

2/20/2018  
3/2/2018  
3/19/2018

**33-O-18**

**AN ORDINANCE**

**Amending City Code Section 3-4-6 By Creating the New Class F-2  
Liquor License**

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

**SECTION 1:** Legislative Statement. The Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., (the "Act"), prescribes minimum requirements to regulate liquor license establishments in the State of Illinois, and Section 5/4-1 of the Act confers authority upon the Mayor and City Council to establish such conditions, regulations and restrictions upon the issuance of local liquor licenses consistent with law as the public good and convenience require. The Mayor as Local Liquor Control Commissioner, and the Liquor Control Review Board considered the request made by Michael Binstein for creating a new liquor license class to enable a licensed establishment to be located at 1111 Chicago Avenue in Evanston. This premise has been vacant since March 2017 generating no sales tax or employment for Evanston residents. The City of Evanston Code authorizes the Mayor and City Council to create a liquor license with special conditions. Higher application and renewal fees under the proposed F-2 liquor license bear a reasonable relationship to the City's cost of regulation. Under Illinois law and the Evanston City Code, the Mayor and the City Council may create new liquor license classes to account for new economic development and business models offered by a prospective liquor licensee, while at the same time, ensuring such licensee is regulated

accordingly.

**SECTION 2:** Table 1 of Section 3-4-6 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to add the following:

F-2	Retail Liquor Dealer/Gourmet Food and Amenity Store	Liquor	Liquor	\$45,000	\$15,000	0	None	8 a.m. — 12 a.m. (Mon-Sun)
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**SECTION 3:** Subsection 3-4-6 of the Evanston City Code of 2012, as amended, is hereby further amended by the enactment of a new Subsection (F-2) thereof, “Class F-2 Liquor License”, to create a new license with the following special conditions and restrictions to read as follows:

**(F-2)** CLASS F-2 licenses, which authorizes the retail sale of packaged alcoholic liquor for consumption off premises and on the premises to persons of at least twenty-one (21) years of age. Class F-2 licenses are subject to the following conditions and limitations for the sale of alcohol, in original packages, unopened only:

1. It is unlawful for a Class F-2 licensee to sell a single container of beer for consumption off premises unless the volume of the container is greater than forty (40) fluid ounces or 1.18 liters, or, a single container of craft beer for consumption off premises unless the volume of the container is greater than ten (10) ounces or 0.296 liters. It is 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 is a violation of this Subsection. Nothing in this Subsection is construed as prohibiting the sale of packages containing six (6) single containers of beer, including such packages consisting of various single containers of beer chosen by the consumer.
2. It is unlawful for a Class F-2 licensee to sell a single container of wine for consumption off premises unless the container is greater than 6.32 fluid ounces or 0.187 liters.
3. It is unlawful for a Class F-2 licensee to sell a single container of alcoholic liquor for consumption off premises, except beer and wine which are regulated by Subsections (F-2)(1) and (F-2)(2) of this Section, unless the container is greater than 1.69 fluid ounces or 0.050 liters.
4. The sale of alcoholic liquor at retail for off-site consumption pursuant to the Class F-2 license may begin after 8:00 a.m., Monday through Sunday. Alcoholic liquor for off-site consumption cannot be sold after the hour of 12:00 midnight on any day.

5. A Class F-2 licensee must provide a minimum of twenty thousand (20,000) square feet for the retail sale of wine, spirits, and beer. The gross floor area must include premises within the exterior walls, but does not include any outdoor patio, parking, storage or display areas. The gross floor area includes space for retail sale of gourmet food and amenities.
6. A Class F-2 licensee must offer for sale some or all of the following: fine cheeses, deli and gourmet food products, related accessories, baked goods or cereal grains, charcuterie, canned, refrigerated or frozen prepared food products, books and magazines, or dry goods such as stemware or glasses.
7. Alcoholic liquor sold in original packages and intended for consumption off the premises cannot be opened or consumed on the premises.

The sale of alcoholic liquor is permitted for tasting/sampling on the premises subject to the following conditions:

8. Licensees who offer servings of alcoholic liquor for on-site tasting/sampling must provide food service such as cheese, crackers, snack food, or other similar deli-style items to customers who are tasting/sampling alcoholic liquor.
9. Wine tasting is permitted only during authorized hours of business. Licensees must not provide more than three (3) free samples, each of which must 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 must not exceed six (6) fluid ounces and the total volume of all samples sold to a person in a day must not exceed twelve (12) fluid ounces. Licensees must not provide and/or sell more than a total of fifteen (15) fluid ounces of wine samples to any person in a day.
10. Beer tasting of only the beers permitted to be sold under this classification for consumption off-premises is permitted only during authorized hours of business. Licensees must not provide more than three (3) free samples, each of which must 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 must not exceed twelve (12) fluid ounces and the total volume of all samples sold to a person in a day must not exceed twenty-four (24) fluid ounces. Licensees must not provide and/or sell more than a total of thirty (30) fluid ounces of beer samples to any person in a day.
11. Alcoholic spirit tasting is permitted only during authorized hours of business. Licensees must not provide more than three (3) free samples, each of which must not exceed one quarter (0.25) fluid ounce, to any person in a day. Licensees may sell alcoholic spirit samples, but the volume of any alcoholic spirit sample sold must not exceed one (1) fluid ounces and the total volume of all samples sold to a person in a day must not exceed two (2) fluid ounces. Licensees must not provide and/or sell more than a total of two and seventy-five hundredths (2.75) fluid ounces of alcoholic spirit samples to any person in a day.

12. Under no circumstance is the consumption of alcoholic liquor allowed in an outdoor patio or sidewalk cafe.
13. The sampling of alcoholic liquor is adjunct to the operation of a retail liquor dealer/gourmet food and amenity store, and the premises cannot be advertised or otherwise held out to be a drinking establishment.
14. Under no circumstance can the sale of alcoholic liquor take place outside of the normal business hours of the retail liquor store.
15. Class F-2 licensees must have at least one (1) BASSET-certified site manager on-premises whenever alcoholic liquor is available for on-site tasting/sampling. All persons who sell, open, pour, dispense or serve alcoholic liquor must be BASSET certified and/or supervised. Class F-2 licensees must provide food service whenever alcoholic liquor is available for on-site tasting/sampling. The licensee is strictly liable for complying with all provisions regarding food service. Alcoholic liquor for retail sale for on-site tasting/sampling must be sold and dispensed only in plastic containers provided by the license, and must not be removed from the licensed premises. No alcoholic liquor will be brought onto the licensed premises or consumed on the licensed premises other than the alcoholic liquor sold at retail.

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

The annual single payment fee for initial issuance of such license is forty five thousand dollars (\$45,000.00). The annual single payment fee for renewal of such license is fifteen thousand dollars (\$15,000.00).

No more than zero (0) such license(s) will be in force at any one (1) time.

**SECTION 4:** Any prospective applicant for a Class F-2 license must prioritize hiring Evanston residents for employment at the licensed premises, and, prioritize the retail sale of local Evanston artisan food and liquor products at the licensed premises.

**SECTION 5:** Subsection 3-4-6(F-1)(5) of the Evanston City Code of 2012, as amended, is hereby deleted in its entirety.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** 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 8:** 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 9:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 26, 2018

Approved:

Adopted: March 12th, 2018

March 31, 2018

  
Stephen H. Hagerly, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

  
W. Grant Farrar, Corporation Counsel