



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Economic Development Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, FAICP, Director, Community Development Services

DATE: August 7, 2014

SUBJECT: Ordinance Amending Chapter 3 (Alcoholic Liquor) of the Urbana City Code
Ordinance Amending Chapter 14 (licenses and permits), Section 7 (schedule of fees) as it pertains to the Class T-3 temporary for-profit festival promoter

Introduction and Background

In March 2014, City Council directed City staff to look into possible revisions to the ordinance governing temporary sale of alcoholic beverages (“T” licenses) as well as the fees associated specifically with the T-3 license. This topic became of interest after the City received feedback from local special event promoters and businesses who wished to obtain a “T” license but were not currently a liquor licensee within the City of Urbana as well as concerns regarding the relative expense of the T-3 permit fee. Re-evaluation of the “T” licenses was included in the recently adopted Council and Mayor Goals as part of Goal 4 – Vibrant Business Districts.

Urbana is home to many special events and festivals which rely on obtaining a “T” category license as part of their event model. Some examples of small- to mid-sized special events in Urbana include Uncork Urbana Wine Festival, International Beer and Food Truck Showcase, Illiac Spring Music Festival, and CU Folk and Roots. By improving the City’s “T” license structures and making them more accessible, there is an opportunity to expand upon these events and introduce more festivals and events into the community. Special events and festivals are important tools for community development and known to produce outcomes including revenues for participating and nearby vendors, community pride, sense of “place” or identity, volunteerism, and the general marketing for the community.

Main Street revitalization can also be a positive economic spin-off from festival and special events. Annual special events and celebrations have year-round benefits and can create stimulus for improved downtown retailing and service industries. The Urbana Business Association shared in a press release issued after the Uncork Urbana Wine Festival that nearly 1,200 people attended the first annual festival and the positive results of the festival were felt by area businesses. Sitara Indian Restaurant and Lounge stated that the festival brought them “many new

customers and had a great impact on sales.” Further, Milea Hayes, one of the owners of Bohemia, also indicated that the festival had a positive effect on the business and saw increased foot traffic into the store. The Urbana Business Association plans to make this an annual event.

Larger festivals and special events, like the Urbana Sweetcorn Festival (bringing in 50,000 people in 2013), Urbana’s Market at the Square (bringing an average of 5,000 people every Saturday for 27 Saturdays per year) also create an important social impact on the community. Larger events such as these draw in participants from outside the community and the region. Local vendors, artisans, craftspeople, restaurateurs, and hoteliers can have significant economic benefits.

Discussion

At present, the City has a number of special “T” license categories which address different situations. These categories include the following:

- **T-1: Special event current licensee:** Limited to current license holder in which sales must occur adjacent or adjoining to premises of a current license, in an enclosed area. The permit is valid for no more than two days, with a maximum of two T-1 licenses issued per month and no more than ten T-1 licenses issued in a calendar year.
- **T-2: Civic or charitable organization:** Limited to a civic, charitable, or other not-for-profit organization. Consumption occurs on the premises or within an area specifically designated in application. The permit is valid for no more than two days, with a maximum of two T-2 licenses allowed in a calendar year but licenses issued for events which the City is a co-sponsor will not be counted toward maximum.
- **T-3: Private promoter language:** For sales of alcoholic liquor by the glass, cup, or bottle by a promoter of outdoor festivals. Consumption occurs on the premises or within an area specifically designated in application.
- **T-4: Tasting, package sale at markets, special events, and festivals:** Generally this is tasting license which allows tastings limited to an off-premises licensed retailer to disseminate limited tastings (1 oz. wine; 2 oz. beer; ¼ oz. spirits), product information, and education and can sell packaged liquor but only in the originally sealed container for off-site consumption.

Staff from the Legal Division, Community Development Services Department, the Mayor’s Office, and the Urbana Business Association reviewed the ordinances and identified that the ordinance language in the “T” licenses could be improved to better accommodate temporary outdoor special events. With the goal of adjusting the license provisions to reflect current special event needs and to better promote special events in the City with reasonable liquor controls, City staff proposes making the following amendments to the “T” licenses:

- **T-1:** The revision would separate this license into two parts which will allow current licensees to host outdoor special events not only adjacent to their current property, but also off-site from their property. The licensee may only host a limited number of off-site

special events per year. There will be no cap on the number of licenses issued to the licensee hosting a special event at or adjacent to their property.

- **T-2:** In order to allow licensees more flexibility and opportunities to host more events, this license will no longer have an annual cap on the number of licenses issued to a licensee.
- **T-3:** This license has a very high fee which has resulted in very few events being hosted. Staff reviewed comparable fees in other Illinois communities and found this fee to be significantly higher than any other surveyed community. Staff recommends an adjustment to the fee schedule bringing the permit cost down from \$1,072 per day to \$150 for the first day and \$50 each additional day. This amount is more in line with the other communities surveyed in Illinois.
- **T-4:** Following the recent successful Uncork Urbana Wine Festival in which souvenir glasses were a part of the event, the language set forth within this license is proposed to be amended to allow festival attendees to retain their souvenir or commemorative glass, if one was provided as part of the festival.

The proposed amendments to the “T” ordinance as well as the amendment to the T-3 fee have been constructed to accommodate various potential outdoor special events and festivals in Urbana and better meet the needs of event promoters while retaining reasonable liquor controls. By considering these amendments to the “T” licenses categories as well as the amendment to the current T-3 fee, the City demonstrates a commitment to the current successful special events and festivals happening in our community, and promotes the opportunity to further community development and economic development through the promotion of potential special events and festivals in Urbana.

Fiscal Impact

The proposed amendment to reduce the T-3 license fee from \$1,072 per day to \$150 the first day and \$50 each additional day could actually have a positive fiscal impact. Currently, there are very few applications submitted for the T-3 license due to the very high fee. By reducing the fee to a more affordable amount, the City will potentially see an increase in the number of applications for the T-3 license. Additional “T” licenses in the other categories are also expected to occur due to the proposed amendments.

Options

1. Approve the attached ordinances.
2. Approve the ordinances with changes.
3. Do not approve the ordinances.

Recommendation

Staff recommends that the City Council approve the Urbana City Code Ordinances Amending Chapter 3-42 (alcoholic liquor) and Chapter 14-7 (schedule of fees).

Prepared by:

Natalie Kenny Marquez,
Marketing Coordinator/Director, Urbana's Market at the Square

Attachment 1: An Ordinance Amending Chapter 3 (Alcoholic Liquor) of the Urbana City Code

Attachment 2: An Ordinance Amending Chapter 14 (licenses and permits), Section 7 (schedule of fees) as it pertains to the Class T-3 temporary for-profit festival promoter.

ORDINANCE NO. 2014-08-078

AN ORDINANCE AMENDING CHAPTER 3 (ALCOHOLIC LIQUOR)
OF THE URBANA CITY CODE TO AMEND URBANA CITY CODE CHAPTER 3,
ARTICLE III, SECTION 3-42 CONCERNING CLASS T LIQUOR LICENSES

(Class T Licenses for Alcoholic Liquor)

WHEREAS, the City of Urbana, Illinois is a home-rule unit of local government pursuant to the Illinois Constitution of 1970, Article VII, Section 6; and

WHEREAS, the Urbana City Code has been periodically recodified, and republished by the City of Urbana to incorporate amendments thereto duly adopted by the City of Urbana; and

WHEREAS, the City Council has adopted and the Mayor, acting as local Liquor Control Commissioner, has enforced one or more duly adopted ordinances concerning the manufacture, distribution, sale, service, and tasting of alcoholic liquors within the boundaries of the City of Urbana; and

WHEREAS, the Mayor, acting as local Liquor Control Commissioner, and the City Council believe that the adoption of amendments to said Chapter 3, Article III, Section 3-42 of the Urbana City Code concerning the manufacture, distribution, sale, service, and tasting of alcoholic liquors within the boundaries of the City of Urbana; and

WHEREAS, after due and proper consideration, the Urbana City Council has deemed it to be in the best interest of the City of Urbana to amend the text of Chapter 3 (Alcoholic Liquor), Article III, Section 3-42 of the Urbana City Code as described hereinafter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF AND FOR THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Chapter 3, “Alcoholic Liquors”, Article III, Section 3-42, “Class T Licenses”, of the Urbana City Code shall be and hereby is amended as hereinafter set forth with the:

Sec. 3-42. Class T licenses.

There shall be four (4) categories of Class T licenses:

T-1 (special event-current licensee);

T-2 (civic or charitable organization);

T-3 (private promoter of festivals);

T-4 (alcoholic liquor tasting and package alcoholic liquor sales in conjunction with tasting at market, special and festival events)

(a) T-1 license current licensee). Any license holder may obtain a special license which shall permit and allow such license holder to sell alcoholic drinks for consumption in an enclosed area, without regard to where payment is made, provided the licensee submits an application in the manner provided by ordinance fourteen (14) days prior to the date for which the special license shall be used. A Class T-1 license shall be valid for a maximum of two (2) days. The T-1 license application shall contain:

(1) A statement of the hours during which liquor is to be sold, not inconsistent with section 3-3.

(2) Describe with reasonable certainty the boundary of the adjacent premises where such liquor shall be sold.

(3) The written consent of the owner of such adjacent premises shall be attached to the application. The written consent shall be dated not more than thirty (30) days prior to the application.

(4) Proof of dram shop insurance covering the premises to be utilized with the T-1 license.

No more than two (2) T-1 licenses shall be issued to any license holder in any one (1) calendar month nor more than ten (10) T-1 licenses shall be issued to any license holder in any calendar year where applications for such T-1 licenses are for one or more areas which are not immediately adjacent, adjoining or directly open to the premises described in the then current non-temporary liquor license. The immediately aforesaid limitations shall not apply to Class T-1 licenses for which a license holder applies where the area or areas described in the one or more Class T-1 license applications are immediately adjacent, adjoining or directly open to the premises described in the then current non-temporary liquor license. The Class T-1 license, if issued, shall not in any manner be regarded as relieving the license holder of complying with any other requirement of law including, but not necessarily limited to, any city ordinance or policy concerning the holding or sponsoring of special events.

(b) T-2 license (civic or charitable organization). The T-2 license shall permit the retail sale of alcoholic liquor by any bona fide civic, service, charitable, or other not for

pecuniary profit organizations for consumption on the premises or within an area specifically designated in such license.

- (1) A Class T-2 license shall be valid for a maximum of two (2) days.
- (2) An applicant for a Class T-2 license shall submit an application at least fourteen (14) days prior to the date for which the license shall be issued, and show evidence that dram shop liability insurance has been obtained for the period of the license.
- (3) The applicant for a Class T-2 license shall state in the application for such license the hours during which alcoholic liquor is to be sold, not inconsistent with section 3-3.
- (4) Not more than two (2) Class T-2 licenses shall be issued to any license holder in any one (1) calendar year. Licenses issued for events that the city co-sponsors shall not count toward this limit.
- (5) A Class T-2 license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

The Class T-2 license, if issued, shall not in any manner be regarded as relieving the license holder of complying with any other requirement of law including, but not necessarily limited to, any city ordinance or policy concerning the holding or sponsoring of special events.

(c) T-3 license (private for-profit festival promoter). The Class T-3 license shall permit the retail sale of wine and/or spirits by the glass and/or cup and/or beer by the glass, cup and/or single bottle by any bona fide private for-profit promoter of outdoor festivals, held within the city's corporate limits, for consumption on the premises or within an area specifically designated in such license. The Class T-3 license, if issued, shall not in any manner be regarded as relieving the license holder of complying with any other requirement of law including, but not necessarily limited to, any city ordinance or policy concerning the holding or sponsoring of special events.

(d) T-4 license (alcoholic liquor tasting and service and sale of package liquor in conjunction with sponsored, hosted or promoted tasting at market-type, special, and festival events).

- (1) For purposes of this Class T-4 license, the following definitions shall apply:
 - a. "Tasting" shall mean the supervised presentation of one or more alcoholic liquor products to the public at a site other than a site owned or leased by the holder of a liquor license other than a temporary liquor license provided for in this Section 3-42. "Tasting" shall be limited to the offering of alcoholic liquor in glasses, cups or other containers which are

capable of holding no more than one (1) fluid ounce in the case of wine, two (2) fluid ounces in the case of beer, and one-quarter ($\frac{1}{4}$) ounce in the case of spirits.

b. "Glass Consumption" mean the sale and consumption, whether by the glass, cup or, in the case of beer, bottle, of the same alcoholic liquor products which are offered for Tasting. "Glass Consumption" shall include the sale of wine in an amount in excess of one (1) fluid ounce, beer in excess of two (2) fluid ounces, and/or alcoholic spirits in excess of one-quarter ($\frac{1}{4}$) fluid ounce

c. "Package Sales" shall mean the sale of the same alcoholic liquor products which are offered for Tasting where such product is sold in the original containers which bear the vintner's, brewer's, and/or manufacturer's label and which are corked, capped, or otherwise securely sealed at the place of vintning, brewing, manufacture, or distilling.

d. "Market Event" shall mean the farmer's market, holiday market, middle market, and similar market-type events sponsored, hosted, promoted, or conducted by the city or a third person within the city's boundaries.

e. "Festival Event" shall mean and be limited to any event, other than a Market Event, which is held primarily for the purpose of offering Tasting, Glass Consumption and Package Sales as hereinafter defined. "Festival Event" shall not include any Market Event or any other type of event which is held primarily for purposes other than the Tasting and its related activities. Notwithstanding the foregoing, a "Festival Event" may include the sale of food and the airing of music, whether live or recorded, but only insofar as they are ancillary to Tasting, Glass Consumption and/or Package Sales.

f. "Event Sponsor" shall mean any person who presents, sponsors, hosts, or promotes a Market Event or Festival Event whether or not such person directly offers Tasting of alcoholic liquor products and its related sale and consumption of those products as provided by this ordinance at the Market Event.

g. "Tasting Representative" shall mean any person who holds a valid license to act as a "Tasting Representative" which has been issued by the Illinois Liquor Control Commission and who works under the direction of, is supervised by, or is employed by a person who holds a valid liquor license issued by the Illinois Liquor Commission.

(2) A Class T-4 license issued by the city shall be required of any person, including but not necessarily to an Event Sponsor Event, who –

- a. directly offers Tasting and Glass Consumption and/or Package Sales at a Market Event or Festival Event held within the city's boundaries; or
- b. sponsors but is not directly involved with offering Tasting and Glass Consumption and/or Package Sales at a Market Event or Festival Event held within the city's boundaries

(3) Any person who applies for a Class T-4 license for the purpose of directly offering Tasting and Glass Consumption and/or Package Sales at a Market Event or Festival Event, whether or not such applicant is an Event Sponsor, must be a holder of a valid current State of Illinois issued liquor license or city issued liquor license at the time such Class T-4 license application is made.

Any Event Sponsor who applies for a Class T-4 license but who will not engage in directly offering Tasting and Glass Consumption and/or Package Sales need not be a holder of a valid current State of Illinois issued liquor license or a city issued liquor license so long as a person who will directly offer Tasting and Glass Consumption and/or Package Sales is a holder of such current and valid State of Illinois or city liquor license.

(4) A Class T-4 license issued for a Market Event or a Festival Event, whether or not the applicant intends to directly offer for Tasting and Glass Consumption and/or Package Sales at such event, shall be only valid for and limited to the specific date or dates and time or times when the Market Event or Festival Event shall be open for operation. The Class T-4 license shall –

- a. identify to whom the Class T-4 license is issued; and
- b. state whether the Class T-4 license holder is an Event Sponsor who will or will not be involved in the direct offering of Tasting and Glass Consumption and/or Package Sales at the Market Event or Festival Event for which such license is issued; and
- c. state the date or dates when the license holder will offer Tasting and Glass Consumption and/or Package Sales at the Market Event or Festival Event for which such license is issued.

Nothing herein shall be construed as prohibiting a Class T-4 license applicant from applying as an Event Market for the privilege of directly offering Tasting and Glass Consumption and/or Package Sales at the Market Event or Festival Event. Nothing herein shall be construed or interpreted as prohibiting an Event Sponsor from directly offering Tasting and Glass Consumption and/or Package Sales so long as such Event Sponsor would otherwise qualify for a Class T-4 liquor license separate and apart from a Class T-4 liquor license merely to present, sponsor, host, or promotes a Market Event or Festival Event.

(5) Nothing in this Section 3-42 shall be deemed to relieve any T-4 license applicant or T-4 license holder from the requirement of obtaining a special event permit issued by the city for those special events which require such a permit as provided by the Urbana City Code and/or policies governing the application for and issuance of special event permits.

(6) A Class T-4 license holder shall be required to –

a. clearly demarcate a specific area where the Tasting and related Glass Consumption and Package Sales will be conducted; and

b. require that Tasting and Glass Consumption be undertaken within the demarcated area; and

c. prohibit consumption of any alcoholic liquor product other than by Tasting and/or Glass Consumption within the Market Event or Festival Event;

d. prohibit consumption of any Package Sales within the Market Event or Festival Event; and

e. with the exception of souvenir or commemorative glasses, collect for disposal all glasses, cups, bottles, containers, and related materials following the consumption of their alcoholic product contents; and

f. refrain from charging anything of monetary value to any person for the opportunity of Tasting unless otherwise provided in this Sub-Section 2-43(d).

g. Nothing in this Sub-Section 3-42(d)(6)a. through f. shall be construed as –

(i) prohibiting an Event Sponsor Class T-4 license holder from charging a cover charge to enter the event or from selling tickets for the privilege of participating in Tasting, Glass Consumption or Package Sales; or

(ii) prohibiting an Event Sponsor Class T-4 license holder from selling or otherwise providing a souvenir glass which commemorates the Market Event or Festival Event; or

(iii) prohibiting a Class T-4 license holder from charging any person who purchases any alcoholic liquor product for Glass Consumption or as Package Sales; or

(iv) requiring any Class T-4 license holder who offers Tasting at a Market Event or Festival Event to also offer Glass Consumption and/or Package Sales at the said event.

(7) T-4 license application. An application for a T-4 license shall solicit and the applicant shall provide the following information:

a. The full name, address, and main telephone number of the applicant. If the applicant is a business entity, the applicant shall state the organizational structure (i.e., corporation, limited liability company, partnership, sole proprietorship, association, etc.) of the applicant and its date of formation. If the applicant is a business entity and is operating under a name different than its organizational name (i.e., an assumed name, "d/b/a"), then the applicant shall provide the full name under which the business holds itself out to the public.

b. If the applicant is a business entity, the full name, address, main telephone number, and relationship to the entity of the individual who will serve as the business entity's primary contact for purposes of obtaining and holding the T-4 license.

c. The name of the Market Event or Festival Event for which the application is requested and the specific dates and times of that event's operation for which the tasting T-4 license is being requested.

d. The address or other descriptive location of where the Market Event or Festival Event is scheduled to operate.

e. A statement whether the applicant will be offering Tasting, Glass Consumption and/or Package Sales at the Market Event or Festival Event.

f. The name, address, telephone number, and age of each individual and/or Tasting Representative who will be responsible for handling and staffing the Tasting, Glass Consumption and/or Package Sales.

g. For those applicants for the Class T-4 license who will be directly offering the Tasting, Glass Consumption and/or Package Sales, a copy of the applicant's current valid liquor license and each Tasting Representative's license issued by the Illinois Liquor Control Commission.

h. Evidence of in-force dram-shop or liquor liability insurance with minimum coverage of at least one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate along with proof that the city is named on either the policy or in the form of a policy endorsement or rider.

i. The application fee and per diem fee, if applicable, in such amount or amounts as set forth in Chapter 14, "Licenses and Permits," section 14-7, "Schedule of fees," subsection (A), "Liquor licenses," of the Urbana City Code.

j. A signed and notarized affidavit which states that:

1. The Class T-4 license applicant shall not permit a consumer to take any cup, glass, or other container (other than a souvenir glass) beyond the demarcated area where the Tasting, Glass Consumption and/or Package Sales will be offering;

2. No person under the age of twenty-one (21) years shall be permitted to offer any alcoholic liquor product at the event for which the Class T-4 license may be issued;

3. No person under the age of twenty-one (21) shall be offered any alcoholic liquor product, whether for Tasting, Glass Consumption or Package Sales;

4. Only a holder of a current valid liquor license or a Tasting Representative license shall be permitted to dispense, serve or sell any alcoholic liquor product in any form;

5. The applicant for the Class T-4 license is not disqualified from receiving a liquor license by reason of any matter or thing stated in the Urbana City Code or the laws of the State of Illinois;

6. The applicant for the Class T-4 license has not been convicted of any felony in any state or federal jurisdiction which otherwise would disqualify the applicant from receiving a Class T-4 license;

7. The applicant for the Class T-4 license, unless this Section 3-42 expressly provides otherwise, shall abide by the laws of the State of Illinois regarding the offering of Tasting and Glass Consumption and/or Package Sales at a Market Event or Tasting and Glass Consumption at a Festival Event;

8. The applicant for the Class T-4 license affirms that all statements made in the application for the said license are true and correct;

9. The applicant for the Class T-4 license understands that by submitting the application and the information requested therein and thereby, along with the fees required, the city in its exercise of reasonable discretion may deny the issuance of a Class T-4 license

to the applicant and refund any fees tendered to the city for the Class T-4 license.

k. Such other information as the mayor deems appropriate.

(8) To the extent required by the Urbana City Code, an Event Sponsor of a Festival Event shall apply for and obtain a city issued special event permit prior to commencing the Festival Event at which Tasting, Glass Consumption and/or Package Sales will be offered. Any fee required to be paid as part of the application process for obtaining a special event permit from the city shall be separate and apart from any fee required to obtain a Class T-4 license.

(9) The issuance of a Class T-4 license shall not in any manner be deemed, construed or interpreted as relieving the license holder from complying with any other requirement of the Urbana City Code or other applicable law. To the extent any provision in Chapter 3 of the Urbana City Code directly conflicts with any provision of this subsection (d), the latter shall control.

(10) Nothing herein shall be deemed or construed as prohibiting liquor license holders from holding tasting events pursuant to section 3-50 of the Urbana City Code so long as such tasting events are conducted on the license holder's premises in accordance with the Urbana City Code, Illinois Liquor Control Act of 1934, and the rules and regulations promulgated by the Illinois Liquor Control Commission.

(e) Special conditions applicable to all T Class licenses.

(1) In the application for a T Class license, the application must set forth information so that the boundary of the area in which alcoholic liquor is to be allowed, can be ascertained with reasonable certainty.

(2) If the applicant for any category of Class T license is not the owner of record of the property designated for the site of the event, the owner of record or agent must join in the application; provided, however, this requirement shall not be applicable to an application for a T-2 license involving public right-of-way.

(3) If any T Class license involves serving either alcoholic liquors or food out-of-doors other than at a market event, then the following shall be applicable:

a. The application shall designate the license applicant as the agent of the owner of record for service of a notice to remove all refuse, litter, debris, garbage and the like for the notice of lien as set forth in subsection (f) below. Except for souvenir glasses which are given or sold during an event for which a Class T-4 liquor license is issued, Only paper or plastic products may be used to serve alcoholic liquor or food;

b. Provide fencing with at least two (2) means of ingress and egress around the area designated in the license. The egress shall have a ratio of at least forty-four (44) inches for every two hundred (200) occupants and at least one (1) alternate exit of at least forty-four (44) inches;

c. The Class T license holder shall, within twenty-four (24) hours after the ending time of the event, remove all refuse, litter, debris, garbage and the like from the property used for the event and the abutting public right-of-way.

(f) In the event the Class T license holder does not remove all refuse, litter, debris, garbage and the like in the twenty-four-hour period as required by subsection (c) of this section, the city may, after twenty-four-hours' notice, remove all refuse, litter, debris, garbage and the like from the property used for the event. The notice requiring removal shall state that, if the license holder and the owner of record do not remove all refuse, litter, debris, garbage and the like from the designated property within twenty-four (24) hours, the city shall conduct the removal operation. The notice shall also state that the failure of the owner or licensee to remove all refuse, litter, debris, garbage and the like within the twenty-four-hour period as required by such notice, shall be deemed as implied consent for the city to conduct such removal. Such implied consent shall be deemed to form a contract between the city and the owner and the licensee for payment of the costs of the removal of the refuse, litter, debris, garbage and the like. Service of notice shall be made upon the license holder or an agent or employee of the license holder. Service shall be by personal service except that service cannot be made by diligent inquiry. Service may be had by posting the notice on the property. The reasonable cost of removal shall be a lien upon the real property for which the license was issued.

(g) Whenever a bill for the reasonable costs of removal made pursuant to subsection (d) of this section remains unpaid for thirty (30) days after it has been sent to the license holder and the owner of record, the clerk shall file a notice of lien with the county recorder.

(1) The notice of lien shall be filed within ninety (90) days after the cost and expense of the removal has been incurred. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the removal and the date or dates when such cost and expense was incurred by the city. However, the city's lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the refuse, litter, debris, garbage and the like and prior to the filing of such notice, and the city's lien shall not be valid as to any mortgage, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expenses by the license holder or the owner of record or persons interested in the property after notice of lien has been filed, the city shall release the lien and the release may be filed or recorded as in the case of filing a notice of lien.

(2) Costs and expenses under this section include, but are not limited to, the actual costs and expenses for the time of city employees, use of equipment and materials concerning the actions of removal pursuant to this section, and transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosure and other related reasonable attorney's expenses.

(3) Whenever the costs and expenses for removal of all refuse, litter, debris, garbage and the like shall remain unpaid for a period of thirty (30) days after the lien is filed, the city may institute proceedings to foreclose the lien, and the real estate may be sold under the order of the court.

(4) Upon payment of the costs and expenses, plus interest at a rate of nine (9) percent annum from the date thirty (30) days after the bill was sent and after the notice of lien has been filed, the clerk shall file with the recorder a release of lien.

(h) If the payment of the city's cost of removal or abatement of the nuisance is not paid to the city within thirty (30) days of the billing of such costs the city attorney is empowered to commence proceedings in the circuit court seeking a personal judgment from the owner or licensee interested in the premises as noticed in subsection (d) of this section. The action authorized by this subsection shall be in addition to and without waiver of any other remedy. Such action shall be based upon the implied consent for persons to form a contract for the removal or abatement of such nuisances.

(i) Along with the application for any Class T license, the applicant shall submit a security plan for the mayor's approval which shall generally take into consideration the matters set forth in subsection 3-49(b) below.

Section 2. The Mayor, acting as local Liquor Commissioner, or her designee shall prepare or cause to be prepared such form or forms as is or are necessary and which is or are consistent with this Ordinance to implement the amendments to the aforesaid chapter, article and section of the Urbana City Code.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 4. The City Clerk is directed to publish this Ordinance and cause the appropriate sections of Chapter 3, Alcoholic Liquor, of the Urbana City Code to reflect the amendments as hereinabove stated and set forth.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the City Council of the City of Urbana, at a regular meeting of said Council on the ___ of _____, 2014 at which a proper quorum was present.

PASSED by the City Council of and for the City of Urbana, Illinois this ____ Day of _____, 2014 with the “ayes” and “nays” being recorded as follows:

AYES: _____.

NAYS: _____.

ABSTENTIONS: _____.

Phyllis D. Clark, City Clerk.

APPROVED by the Mayor this _____ Day of _____, 2014.

Laurel Lunt Prussing, Mayor.

ORDINANCE NO. 2014-08-079

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER FOURTEEN, SECTION 14-7, REGARDING THE SCHEDULE OF FEES

(T-3 LIQUOR LICENSE FEE)

WHEREAS, the City Council did on the 5th day of May 2014, pursuant to Ordinance No. 2014-03-036, adopt a Schedule of Fees for the various licenses, permits, fines, and other fees required under the Urbana City Code; and

WHEREAS, the City Council finds that the best interests of the City are served by making limited amendments to that Schedule of Fees, pursuant to Urbana City Code Section 14-7(b), concerning temporary liquor licenses.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of fees," Subsection (A), "Liquor Licenses," Part 1, "Alcoholic Liquor Licenses," Subpart (t), "Class T-3 (Temporary Event)," is hereby amended with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

(t) Class T-3 (Temporary Event <u>for-profit festival promoter</u>).....	\$ 1,093.00
(1) <u>First day</u>	<u>\$150</u>
(2) <u>Each additional day</u>	<u>\$50</u>

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor