

98-O-14

AN ORDINANCE

**Amending City Code Section 3-5-6-(D)
to Increase the Number of Class D Liquor Licenses
from Fifty-One to Fifty-Two
(D&D Dogs, Inc. d/b/a D&D Dogs)**

WHEREAS, on July 16, 2014, the Liquor Control Review Board heard D&D Dogs, Inc. d/b/a D&D Dogs ("D&D Dogs") request for issuance of a Class D Liquor License; and

WHEREAS, after said hearing, Local Liquor Control Commissioner Mayor Elizabeth Tisdahl took the matter under advisement, and issued a decision denying D&D Dogs' request for a Class D Liquor License on July 18, 2014; and

WHEREAS, Alderman Judy Fiske requests that this matter be heard by the City Council to consider reversing and overruling Mayor's Tisdahl's rejection of the Class D Liquor License application to D&D Dogs.

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

SECTION 1: Pursuant to City Code Section 3-4-2(c)(5), the City Council overrules the Mayor's rejection of the liquor license application submitted by D&D Dogs. The license application is approved and the license shall be issued to D&D Dogs. This ordinance is adopted by an affirmative vote of 2/3 of all alderman holding office.

SECTION 2: 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-one (51) to fifty-two (52), 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-two (52) such licenses shall be in force at any one (1) time.

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: August 11, 2014

Adopted: August 11, 2014

Approved:

August 19, 2014

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

