

**139-O-14**

**AN ORDINANCE**

**Amending City Code Section 3-4-6-(I)  
to Increase the Number of Class I Liquor Licenses from Zero to One  
(2022 Central, LLC d/b/a Lush Wine & Spirits)**

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

SECTION 1: Subsection 3-4-6-(I) of the Evanston City Code of 2012, as amended, is hereby further amended by increasing the number of Class I liquor licenses from zero (0) to one (1), to read as follows:

- (I) CLASS I licenses, which shall authorize the retail sale in a restaurant of alcoholic liquor for both consumption on the licensed premises where sold, and for consumption off the premises. 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. Each Class I license shall be subject to the following conditions:
1. The Class I license requires the licensee to operate both the restaurant and retail sales area. The licensee shall not assign the privilege to operate the retail sales area. Class I licenses authorize retail sales of alcoholic liquor in original packages to persons of at least twenty-one (21) years of age for consumption off the premises.
  2. It shall be unlawful for a Class I licensee to sell a single container of wine in its original package unless the volume of the container is greater than or equal to 375 milliliters.
  3. It shall be unlawful for a Class I licensee to sell a single container of beer in its original package unless the volume of the container is greater than or equal to ten (10) ounces or 295 milliliters.
  4. It shall be unlawful for a Class I licensee to sell a single container of an alcoholic spirit in its original package unless the volume of the container is greater than or equal to 200 milliliters.

5. A Class I licensee shall sell alcoholic liquor in original packages for off-premises consumption at a cash register designated for the sale of such alcoholic liquor and which is operated by a person of at least twenty-one (21) years of age.
6. Alcoholic liquor may be sold in restaurants holding Class I licenses for consumption on the licensed premises only when their patrons are offered expanded food service during the hours set forth in this Section. An expanded food service shall consist of such items as sandwiches, flatbreads, empanadas, hot dogs, salads, or other similar a la carte items to customers who are purchasing a wine, beer, or alcoholic spirit.
7. The sale of alcoholic liquor for both on premises consumption, and for consumption off the premises, shall begin after twelve (12:00) p.m. Monday through Sunday. Alcoholic liquor shall not be sold after the hour of 10:00 p.m. on any Sunday through Thursday. Alcoholic liquor shall not be sold after the hour of 11:00 p.m. on any given Friday or Saturday.
8. Class I licenses shall permit the tasting of samples of beer, wine, and alcoholic spirits, 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 for wine, two (2) fluid ounces for beer, and one-quarter (0.25) fluid ounce for alcoholic spirits, to any person in a day. Licensees must have at least one (1) BASSET-certified site Manager on-premises whenever offering wine, beer, or alcoholic spirits for tasting. Licensees must provide food service when offering wine, beer, and/or alcoholic spirits for tasting.
9. Class I 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 license(s) shall be in force at any one (1) time.

**SECTION 2:** The Local Liquor Control Commissioner and the City Council find that the specific and distinct business model articulated by this proposed licensee permits the license conditions as set forth herein. Nothing in this Ordinance shall be considered precedential for any other current or prospective licensee seeking any other liquor license classification.

**SECTION 3:** This Ordinance 139-O-14 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** If any provision of this Ordinance 139-O-14 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 6:** 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.

Introduced: November 10, 2014

Adopted: November 10, 2014

Approved:

November 14, 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