

24-O-17

AN ORDINANCE

**Amending Subsection 3-4-6-(F) of the City Code
to Decrease the Number of Class F Liquor Licenses
from Ten to Nine
(WFM-WO, Inc. d/b/a Whole Foods Market, 1111 Chicago Avenue)**

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

SECTION 1: Subsection 3-4-6-(F) of the Evanston City Code of 2012, as amended, is hereby further amended by decreasing the number of Class F liquor licenses from ten (10) to nine (9), to read as follows:

(F) CLASS F licenses, which shall authorize the retail sale of alcoholic liquor in grocery stores, combination stores as defined in Section 3-4-1 of this Chapter, and wholesale clubs requiring membership in original packages to persons of at least twenty-one (21) years of age for consumption off the premises. Class F licenses shall also authorize the tasting of alcoholic liquor not exceeding the limits set forth herein.

1. It shall be unlawful for a Class F licensee to sell a single container of beer unless the volume of the container is greater than forty (40) ounces or 1.18 liters. It shall be unlawful for a licensee to bundle, tape, package, or otherwise manipulate single containers of beer for sale as a set. Any such manipulation of packaging shall be a violation of this Subsection. Nothing in this Subsection shall be construed as prohibiting the sale of packages containing six single containers of beer, including such packages consisting of various single containers of beer chosen by the consumer.
2. It shall be unlawful for a Class F licensee to sell a single container of wine unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
3. It shall be unlawful for a Class F licensee to sell a single container of alcoholic liquor, except beer and wine which are regulated by Subsections (F)1 and (F)2 of this Section, unless the container is greater than sixteen (16) fluid ounces or 0.473 liters.
4. The sale of alcoholic liquor at retail pursuant to the Class F 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.

5. No such license may be granted to an establishment that is located within five hundred (500) feet of a licensee holding a Class F liquor license.
6. A Class F licensee shall provide a minimum of twelve thousand (12,000) square feet of production, preparation, and display area in which products are prepared and are for sale.
7. Class F licenses shall permit the tasting of samples of the alcoholic liquor 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 tastings, each of which shall not exceed one (1) fluid ounce for wine, two (2) fluid ounces for beer and one-quarter (.25) fluid ounce for distilled alcohol, to any person in a day. Licensees must have at least one (1) BASSET-certified site manager on-premises whenever offering alcoholic liquor for tastings. Licensees must provide food service when offering alcoholic liquor for tastings.

The applicant for a Class F license shall pay a first year license fee of thirty-five thousand dollars (\$35,000.00). Thereafter, the annual fee for a Class F license shall be eleven thousand five hundred dollars (\$11,500.00).

No more than nine (9) 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: April 17, 2017

Approved:

Adopted: April 17, 2017

April 28, 2017

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