

Effective Date: July 26, 2014

6/17/2014

5/28/2014

76-O-14

AN ORDINANCE

**Amending City Code Section 3-5-6-(D)
to Increase the Number of Class D Liquor Licenses
from Fifty to Fifty-One
(DMK Burger Bar & Fish Bar, 815 Noyes Street)**

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

SECTION 1: Subsection 3-5-6-(D) of the Evanston City Code of 2012, as amended, is hereby further amended by increasing the number of Class D liquor licenses from fifty (50) to fifty-one (51) to read as follows:

(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-one (51) such licenses shall be in force at any one (1) time.

SECTION 2: Pursuant to the findings and the discussion set forth in the legislative Record concerning this Ordinance, the licensee shall be authorized to offer for retail sale at the licensed premises beer and wine only. The restriction on the type of

alcoholic beverages offered for retail sale at the premises licensed by this Ordinance shall not apply to any other holder of a Class D liquor license.

Upon good cause shown, the licensee may petition the Local Liquor Control Commissioner to amend the terms of this Section 2 to permit the retail sale of spirits/alcoholic liquor at the licensed premises. Any such petition may only be filed with the Local Liquor Control Commissioner (6) six months after the effective date of this Ordinance. Nothing in this Ordinance shall be construed or held to create a vested right in the retail sale of spirits/alcoholic liquor at the licensed premises.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 5: 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 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 23, 2014

Approved:

Adopted: July 14, 2014

July 16, 2014

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

