

99-0-18

AN ORDINANCE

Amending City Code Section 3-4-6-(K) to Decrease the Permitted Volume of Wine for Off Premise Consumption, Permit Alcoholic Spirit Tasting, and Increase the Permitted Volume for Beer for Consumption

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

SECTION 1: Subsection 3-4-6-(K) of the Evanston City Code of 2012, as amended, is hereby further amended by decreasing the permitted volume of wine for off premise consumption and permitting alcoholic spirit tasting as follows:

- (K)** Class K licenses, which shall authorize the retail sale of alcoholic liquor, wine and beer for consumption off the premises and the sale of alcoholic liquor, wine and beer for consumption on the premises to persons of at least twenty-one (21) years of age.
1. It shall be unlawful for a Class K licensee to sell a single sealed container of wine for consumption off premises unless the container is greater than or equal to 6.32 fluid ounces or 0.187 liters.
 2. It shall be unlawful for a Class K licensee to sell a container of craft beer for consumption off the premises unless the volume of the container is greater than or equal to twelve (12) ounces or 0.355 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 (6) single containers of beer, including such packages consisting of various single containers of beer chosen by the consumer.
 3. Class K licensees may during authorized hours of business offer for on-site consumption beer and/or wine for retail sale. Licensees shall not provide more than three (3) free samples of wine, 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 wine 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.

Licensees shall not provide more than three (3) free samples of beer, 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 beer samples sold to a person in a day shall not exceed forty-two (42) fluid ounces. Licensees shall not provide and/or sell more than a total of forty-eight (48) 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 or retail sale for on-site consumption. All persons who sell, open, pour, dispense or serve craft beer or wine shall be BASSET certified. Licensees must provide food service when offering wine and beer for tasting. Beer or wine sold within the licensed premises for consumption on the premises shall not be removed from the licensed premises. Beer or wine for product sampling or retail sale for on-site consumption shall be sold and dispensed only in containers provided by the licensee.

4. 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.
5. The licensed premises shall not exceed a gross area of five thousand (5,000) square feet total.
6. 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.
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.
8. Licensees who during authorized hours of business, offer for on-site consumption samples of beer and/or wine shall provide limited food service such as cheese, crackers, snack food or other similar deli-style items to customers who are sampling beer and/or wine.
9. No such license may be granted to an establishment that is located within the core area as defined in Section 3-4-1 of this Chapter.
10. The sale of wine and/or beer for consumption off site shall be limited to the hours of 8:00 a.m. until Midnight on any given day. The sale of wine and/or beer for consumption on site shall be from 10:00 a.m. until 9:00 p.m. Monday through Thursday; 10:00 a.m. until 10:00 p.m. Friday through Saturday; 12:00 noon until 9:00 p.m. on Sunday.

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 three (3) 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.

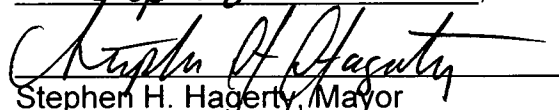
SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 17, 2018

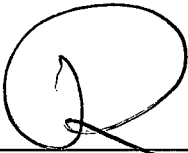
Approved:

Adopted: September 17, 2018

Sept 28, 2018

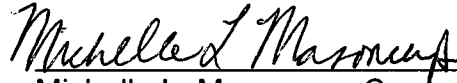

Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel