

**108-O-13**

**AN ORDINANCE**

**Enacting a New City Code Subsection 3-4-6-(M)**

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

**SECTION 1:** Section 3-4-6 of the Evanston City Code of 2012, as amended ("City Code"), is hereby further amended by the enactment of a new Subsection M thereof, to read as follows:

- (M)** CLASS M licenses, which shall authorize the off premises sale, packaging of orders and delivery of original, factory sealed packages of wine for consumption. The applicant for such license shall pay an initial fee of five thousand dollars (\$5,000.00) and thereafter an annual fee of five thousand one hundred sixty dollars (\$5,160.00).
1. A licensee under this Class M may deliver wine that is sold to retail customers in this state. All deliveries must be made only to a person which is at least 21 years of age. The deliveries must be made for personal use and not for resale purposes. A licensee may sell and deliver wine to a retail customer in the licensee's licensed premises.
  2. It shall be unlawful for a Class M licensee to sell or deliver wine from a premises that is mobile. It shall be unlawful for a class M 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 (0.473l).
  3. The sale of wine at retail pursuant to the Class M license may begin after 8:00 a.m., Monday through Sunday. Wine shall not be sold after the hour of 12:00 midnight on any day.
  4. Any deliveries of wine to a retail customer by the licensee or a carrier used by the licensee shall only be made after verifying by inspecting government issued photo identification that the recipient is at least 21 years of age, obtaining the signature of the recipient of the wine upon delivery, and determining that the recipient is not visibly intoxicated at the

time of delivery. If a licensee uses a carrier service for delivery, that licensee shall be liable for any violation of this subsection.

The total number of Class M licenses in effect at any one (1) time shall not exceed zero (0).

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.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 take effect January 1, 2014.

Introduced: October 14, 2013

Approved:

Adopted: October 28, 2013

October 30, 2013



Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

  
W. Grant Farrar, Corporation Counsel