

**8-O-22**

**AN ORDINANCE**

**Amending City Code Section 3-4-6(O) to Amend the Allowed Hours of Alcohol Service**

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

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

O	Auto Service Station	No	Beer	\$2,000	\$2,000	1	None	8 <del>6</del> a.m. – 2 a.m.
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**SECTION 2:** Subsection 3-4-6(O) of the Evanston City Code of 2012, as amended, is hereby further amended) to read as follows:

(O) Class O licenses, which shall authorize the retail sale of beer in automobile service stations as defined in Section 3-4-1 of this Chapter, and in original packages to persons of at least twenty-one (21) years of age for consumption off the premises.

1. It shall be unlawful for a Class O 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.

2. It shall be unlawful for a Class O licensee to sell a single container of wine unless the volume of the container is greater than 6.32 fluid ounces or 0.187 liters.

3. It is unlawful for the holder of a Class O license to sell any beer or wine between the hours of 2:00 a.m. and ~~8:00 a.m.~~ 6:00 a.m. on any given day.

4. The retail sale of beer and wine area on the premises shall occupy no more than five hundred (500) square feet of floor space.

5. No sale of beer or wine shall be allowed to any patron who is occupying a motor vehicle at the time of sale.

6. No sale of beer or wine shall be allowed from a drive-in window or other similar opening in the licensed premises to any patron.

The annual single payment fee for initial issuance or renewal of such license shall be two thousand dollars (\$2,000.00).

No more than one (1) 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**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.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.

