

Effective Date: July 2, 2016

5/2/2016

52-O-16

AN ORDINANCE

Amending Subsection 3-4-6(P-3) of the City Code to Allow for Sale of Wine 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(P-3) of the Evanston City Code of 2012, as amended, is hereby further amended by allowing the sale of wine in twenty-two (22) ounce containers for off-site consumption, to read as follows:

(P-3) CRAFT WINERY license shall authorize the on-site production and storage of wine in quantities not to exceed fifty thousand (50,000) gallons per year and the sale of such wine for consumption off-premises and on-premises. It also authorizes on-site sampling consumption of such wine by persons of at least twenty-one (21) years of age. Such craft winery licenses shall be issued subject to the following conditions:

1. It shall be unlawful for a Class P-3 licensee to sell a container of wine for off-premises consumption unless the volume of the container is equal to or greater than twenty-two (22) ounces or .65 liters.
2. Class P-3 licensees may during authorized hours of business, offer for on-site consumption samples of wine, or wine for retail sale, the wine permitted to be produced and sold pursuant to this classification.

Licensees who offer servings of wine for retail sale shall provide expanded food service which includes such items as sandwiches, flatbreads, empanadas, hot dogs, salads, or other similar a la carte items to customers who are purchasing a wine serving(s). Licensees may arrange for the presence and operation of a mobile food vehicle on or adjacent to the licensed premises during authorized hours of business to serve food to customers. Only mobile food vehicle vendors licensed pursuant to Title 8, Chapter 23 of the City Code shall be allowed to be present and operate. Licensees required to provide expanded food service shall comply with all applicable requirements of Title 8, Chapter 6 of the City Code.

3. Class P-3 licensees must have at least one (1) BASSET-certified site manager on-premises whenever wine is available for on-site consumption. All persons who sell, open, pour, dispense or serve wine shall be BASSET

certified. Class P-3 licensees must provide food service whenever wine is available for on-site consumption, in accordance with the specifications applicable to retail sale for on-site consumption. The licensee is strictly liable for complying with all provisions regarding food service. Wine for product sampling or retail sale for on-site consumption shall be dispensed only in containers provided by the licensee.

During authorized hours of business, Class P-3 licensees may offer for on-site consumption samples of wine permitted to be produced and sold pursuant to this classification. Licensees shall not provide more than three (3) free samples, each of which shall not exceed one (1) fluid ounce, to any person in a day. Wine servings for consumption on premises shall be dispensed in containers no larger than 500 milliliters. Wine sold within the licensed premises for consumption on the premises shall not be removed from the licensed premises. No alcoholic liquor shall be brought onto the licensed premises or consumed on the licensed premises other than wine sold at retail or offered for sampling.

4. It shall be unlawful for the holder of a Class P-3 license to provide a sample of or sell any wine between the hours of 12:00 a.m. and 10:00 a.m. on any Monday, Tuesday, Wednesday, Thursday or Friday; between the hours of 1:00 a.m. and 10:00 a.m. on any Saturday; and between the hours of 1:00 a.m. and 12:00 p.m. on any Sunday.
5. Every Class P-3 licensee must have a valid First Class Wine Maker's License from the State of Illinois. Every licensee shall maintain accurate records as to the total gallonage of wine manufactured on the premises and the total gallonage of wine manufactured on the premises and sold for consumption off-premises. Licensee shall produce said records to the City upon request.
6. Every employee of a Class P-3 licensee who participates in the production and sale of wine, pursuant to this license class, must be BASSET-certified.

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 single payment fee for initial issuance or renewal of such license shall be \$4,000.00.

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 \$4,200.00.

No more than zero (0) 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: May 23, 2015

Approved:

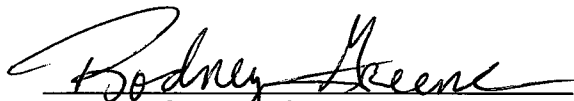
Adopted: June 13, 2015

June 22, 2015


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


Michelle L. Mason / Acting City Attorney
W. Grant Farrar, Corporation Counsel