

Effective Date: June 13, 2016

5/13/2016

59-O-16

AN ORDINANCE

Amending City Code Section 3-4-6-(K) to Decrease the Number of Class K Liquor Licenses from Three to Two (Exultation, Inc., d/b/a "Sips on Sherman", 1741 Sherman Avenue)

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

SECTION 1: Class K of Table 1, Section 3-4-6 of the Evanston City Code of 2012, as amended, is hereby further amended and revised as follows:

K	Wine, Beer, and Spirits Shop	Tasting	Wine, Beer, and Spirits	\$5,000	\$5,000	2	Store under 5,000 sq. ft.	8 a.m.—Midnight
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SECTION 2: Subsection 3-4-6-(K) of the Evanston City Code of 2012, as amended, is hereby further amended by decreasing the number of Class K liquor licenses from three (3) to two (2) to read as follows:

(K) Class K licenses, which shall authorize the retail sale of alcoholic liquor, wine and beer to persons of at least twenty-one (21) years of age as set forth herein.

1. It shall be unlawful for a Class K licensee to sell a single sealed container of wine unless the container is greater than or equal to sixteen (16) fluid ounces or 0.473 liters.
2. The sale of alcoholic liquor at retail pursuant to the Class K license may begin after 8:00 a.m. Monday through Sunday. Alcoholic liquor shall not be sold after the hour of 12:00 midnight on any day.
3. Wine tasting shall be permitted during authorized hours of business. 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. Licensees may sell wine samples, but the volume of any wine sample sold shall not exceed six (6) fluid ounces and the total volume of all samples sold to a person in a day shall not [exceed] twelve (12) fluid ounces. Licensees shall not provide and/or sell more than a total of fifteen (15) fluid ounces of wine samples to any person in a day. Beer tasting of only

the beers permitted to be sold under this classification for consumption off-premises shall be permitted during authorized hours of business. 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 beer samples, but the volume of any beer sample sold shall not exceed twelve (12) fluid ounces and the total volume of all samples sold to a person in a day shall not exceed twenty-four (24) fluid ounces. Licensees shall not provide and/or sell more than a total of thirty (30) fluid ounces of beer samples to any person in a day. Licensees must have at least one (1) BASSET-certified site manager on-premises whenever offering wine and beer for tasting. Licensees must provide food service when offering wine and beer for tasting.

4. The licensed premises shall not exceed a gross area of five thousand (5,000) square feet total.
5. Not less than ten percent (10%) but not more than twenty percent (20%) of total gross square foot area of the licensed premises shall be designated for the sale of food.
6. Not more than ten percent (10%) of total gross square foot area of the licensed premises may be designated for the sale of beer.
7. Not more than two percent (2%) of total gross square foot area of the licensed premises may be designated for the sale of alcoholic liquor other than wine and 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 single payment fee for initial issuance or renewal of such license shall be five thousand dollars (\$5,000.00).

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable according to the provisions of Section 3-4-7 of this Chapter, shall be five thousand one hundred sixty dollars (\$5,160.00).

No more than two (2) such license(s) 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: May 23, 2016

Adopted: May 23, 2016

Approved:

June 3, 2016

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