

94-O-13

AN ORDINANCE

**Amending City Code Subsection 3-4-6-(O) to Decrease the Number of
Class O Liquor Licenses from Three to Two
(Whole Foods Market Group, Inc., d/b/a
Whole Foods Market, 1640 Chicago Ave)**

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

SECTION 1: Section 3-4-6-(O) of the Evanston City Code of 2012, as amended, is hereby further amended by decreasing the number of Class O liquor licenses from three (3) to two (2), to read as follows:

- (O) CLASS O licenses, which shall authorize the retail sale of beer and wine in grocery stores and combination stores as defined in Section 3-5-1 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 twenty thousand dollars (\$20,000.00) and thereafter an annual fee of four thousand one hundred dollars (\$4,100.00).
1. It shall be unlawful for a Class O 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 O licensee to sell a single container of wine unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
 3. The sale of alcoholic liquor at retail pursuant to the Class O 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 O 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 O licenses in effect at any one (1) time shall not exceed two (2).

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

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

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

Introduced: August 12, 2013

Adopted: September 9, 2013

Approved:

September 12, 2013

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel