, this Subsection shall not pertain to private events or fundraisers as long as the licensee: 1) gives written notice of said event to the City two (2) weeks in advance; and 2) provides for noticeable identification for those under twenty-one (21) years of age remaining on the premises after twelve o'clock (12:00) midnight, either by wristbands or hand stamps. For purposes of this Section; "fundraiser" shall be defined as an event held where the cover charge/entrance fee is donated to a local charity or nationally recognized charity, or a 501(C)(3) organization. Establishments must provide a fully enclosed area for these events such that entry and exit from the area can be controlled and that no alcoholic beverages leave the designated area. An enclosed area may be designated by a partition, roped off area or separate room. Also, the area must not be open to access by the general public, or to access by persons other than those properly participating in the event. There shall be permitted no more than forty (40) "fundraisers," as defined in this Subsection, in C¹ liquor establishments per calendar year. If a licensed establishment has been found three (3) times to have committed the offense of selling liquor to underaged persons, said establishment shall not be permitted to hold fundraisers for twelve (12) months from the date of the last finding.

(G) In addition to all other fines and penalties, the local liquor control commissioner may revoke the liquor dealer's license for any violation of the above subsections.

(H) It shall be unlawful for any parent or guardian to permit any minor child under the age of eighteen (18) years to violate any provisions of this Section.

3-4-12. - EMPLOYMENT OF MINORS.

(A) No licensee or, representative, agent or employee of such licensee shall employ on its premises any person under the age of eighteen (18) years to attend bar, or to pour, draw, mix or serve alcoholic liquor on said premises.

(B) No licensee of a class H liquor license or any, representative, agent or employee of such licensee engaging in the retail sale of packaged alcoholic liquor shall employ on its premises any person under the age of twenty one (21) years to sell packaged alcoholic liquor.

3-4-13. - RESPONSIBILITY OF PARENTS AND OTHERS FOR ALCOHOL CONSUMPTION BY MINORS.

(A) *Offenses.*

1. It shall be unlawful for any parent or guardian to suffer or permit any minor child under the age of eighteen (18) years of which he/she is the parent or guardian to violate any of the provisions of this Chapter.
2. It shall be unlawful for any parent, guardian or adult occupant to knowingly permit a gathering at a premises owned, controlled or occupied by him/her of two (2) or more persons under the age of eighteen (18) years where alcoholic liquor is possessed or consumed by said minors. Parents, guardians, or adult occupants are presumed to have acted knowingly if, in the exercise of ordinary care, they should have known of a substantial probability that said minors will possess or consume alcoholic liquor or if they absent themselves from premises without assuring that a competent person over the age of twenty one (21) is present to provide adult supervision.
3. It shall be unlawful for any parent, guardian or adult occupant to intentionally, knowingly, recklessly or negligently give or deliver alcoholic liquor to or invite or permit the consumption of alcoholic liquor by any minor child under the age of eighteen (18) years on or about any premises owned, leased or controlled by such parent, guardian or adult occupant.
4. Parents and guardians who know, or in the exercise of ordinary care should know, of a substantial probability that their minor child under the age of eighteen (18) years has consumed or will consume alcoholic liquor in violation of this Chapter, the Illinois liquor control act, or any other ordinances, statutes or

amendments thereto, shall restrain or prevent said minor child from operating or driving a motor vehicle on the public streets and ways of the City in violation of any ordinance, law or statute.

5. Parents and guardians who know, or in the exercise of ordinary care should know, of a substantial probability that their minor child under the age of eighteen (18) years has consumed or will consume alcoholic liquor in violation of this Chapter, the Illinois Liquor Control Act, or any other ordinance, statutes or amendments thereto, shall restrain or prevent said minor child from committing acts which constitute vandalism, theft, disorderly conduct, or the unjustifiable use of force in violation of any ordinance, law or statute.

(B) *Exceptions.* The prohibitions set forth in Subsection (A) of this Section shall not apply to the following circumstances:

Where such minor is in the performance of a religious service or ceremony under the direction, supervision and approval of the parent or guardian of such minor in the privacy of a home.

(C) *Definitions.* The terms used in this Section on parental responsibility shall have the meanings ascribed below:

<i>INTENTIONALLY.</i>	Characterizing conduct engaged in by a person with the conscious objective of accomplishing that result or engaging in that conduct.
<i>KNOWINGLY.</i>	Characterizing conduct engaged in by a person when he/she is consciously aware of the nature or attendant circumstances of his/her conduct which constitutes an offense under this Section.
<i>LEGAL GUARDIAN OR GUARDIAN.</i>	Any foster parent, person appointed guardian or given custody of a minor by a circuit court of this or any other state, or person appointed guardian or given custody of a minor under the Illinois juvenile court act, but shall not include any person appointed guardian only of the estate of a minor.
<i>MINOR.</i>	A person under the age of eighteen (18) years.
<i>NEGLIGENTLY.</i>	Characterizing conduct engaged in by a person where such person fails to be aware of a substantial and unjustifiable risk that circumstances exist or that a result will follow which constitutes an offense under this Section and where such failure constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.
<i>OCCUPANT.</i>	Includes occupant, owner, lessee, permittee, bailee, or legal possessor or occupier of any "premises" as herein defined.
<i>PARENT.</i>	The father and/or mother of a minor child, whether by birth or adoption.
<i>PREMISES.</i>	Any motor vehicle, conveyance, house, clubhouse, apartment, room, dwelling unit, shed, garage, yard or area.
<i>RECKLESSLY.</i>	Characterizing conduct engaged in by a person in conscious disregard of a substantial and unjustifiable risk that circumstances exist or that a result will follow which constitutes an offense under this Section and

	where such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.
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(D) *Penalty.* Any person violating any of the provisions of this Section shall be fined between five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00) for each such offense.

3-4-14. - REVOCATION OR SUSPENSION OF LICENSE.

(A) *Violation; Hearing.* The local liquor control commissioner may revoke or suspend any license issued by him/her if he/she determines the licensee has violated any of the provisions of this Chapter, or any applicable rules or regulations established by the local liquor control commissioner or the ILCC. A licensee who is determined to owe a debt or unpaid tax to the City after being licensed under this Chapter may have his/her license suspended or revoked. No liquor license shall be revoked or suspended except after a public hearing by the local liquor control commissioner with a fourteen (14) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings under this subsection shall be conducted pursuant to the rules of procedure adopted by the local liquor control commissioner on June 18, 2012, as amended. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he/she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days. The licensee shall have an opportunity to be heard during that period. If a licensee conducting another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses. Any licensee which has an order of suspension or revocation entered against it shall post the suspension/revocation order, in a form prescribed by the local liquor control commissioner, on all entrance(s) to the licensed premises. If a licensee tampers, defaces, alters such order, or permits any other person to tamper, alter or deface such order, that licensee shall be fined two thousand dollars (\$2,000.00). A licensee shall be held strictly liable for any tampering, defacement, or alteration of such order. If a licensee appeals a suspension or revocation order to the ILCC, the licensee shall first request permission from the local liquor control commissioner to remove the suspension or revocation order from the entrance(s) to the licensed premises.

(B) *Reuse Of Premises; One Year.* When any license is revoked, no liquor license shall be granted to any person for the premises described in such revoked license for one year after the effective date of the revocation order.

(C) All public hearings convened by the local liquor control commissioner to determine whether a license shall be suspended or revoked shall have such proceedings transcribed by a certified court reporter. Any licensee whose license is the subject of such hearing(s) shall pay to the City within 30 days after the local liquor commissioner adjourns the last hearing related to considering such suspension/revocation matter, all court reporter appearance fees, transcript costs, and the attorneys' fees of the

Corporation Counsel. Any licensee whose license is suspended and/or revoked who fails to pay all fees and costs required by this subsection will be ineligible to have their license renewed at any next applicable renewal period. The fact that a licensee may appeal the local liquor commissioner's suspension and/or revocation order to the ILCC shall not affect the licensee's duty to pay all such fees and costs required by this subsection. For each day after the 30th day payment is due a licensee fails or refuses to pay the fees and costs required by this subsection, the licensee shall be fined \$200.00 per day, such fines which will accrue on the balance due.

(D) Appeal to ILCC; Official Record. All appeals of any suspension/revocation order of the local liquor control commissioner shall be made to the ILCC and limited to a review of the Official Record of the proceedings before the local liquor control commissioner.

3-4-15. - COMPLAINT OF VIOLATION.

Any person shall have the right to file a complaint with the local liquor control commissioner stating that any licensee, subject to the jurisdiction of the local liquor control commissioner, has been or is violating the provisions of this Chapter or the rules or regulations applicable to such licensee. This complaint shall be in writing in the form prescribed by the local commission and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provisions, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the local liquor control commissioner is satisfied that the complaint substantially charges a violation, he/she shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint.

3-4-16. - PENALTY.

Except as otherwise provided in this Chapter, any person violating any provision of this Chapter shall be fined between five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

3-4-17. - RESPONSIBILITY FOR VIOLATIONS.

(A) *Acts Of Employees.* Every act or omission which violates any provision of this Chapter or the Illinois Liquor Control Act 235 ILCS 5/3-1 *et seq.*, by any officer, director, manager, or other agent or employee of the licensee, shall be deemed to be the act of the licensee or employer. The licensee or employer shall be strictly liable in the same manner as if the act or omission has been done or omitted by the licensee personally.

(B) *Penalties.* Any person who violates this Section shall be fined between five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00).

3-4-18. - ALCOHOL AWARENESS TRAINING.

(A) It shall be unlawful for any liquor licensee of any licensed establishment to sell, deliver, serve, prepare, pour, mix or draw alcoholic liquor for consumption on the premises, unless the owner(s) and all site manager(s) have successfully completed a state of Illinois liquor control commission certified beverage alcohol sellers and servers education and training (BASSET) program required by the local liquor control commissioner. All persons hired, performing, and working as a site manager must have a BASSET training certificate before a liquor license is issued.

(B) All original and subsequent renewal applications for all liquor classes of Section 3-4-6 of this Chapter, excluding classes F, X, and X1, shall be accompanied with proof of completion of a state certified beverage alcohol sellers and servers education and training (BASSET) training program for all owners and all site managers supervising the selling, delivering, serving, preparing, pouring, mixing or drawing of alcoholic beverages.

(C) At least one BASSET certified owner or site manager shall be present on premises during times when alcoholic liquor is being served or sold. No alcoholic liquor shall be served or sold without such owner or site manager being present. All licensed premises which offer samples of alcoholic liquor under this Chapter shall ensure that all employees or servers providing such samples have completed the alcohol awareness training program in accordance with this Section.

(D) Any person successfully completing the alcohol awareness training program shall keep on file with the licensee proof of current qualifications, the certificate of course completion and picture identification of participant. Proof of completion shall be presented to the local liquor control commissioner or to any law enforcement officer upon request.

(E) It shall be the responsibility of the owner(s) and/or site manager(s) who have successfully completed the alcohol awareness training program to train and educate all employees of alcohol service and awareness. The owner(s) and site manager(s) shall ensure compliance with all applicable provisions of this Chapter by all employees of the licensed premises concerning the service and sale of alcoholic liquor.

3-4-19 – SEALING AND REMOVAL OF OPEN WINE BOTTLES FROM A RESTAURANT.

At a patron's request, a licensee may seal a partially consumed bottle of wine in a transparent, one-time use, tamper-proof bag for removal from the licensed premises.

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 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.

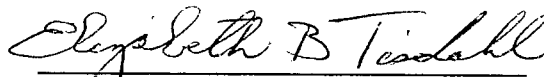
SECTION 5: This ordinance shall take effect January 1, 2014.

Introduced: September 23, 2013

Approved:

Adopted: October 14, 2013

October 16, 2013


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel