

**85-O-15**

**AN ORDINANCE**

**Amending Subsection 3-4-6-(J) of the City Code to Allow for Sale of Beer in Twenty-Two (22) Ounce Containers for Off-Site Consumption**

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

**SECTION 1:** Subsection 3-4-6-(J) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

- (J) CLASS J licenses, which shall authorize the retail sale of beer in combination brewpub restaurants, which beer is brewed by the licensee at any of its designated premises in a brew pub for consumption on or off the licensed premises and the sale of alcoholic liquor excluding beer for consumption on the premises where sold. Notwithstanding any of the foregoing, the on-premises consumption of beer and other alcoholic liquor is permitted only in the restaurant area.

No Class J 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. Establishments holding Class J licenses must have some food service available when alcoholic liquor, including beer brewed at any of the licensee's designated locations, is being sold. Class J licenses authorize retail sales of beer for off-premises consumption only in original packages to persons of at least twenty-one (21) years of age, Class J licenses shall be issued only to premises located within the core area.

Each Class J license shall be subject to the following conditions:

1. It shall be unlawful for a Class J licensee to sell a single container of beer for off-premises consumption unless the container is greater than or equal to twenty-two (22) fluid ounces or .65 liters.
2. Beer purchased in original packages for consumption off the licensed premises shall not be consumed in the restaurant. All beer sold for consumption off the premises shall be placed in a paper or plastic bag prior to its delivery to the purchaser.
3. During authorized hours of business, Class J licensees may offer for onsite consumption samples of beer brewed by the licensee and permitted to be sold pursuant to this classification. Licensees shall not provide more

- than three (3) free samples, each of which shall not exceed two (2) fluid ounces, to any person in a day. Licensees may sell for onsite consumption samples of the beer permitted to be produced and sold pursuant to this classification, provided the total quantity of the sampling package, regardless of the number of containers in which the beer is being served, does not exceed sixteen (16) fluid ounces.
4. It shall be unlawful for the holder of a Class J license to offer for sale at retail any beer in original packages for consumption off the premises where sold before the hour of 10:00 a.m., or after the hour of 10:00 p.m., on Monday through Thursday; before the hour of 10:00 a.m., or after the hour of 11:00 p.m., Friday and Saturday; and before the hour of 12:00 noon and after the hour of 10:00 p.m. on Sunday.
  5. The combination brewpub restaurant must have a valid brew pub license from the State of Illinois for the brewing of beer.

The applicant for the renewal only of such licenses may elect to pay the amount herein required semiannually or annually. Such election shall be made at the time of application.

The annual fee for such license shall be seven thousand five hundred dollars (\$7,500.00).

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable to the provisions of Section 3-4-7 of this Chapter, shall be seven thousand eight hundred seventy-five dollars (\$7,875.00).

No more than two (2) such license(s) shall be in force at any one (1) time.

**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 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 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: July 13, 2015

Approved:

Adopted: July 27, 2015

July 29, 2015

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