

73-O-18
AN ORDINANCE

Amending Various Section of Title 3, Chapter 4, "Liquor Control Regulation," to Allow Restaurant Liquor License Holders Sunday Alcohol Service Hours to Begin at 10:00 AM

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

SECTION 1: Classes A, C, C-1, D, H, and I of Table 1, Section 3-4-6 of the Evanston City Code of 2012, as amended, are hereby further amended and revised as follows:

A	Restaurant/Beer and Wine Shop	Liquor	Beer, Wine	\$5,000	\$5,000	1	None	10 a.m. – 9 p.m. (Mon-Thurs); 10 a.m. – 10 p.m. (Fri-Sat); 10 a.m. – 9 p.m. (Sun)
C	Hotel or Restaurant	Liquor	None	\$4,300	\$4,300	26	Core	11 a.m. — 1 a.m. (Mon-Wed); 11 a.m. — 2 a.m. (Thurs-Sat); 10 a.m. — 1 a.m. (Sun) 11 a.m. — 2 a.m. on New Year's Day, Memorial Day, Fourth of July, Labor Day and Thanksgiving
C-1	Hotel or Restaurant	Liquor	None	\$8,000	\$8,000	0	Core	11 a.m. — 2 a.m. (Mon-Wed); 11 a.m. — 3 a.m. (Thurs-Sat) 10 a.m. — 2 a.m. (Sun)
D	Restaurant	Liquor	None	\$2,800	\$2,800	50	None	11 a.m. — 1 a.m. (Mon-Thurs); 11 a.m. — 2 a.m. (Fri-Sat); 10 a.m. — 1 a.m. (Sun)
H	Restaurant	Liquor	None	\$2,800	\$2,800	1	None	11 a.m. — 10 p.m. (Mon-Sat); 10 a.m. — 10 p.m. (Sun)
I	Restaurant/Pack age Store	Liquor	Liquor	\$7,500	\$7,500	2	None	12 p.m. — 10 p.m. (Mon-Thurs); 12 p.m. — 11 p.m. (Fri-Sat) 10 a.m. — 10 p.m. (Sun)

J	Brewpub	Liquor	Beer	\$7,500	\$7,500	2	Core	11 a.m. — 1 a.m. (Mon-Thurs); 11 a.m. — 2 a.m. (Fri-Sat); 10 a.m.— 1 a.m. (Sun)
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SECTION 2: Subsection 3-4-6-(A) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting the sale of alcohol on Sunday to begin at 10:00 a.m. to read as follows:

- (A) CLASS A licenses, which shall authorize the retail sale of wine, refrigerated beer, and/or unrefrigerated beer, in original packages, for consumption off the premises that is incidental and complementary to the retail sale of pizzas, salads, fine cheeses, deli and gourmet food products, and related accessories. Each Class A license shall be issued subject to the following conditions:
1. Class A licenses shall authorize the retail sale only of wine, imported beer, and American craft beer, and of no other alcoholic liquors, for consumption off the premises.
 2. Not more than twenty (20) percent of total gross square foot area of the licensed premises may be designated for the sale of wine, refrigerated beer, and/or unrefrigerated beer. No tobacco product of any kind shall be sold or offered for sale on the licensed premises.
 3. Class A licensees must have at least one (1) BASSET-certified site Manager on-premises at all times.
 4. The sale of wine, and/or beer shall be limited to the hours of 10:00 a.m. until 9:00 p.m. Monday through Thursday; 10:00 a.m. until 10:00 p.m. Friday through Saturday; 10:00 a.m. until 9:00 p.m. on Sunday.

The applicant for the renewal only of such licenses may elect to pay the amount herein semiannually. 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 one (1) such licenses shall be in force at any one (1) time.

SECTION 3: Subsection 3-4-6-(C) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting the sale of alcohol on Sunday to

begin at 10:00 a.m. to read as follows:

- (C) CLASS C licenses, which shall authorize the sale on the premises specified of alcoholic liquor only for consumption on the premises while food is available. Such licenses may be issued only to hotels or restaurants in the core area. Establishments holding Class C licenses must have some food service available when alcoholic liquor is being sold. The meanings of "hotel," "restaurant," and "core area" shall be as defined in 3-4-1 of this Chapter.
1. The sale of alcoholic liquor shall not take place between the hours of 1:00 a.m. and 11:00 a.m., except that sales may be made up to 2:00 a.m. on Friday, Saturday, Sunday mornings and up to 2:00 a.m. on the mornings of January 1, Memorial Day, July 4, Labor Day and Thanksgiving; however, no such sales shall be made between 2:00 a.m. and 10:00 a.m. on Sunday.
 2. A licensee operating a licensed restaurant which leases space in a hotel, may sell alcoholic liquor to registered guests of that hotel. Any alcoholic liquor sold must be consumed on the premises of the hotel, and be sold while food service is available in the restaurant or hotel.

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 four thousand three hundred dollars (\$4,300.00).

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of 3-4-7 of this Chapter, shall be four thousand five hundred fifteen dollars (\$4,515.00).

No more than twenty-six (26) such license(s) shall be in force at any one (1) time.

SECTION 4: Subsection 3-4-6-(C-1) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting the sale of alcohol on Sunday to begin at 10:00 a.m. to read as follows:

- (C-1) CLASS C-1 licenses, which shall authorize the sale on the premises specified of alcoholic liquor only for consumption on the premises while food is available. Such licenses may be issued only to hotels or restaurants in the core area. Establishments holding Class C-1 licenses must have some food service available when alcoholic liquor is being sold. The meanings of "hotel," "restaurant" and "core area" shall be as defined in Section 3-4-1 of this Chapter.

1. The sale of alcoholic liquor shall not take place between the hours of 2:00 a.m. and 11:00 a.m., except that sales may be made up to 3:00 a.m. on Friday, Saturday, Sunday mornings and up to 3:00 a.m. on the mornings of January 1, Memorial Day, July 4, Labor Day and Thanksgiving; however, no such sales shall be made between 3:00 a.m. and 10:00 a.m. on Sunday.

The applicant for the renewal only of such licenses may elect to pay the amount required herein 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 eight thousand dollars (\$8,000.00).

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 eight thousand four hundred dollars (\$8,400.00).

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

SECTION 5: Subsection 3-4-6-(D) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting the sale of alcohol on Sunday to begin at 10:00 a.m. to read as follows:

- (D)** CLASS D licenses, which shall authorize the retail sale in restaurants only of alcoholic liquor for consumption on the premises where sold. No such 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 3-4-1 of this Chapter. Alcoholic liquor may be sold in restaurants holding Class D licenses only during the period when their patrons are offered a complete meal. Each Class D license shall be issued subject to the following conditions:

1. The sale of alcoholic liquor shall be limited to the hours of 11:00 a.m. until 1:00 a.m. Monday through Thursday; 11:00 a.m. until 2:00 a.m. Friday through Saturday; 10:00 a.m. until 1:00 a.m. on Sunday.

The applicant for the renewal only of such licenses may elect to pay the amount required herein 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 two thousand eight hundred dollars (\$2,800.00).

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 two thousand nine hundred forty dollars (\$2,940.00).

No more than fifty (50) such license(s) shall be in force at any one (1) time.

SECTION 6: Subsection 3-4-6-(H) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting the sale of alcohol on Sunday to begin at 10:00 a.m. to read as follows:

- (H) CLASS H licenses, which shall authorize the sale in restaurants of alcoholic liquor for consumption on the premises where sold. No such 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. Alcoholic liquor may be sold in restaurants holding Class H licenses only during the period when patrons are offered a complete meal. The sale of alcoholic liquor shall only take place from 11:00 a.m. to 10:00 p.m., Monday through Saturday and from 10:00 a.m. to 10:00 p.m. on Sunday. No alcoholic liquor may be consumed on the premises after 10:30 p.m., Sunday through Saturday.

The applicant for the renewal 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 two thousand eight hundred dollars (\$2,800.00).

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 two thousand nine hundred forty dollars (\$2,940.00).

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

SECTION 7: Subsection 3-4-6-(I) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting the sale of alcohol on Sunday to begin at 10:00 a.m. to read as follows:

- (I) CLASS I licenses, which shall authorize the retail sale in a restaurant of alcoholic liquor for both consumption on the licensed premises where sold, and for consumption off the premises. No Class I 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. Each Class I license shall be subject to the following conditions:

1. The Class I license requires the licensee to operate both the restaurant and retail sales area. The licensee shall not assign the privilege to operate the retail sales area. Class I licenses authorize retail sales of alcoholic liquor in original packages to persons of at least twenty-one (21) years of age for consumption off the premises.
2. It shall be unlawful for a Class I licensee to sell a single container of wine in its original package unless the volume of the container is greater than or equal to three hundred seventy-five (375) milliliters.
3. It shall be unlawful for a Class I licensee to sell a single container of beer in its original package unless the volume of the container is greater than or equal to ten (10) ounces or two hundred ninety-five (295) milliliters.
4. It shall be unlawful for a Class I licensee to sell a single container of an alcoholic spirit in its original package unless the volume of the container is greater than or equal to two hundred (200) milliliters.
5. A Class I licensee shall sell alcoholic liquor in original packages for off-premises consumption at a cash register designated for the sale of such alcoholic liquor and which is operated by a person of at least twenty-one (21) years of age.
6. Alcoholic liquor may be sold in restaurants holding Class I licenses for consumption on the licensed premises only when their patrons are offered expanded food service during the hours set forth in this Section. An expanded food service shall consist of such items as sandwiches, flatbreads, empanadas, hot dogs, salads, or other similar a la carte items to customers who are purchasing a wine, beer, or alcoholic spirit.
7. The sale of alcoholic liquor for both on premises consumption, and for consumption off the premises, shall begin after 12:00 p.m. Monday through Saturday and 10:00 a.m. on Sunday. Alcoholic liquor shall not be sold after the hour of 10:00 p.m. on any Sunday through Thursday. Alcoholic liquor shall not be sold after the hour of 11:00 p.m. on any given Friday or Saturday.
8. Class I licenses shall permit the tasting of samples of beer, wine, and alcoholic spirits, 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 samples, each of which shall not exceed one (1) fluid ounce for wine, two (2) fluid ounces for beer, and one-quarter (0.25) fluid ounce for alcoholic spirits, to any person in a day. Licensees must have at least one (1) BASSET-certified site manager on-premises whenever offering wine, beer, or alcoholic spirits for tasting. Licensees must provide food service when offering wine, beer, and/or alcoholic spirits for tasting.
9. Class I license fees are as follows:

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 seven thousand five hundred dollars (\$7,500.00).

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 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 8: Subsection 3-4-6-(J) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting the sale of alcohol on Sunday to begin at 10:00 a.m. 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 10:00 a.m. 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 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: 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 11: 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 12: This ordinance shall be in full force and effect from and

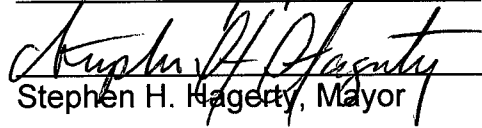
after its passage, approval, and publication in the manner provided by law.

Introduced: June 25, 2018

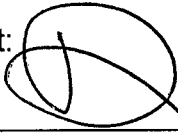
Approved:

Adopted: June 25, 2018

July 9, 2018

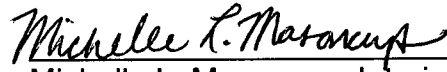

Stephen H. Hagerly, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:


Michelle L. Masoncup, Interim Corporation
Counsel