

ORDINANCE NO. 2017-08-049

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTERS 1 AND 14

(Regulating special events)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs not otherwise expressly reserved to the State of Illinois by legislation, including the power to provide for the public health, safety and welfare; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 1-18, concerning “Minimum fine schedule for certain violations”, and Urbana City Code Chapter 14, concerning “Licenses and Permits”; and

WHEREAS, heretofore, Mayor Laurel Lunt Prussing approved a policy concerning the holding of special events, free speech events, parades, and residential block parties within the City in order to provide for the reasonable regulation of such events in order to protect public health, safety and welfare during such events; and

WHEREAS, the City Council finds that the public health, safety, and welfare will best be protected by amending Urbana City Code Section 1-18, “Minimum fine schedule for certain violations;”, and Chapter 14, concerning “Licenses and Permits” as provided in the Exhibit appended hereto and made a part hereof.

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 1, “General Provisions”, Section 1-18, concerning “Minimum fine schedule for certain violations”, and Urbana City Code Chapter 14, concerning “Licenses and Permits”, shall be and hereby are amended as provided in the Exhibit appended hereto and made a part hereof with language to be deleted appearing with strikethroughs and language to be added appearing as underlined.

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Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana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 that which is expressly set forth as amended by 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 and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

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 _____, 2017.

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2017.

Diane Wolfe Marlin, Mayor

EXHIBIT

Chapter 1 – GENERAL PROVISIONS

Sec. 1-18. – Minimum fine schedule for certain violations.

13-5	Unlawful removal of articles.	300.00
13-6	Those prohibited from use not to visit	300.00

Chapter 14 Permits and Licenses

<u>14-59</u>	<u>Violation of events ordinance – special events.</u>	<u>300.00</u>
<u>14-59</u>	<u>Violation of events ordinance – free speech events.</u>	<u>25.00</u>
<u>14-59</u>	<u>Violation of events ordinance – residential block parties</u>	<u>25.00</u>

Chapter 15 Miscellaneous Offenses and Provisions]

15-3	Hindering city officer or employee	300.00
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Chapter 14 - LICENSES AND PERMITS

ARTICLE I. – IN GENERAL

Sec. 14-0.01 – Exception.

This article I shall be applicable to article II only insofar as expressly provided for in this article I.

Sec. 14-2. - Application of ~~chapter article~~ to liquor licenses.

Nothing in this ~~chapter article~~ shall be construed to apply to liquor licenses, except the fees for such licenses shall be as set forth in the schedule in section 14-7.

Sec. 14-5. - Investigation; issuance; denial; appeal.

(a) The mayor or his/her designee shall assign some officer of the city to be the approving authority for each permit or license required by the city under this ~~chapter article~~. The approving authority so designated shall be the person responsible for conducting a proper investigation to determine whether such license or permit should be issued.

Sec. 14-11. - Location.

No license for the operation of a business or establishment in the city shall be construed to permit the operation of a licensed business or establishment in more than one location in the city; a separate license shall be required for each location of a licensed establishment. For the purpose of this ~~chapter~~article, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

Sec. 14-18. - Penalty.

Any person, firm or corporation who shall be convicted of violating any provision of this ~~chapter~~article shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Secs. 14-20 – 14-50. – Reserved.

ARTICLE II. – PUBLIC EVENTS

Sec. 14-51. Definitions.

For purposes of this article, the following definitions shall apply:

City resources. “City resources” means any of the following:

(a) equipment, supplies and other personal property owned, leased or operated by the city;

(b) city employees, elected or appointed officials, and other persons retained by the city on an independent contractor basis; and

(c) real property owned, leased or operated by the city including but not limited to buildings, parking lots, parkways, other public rights-of-way.

Sponsor. “Sponsor” means any person who seeks to hold, host, conduct, or operate or who holds, conducts, hosts, or operates a special event within the geographic boundaries of the city.

Private property. “Private property” means any real property which is not owned or leased by a unit of local, county, state or federal government.

Owner. “Owner” means any person who owns or leases private property on which any part of a special event will be or is held or hosted.

Special event. “Special event” means any activity conducted or held or to be conducted or held on city owned, leased or operated real property and/or on private property within the city’s geographic boundaries on a temporary or short term basis where any of the following is present –

(a) The sponsor requests or will request the city to allocate or deploy any city resource in connection with the sponsor’s event.

(b) The city determines city resources may or must be allocated, deployed or used in connection with the sponsor's planned event and provides written notice to the sponsor of such determination in advance of the event.

(c) The sponsor will be selling or serving or will be allowing another person to sell or serve alcoholic liquor for consumption on or off the site of the event or allow a person to consume alcoholic liquor at the site of and during the event.

The term "special event" includes all dates and times necessary to set-up, operate, conduct, take-down the event, and clean up the event site. The term "special event" shall not include free speech events and residential block parties as defined in this article.

Free speech event. "Free speech event" means any assembly of fifty (50) or more persons who gather in a location for the purpose of exercising their right to speak freely, peaceably assemble, and/or petition their government for a redress of a grievance as guaranteed by the First Amendment to the United States Constitution.

Residential block party. "Residential block party" means a social event held in whole or in part on a public right-of-way for persons who reside in the immediate area where such event occurs and which usually involves residents of two or more properties along one or both sides of city property (usually, but not limited to, a neighborhood street, park, parkway, or intersection) where 50% or more of the contiguous properties are zoned residential.

Permit. "Permit" means written authorization issued by the city to a sponsor to set-up, operate, hold, conduct, and take-down, as the case may be, a special event, free speech event, or residential block party in the manner described in an application for issuance of such written authorization. The term "permit" shall including any lawful event restrictions placed on a special event or free speech event.

Event restrictions. "Event restrictions" means any restriction, limitation or security plan which is included with any permit issued or imposed on the special event for the purpose of preventing any threat to human life, health or safety or property.

Permit application fee. "Permit application fee" means the fee charged, if any, by the city in connection with accepting and processing an application to conduct a special event, free speech event or residential block party.

Event services fee. "Event services fee" means the reasonable monetary value, as determined by the city, of city resources which are allocated, deployed and/or used by the city in connection with a special event or free speech event.

Authorized officer. "Authorized officer" means the director of the city's public works department and his/her designee.

Section 14-52. Event applications, permits, deadlines, late applications.

(a) Permit required/expiration. Except as provided in subsections 14-52(b), no person shall conduct or hold a special event, free speech event or residential block party without first obtaining a permit for such event. A permit may be issued for a special event, free speech event or residential block party planned to last more than one day. Any permit issued pursuant to this article shall expire upon the conclusion of the event.

(b) Exemptions. The following special events shall be exempt from the requirement of obtaining a permit except as provided in subsection 14-52(c):

(1) Events hosted by the city which has been approved by the mayor or city council.

(2) Events hosted by units of government other than the city which are held wholly on that government's property or where the government is acting within its scope of authority; or

(3) Events held by an elected constitutional officer of the State of Illinois or the United States so long as the event is constitutes official business of the State of Illinois or the United States where the event is open to the public in general but is not a campaign event.

(4) Funeral processions.

(5) Events hosted by liquor licensees where such events are confined wholly within the licensee's establishment and where the licensee has adopted a security plan as provided in chapter 3 of this code.

(6) Any event which is confined wholly within the walls of the city-owned Civic Center where –

a. no alcoholic liquor will be sold or served; or

b. alcoholic liquor will be sold or served for consumption wholly within the walls of the Civic Center pursuant to a valid Urbana liquor license and where the liquor licensee has adopted a security plan as provided in chapter 3 of this code.

(7) Any event which is to be held solely on private residential property and for which no city resources will be allocated.

(c) Permit required notwithstanding subsection 14-52(b) exemption.

Notwithstanding anything to the contrary contained in subsection 14-52(b):

(1) If a person conducts or hosts an event which was exempt under subsection 14-52(b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person shall be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following the last date of the event to which city resources were deployed

(2) Within ten (10) business days after the last date of the event which was exempt pursuant to subsection 14-52(b) but to which city resources were required to be deployed, the city

shall provide written notice to the person who sponsored the aforesaid event. The notice shall provide:

- a. that the person who sponsored the event which was exempt pursuant to subsection 15-52(b) shall be required to obtain a permit for any similar event which the said person seeks to conduct or host within the twelve-month period commencing with the last date of the event to which city resources were deployed;
- b. the date when the said twelve-month period shall commence and end;
- c. the reason or reasons for requiring a permit for any similar event held within the said twelve-month period notwithstanding subsection 14-52(b); and
- d. such other information, if any, as the authorized officer deems appropriate.

(d) Application for events.

(1) Applications. In the case of a special event which will include or allow for the sale, service or consumption of alcoholic liquor, the sponsor applicant must be age twenty-one (21) years or older. In the case of a special event which will not include or allow the sale or service of alcoholic liquor, the sponsor applicant must be age eighteen (18) years or older. A sponsor of a special event shall provide all information and agree to such terms and conditions as required on an application. Applications for permits shall be available from the city's public works department.

(2) Time and place for submitting application for permit.

a. Special events. An application for a special event permit shall be submitted to the authorized officer at least forty-five (45) business days in advance of the earliest date scheduled for the special event.

b. Free speech events.

1. Free Speech Event Policy. Nothing in this article shall be deemed or construed as limiting, restricting or otherwise interfering with any person's lawful free speech rights afforded under the First Amendment to the United States Constitution and Article 1, Section 4 of the Illinois Constitution of 1970.

2. Events scheduled in advance. If a free speech event is organized to occur at a time and date more than forty-eight (48) hours from the time when the event is scheduled to occur, the sponsor shall submit an application for a free speech event permit and the same shall be submitted to the authorized officer or the Chief of the Urbana Police Department.

3. Spontaneous events. If a free speech event is organized to occur within forty-eight (48) hours or less of the time when the event will occur, the sponsor shall make a reasonable effort to notify either the authorized officer or the

Chief of the Urbana Police Department as soon as reasonably practicable and such notice shall provide the time, date and location of the event, and the identity of the person or persons sponsoring the event. The notice may be sent by e-mail or hand-delivered to the Police Department at its front desk.

c. Residential block parties. An application for a residential block party shall be submitted to the authorized officer at ten (10) business days in advance of the earliest date scheduled for the residential block party.

(3) Late application submissions. If the authorized officer accepts an application for a special event, free speech event or residential block party permit after the date provided for in subsection 14-52(d)(2), the sponsor shall pay to the city a late submission fee for the expedited processing of the application as provided in the City's schedule of fees. The late application fee shall not be assessed for a free speech event which is scheduled to occur within forty-eight (48) of when the event is organized to occur.

(4) Complete applications. An application for a permit shall not be deemed complete until all the required information has been provided to the authorized officer. The city shall not begin reviewing the application until all information required to be provided has been submitted to the authorized officer.

(5) Order of review. Applications for permits shall be reviewed in the order in they are received. Applications for regularly scheduled annual special events shall be given priority over all other applications for such special events.

Section 14-53. Bases for denying applications for permits.

To the extent permitted by law, the city may deny an application for an event permit on any of the following grounds:

(1) Special event permits, residential block parties.

a. The application (including any required attachments and submissions) is not fully complete and executed.

b. The sponsor has not tendered the required application fee with the application and, in the case of a special event, a certificate of insurance which names the city as an additional insured. Sponsors of residential block parties shall not be required to provide a certificate of insurance which names the city as an additional insured.

c. The application contains a material false statement or misrepresentation;

d. The sponsor is legally incompetent to contract or to sue or be sued;

e. The sponsor has failed to pay any outstanding fee, tax, fine, or other assessment due and owing to the city.

f. Another fully executed and complete application for permit for the same date, time, and location has been received and such prior-requested permit will very likely be granted and where the location will not reasonably accommodate the holding of both events at the same time without compromising human life, health or safety or property.

g. The proposed use or activity is unlawful.

h. The use or activity intended by the sponsor will present a threat to human life, health or safety or property.

i. The sponsor has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services.

(2) Free speech events.

i. The city may not refuse to issue a free speech event permit to hold such event on the same date, time and location as another free speech event on the basis that the anticipated content of the speech of the two free speech events may conflict with one another. Notwithstanding the foregoing, the city may deny the second application if the city reasonably and in good faith determines that the holding of the two free speech events at the same date, time and location may pose a threat to human life, health or safety or property.

ii. The city may not refuse to issue a free speech event permit on grounds that a city elected or appointed official or employee holds views or opinions different from those sought to be expressed during the free speech event for which the application is submitted.

iii. In the case where a free speech event permit is denied on grounds that a prior-received application has requested and will likely be approved or has been approved to hold a special event or a free speech event at the same date, time and location and where the location will not reasonably accommodate both events, the city will attempt to make a reasonable accommodation to the sponsor who submitted the later application so that the said event can be held at a location within reasonable proximity of the location requested.

Section 14-54. Permit application approval and denial.

(a) Review of permit applications. Permit applications will be reviewed in accordance with the policies, rules and/or procedures approved by the mayor.

(b) Allocation or deployment of city resources. The city shall retain the right and authority to allocate, deploy or use city resources as it deems necessary or appropriate based on the review of a permit application, the nature of the special event, and whether the city has had to deploy city resources to address a threat to human life, health or safety or property at any special event previously sponsored by the sponsor.

(c) Event restrictions. The city shall retain the right and discretion to include with any permit reasonable and lawful event restrictions which the authorized officer or any other city official deems necessary and appropriate to protect and preserve human life, health or safety or property. Any event restriction included with a permit shall apply to the sponsor and the owner of the private property on which the special event will be conducted in whole or in part, if any, and their agents.

(d) Notice granting/denying permit application.

(1) Special events. The authorized officer shall, within ten (10) business days of receipt of a special event permit application, provide written notice to the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.

(2) Free speech events Where practicable, the authorized officer shall, by the close of the next business day following receipt of an application for a free speech event permit, notify the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.

(3) Residential block parties. The authorized officer shall, within five (5) business days of receipt of a residential block party permit application, provide written notice to the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.

(4) If the city refuses to issue a special event, free speech event or residential block party permit or issues such permit with a restriction, the notice to the sponsor shall include the reason or reasons for such action.

Section 14-55. Event restrictions; cessation of events.

(a) Compliance with law. Special events, free speech events and residential block parties conducted on public and/or private property must be conducted in compliance with all applicable federal and state laws and city ordinances.

(b) Presence on site of event. The sponsor or the sponsor's duly authorized agent shall be present at all times during the special event, free speech event or residential block party.

(c) Order to limit or cease activities or vacate area. The city shall have the authority to order reasonable event restrictions after an event has commenced which may include but are not necessarily limited to cessation of some or all event activities or the clearing or partial clearing of the area where the event is occurring should conditions arise which threaten or are very likely to threaten human life, health or safety or property.

(d) Private property owners' obligations. In the case where a special event, free speech event or residential block party requiring a permit is scheduled to occur in whole or in part on private property, the owner or the owner's agent shall be present at all times on the private property during the event. The owner shall be responsible for complying with and enforcing any and all event restrictions, if any, which are issued in connection with the permit. The owner shall be responsible

to the city in the same manner as the sponsor for any conduct which threatens human life, health or safety or property other than the owner's private property.

(f) *Alcohol.* The sale or service of any alcoholic beverage at or in conjunction with any special event by the sponsor or any other person shall be subject to full compliance with chapter 3 of this code.

(g) *Tents.* If the sponsor intends to use or allow the use of a tent at any special event which covers more than 400 square feet in area, such sponsor must obtain a separate permit from the department of community development services prior to erecting any such tent.

Section 14-56. Appeal of denial of or placement of event restrictions on permit.

(a) *Appeal of denial of or restriction on special event permit.* If a sponsor wishes to appeal a denial of a special event permit or any event restriction included with a special event permit, the sponsor shall provide written notice to the authorized officer of such appeal at within five (5) business days of receipt of the notice of denial of permit or placement of event restrictions on an issued permit. The written notice shall specify the reasons for contesting the denial. If the sponsor appeals any particular restriction placed on a permit, the sponsor shall identify the restriction from which the appeal is taken. The sponsor and the authorized officer or his/her designee shall confer within five (5) business days after submission of the notice of appeal regarding the sponsor's appeal. Within three (3) business days after the aforesaid conference, the authorized officer shall notify the sponsor of the authorized officer's determination on the sponsor's appeal.

(b) *Appeal of denial or restriction on special event permit to the mayor.* The sponsor may appeal the authorized officer's decision provided for in subsection 14-56(a) to the mayor within three (3) business days of the sponsor's notice of the authorized officer's decision. The mayor or his/her designee, within five (5) business days of receipt of the sponsor's appeal, shall confer with the sponsor and the authorized officer or his/her designee regarding the authorized officer's decision. The mayor or the authorized officer shall notify the sponsor of the mayor's decision within three (3) business days thereafter and the mayor's decision shall be final.

(c) *Appeal of denial or restriction on free speech event or residential block party permit.* If a sponsor wishes to appeal a denial of a free speech event or residential block party permit or any restriction included therewith, the sponsor shall notify the mayor's office as soon as practicable. The mayor or the mayor's designee (other than any person who recommended the denial of the permit or the placement of such restriction on the permit) shall meet with the sponsor of the free speech event within one (1) business day after receipt of such notice or, in the case of a residential block party, within five (5) business days after receipt of such notice at which the sponsor and the authorized officer or that person's designee shall confer regarding the denial of the permit or restriction included therewith. The mayor's decision regarding the matter shall be final.

(d) *Appeal of subsection 14-52(c)(2) notice.* A sponsor may appeal a notice issued to the sponsor pursuant to subsection 14-52(c)(2) in the same manner as provided in subsections 14-55(a), (b), and (c), as the case may be.

(e) *Pendency of appeal.* The denial of a permit, the inclusion of a restriction in a permit, or the requirement for obtaining a permit as provided for in subsection 14-52(a) or 14-52(c) which is the

subject of the sponsor's appeal shall remain in force unless and until otherwise modified or waived by the authorized officer or the mayor.

(f) Rights of private property owner. An owner shall have the same rights as the sponsor to appeal the denial of a permit or the placement of any restriction required as a condition for issuing the permit if a special event, free speech event or residential block party requiring a permit is sought to be held, in whole or in part, on the owner's private property.

Section 14-57. Responsibilities of sponsors and owners.

The sponsor of any special event, free speech event or residential block party and the owner of any private property on which said event will be held as provided for in this article shall be responsible for the following:

(a) Complying with all applicable federal and state laws and city ordinances and any special event restrictions included with the permit.

(b) Assuring that the permit, including any event restrictions issued therewith, are present and available for review upon request by any city official or law enforcement officer at the special event site.

(c) Controlling litter at, in, and about the premises where the event is held and restoring the government-owned premises on which the event was held to the condition which those premises existed before the event commenced.

(d) Complying with any lawful directive or order issued by the city to restrict or cease an activity occurring at the event; terminate the event; and/or vacate the area where the event is occurring.

(e) Providing for public safety during the special event.

Section 14-58. Event services fees and permit application fees.

(a) Permit application fee. The city shall collect a special event, free speech event or residential block party event application permit fee in the amount provided for in the city's published fee schedule at the time the application for a permit is received. The application fee, at the city's discretion and depending on the nature of the event, may be charged for each day the event is scheduled to take place. A sponsor of a free speech event scheduled to occur within forty-eight (48) hours from the time the event is organized to occur shall not be required to pay a permit application fee.

(b) Event services fee. In the case of special events, the sponsor shall pay an event services fee if the sponsor has requested the city to allocate, deploy or use any city resource or if the authorized officer determines that city resources should or will be allocated, deployed or used in connection with the special event whether not requested by the sponsor. The authorized officer shall, where appropriate, confer with the heads of the Urbana Fire Department, Urbana Police Department, and Public Works Department, as the case may require, or their respective designees, regarding whether city resources will be allocated for the event and, if so, the reasonable cost of allocating, deploying and using such city resources. The special event services fee shall be based on the reasonable value

of the particular city resources to be allocated, deployed or used and the said fee shall be paid on or before the date when the sponsor obtains the sponsor's special event permit. The authorized officer may, in his reasonable discretion, waive the event services fee. If, after the special event has been completed, the reasonable monetary value of the city resources actually deployed and/or used by the city exceeded the event services fee paid, the sponsor shall pay to the city the additional monetary value of those city resources as determined by the authorized officer. The city shall have the right to charge the sponsor of a free speech event a fee equal to the reasonable value of any city resource actually deployed to such free speech event to address a threat to human life, health or safety or property at such event. No event services fee shall be charged for the use of any city resource in connection with a residential block party.

(c) *Late payment.* If any payment due the city pursuant to this article is not paid in full within the time provided for in this section, the city shall be authorized to charge the sponsor interest at the rate of 1.5% per month until the said amount due and owing has been paid in full.

Section 14-59. Enforcement.

(a) *Violation.* No person shall conduct an event for which a permit is required in violation of this article.

(1) *Evidence of commission.* Proof the commission of any violation of this article shall be by a preponderance of the evidence.

(2) *Convictions.* The finding of or judgment of guilty in any court against the sponsor and/or owner of private property for violating this article shall be prima facie evidence of the commission.

(b) *Remedies.* Any sponsor or owner of private property who is convicted of violating any provision of this Article shall be fined not less than \$300 together with any other relief, remedy, penalty, and costs which the court deems just and proper.

(c) *Defense.* The remedies provided in subsections 15-99(3) and (5) shall not be imposed after a finding of guilt if the sponsor made a showing in court of a good faith effort to prevent the conduct complained of in the complaint.

EXHIBIT

Chapter 1 – GENERAL PROVISIONS

Sec. 1-18. – Minimum fine schedule for certain violations.

13-5	Unlawful removal of articles.	300.00
13-6	Those prohibited from use not to visit	300.00

Chapter 14 Permits and Licenses

14-59	Violation of events ordinance – special events.	300.00
14-59	Violation of events ordinance – free speech events.	25.00
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Chapter 15 Miscellaneous Offenses and Provisions]

15-3	Hindering city officer or employee	300.00
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Chapter 14 - LICENSES AND PERMITS

ARTICLE I. – IN GENERAL

Sec. 14-0.01 – Exception.

This article I shall be applicable to article II only insofar as expressly provided for in this article I.

Sec. 14-2. - Application of article to liquor licenses.

Nothing in this article shall be construed to apply to liquor licenses, except the fees for such licenses shall be as set forth in the schedule in section 14-7.

Sec. 14-5. - Investigation; issuance; denial; appeal.

(a) The mayor or his/her designee shall assign some officer of the city to be the approving authority for each permit or license required by the city under this article. The approving authority so designated shall be the person responsible for conducting a proper investigation to determine whether such license or permit should be issued.

Sec. 14-11. - Location.

No license for the operation of a business or establishment in the city shall be construed to permit the operation of a licensed business or establishment in more than one location in the city; a separate license shall be required for each location of a licensed establishment. For the purpose of this article, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

Sec. 14-18. - Penalty.

Any person, firm or corporation who shall be convicted of violating any provision of this article shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Secs. 14-20 – 14-50. – Reserved.

ARTICLE II. – PUBLIC EVENTS

Sec. 14-51. Definitions.

For purposes of this article, the following definitions shall apply:

City resources. “City resources” means any of the following:

- (a) equipment, supplies and other personal property owned, leased or operated by the city;
- (b) city employees, elected or appointed officials, and other persons retained by the city on an independent contractor basis; and
- (c) real property owned, leased or operated by the city including but not limited to buildings, parking lots, parkways, other public rights-of-way.

Sponsor. “Sponsor” means any person who seeks to hold, host, conduct, or operate or who holds, conducts, hosts, or operates a special event within the geographic boundaries of the city.

Private property. “Private property” means any real property which is not owned or leased by a unit of local, county, state or federal government.

Owner. “Owner” means any person who owns or leases private property on which any part of a special event will be or is held or hosted.

Special event. “Special event” means any activity conducted or held or to be conducted or held on city owned, leased or operated real property and/or on private property within the city’s geographic boundaries on a temporary or short term basis where any of the following is present –

- (a) The sponsor requests or will request the city to allocate or deploy any city resource in connection with the sponsor’s event.

(b) The city determines city resources may or must be allocated, deployed or used in connection with the sponsor's planned event and provides written notice to the sponsor of such determination in advance of the event.

(c) The sponsor will be selling or serving or will be allowing another person to sell or serve alcoholic liquor for consumption on or off the site of the event or allow a person to consume alcoholic liquor at the site of and during the event.

The term "special event" includes all dates and times necessary to set-up, operate, conduct, take-down the event, and clean up the event site. The term "special event" shall not include free speech events and residential block parties as defined in this article.

Free speech event. "Free speech event" means any assembly of fifty (50) or more persons who gather in a location for the purpose of exercising their right to speak freely, peaceably assemble, and/or petition their government for a redress of a grievance as guaranteed by the First Amendment to the United States Constitution.

Residential block party. "Residential block party" means a social event held in whole or in part on a public right-of-way for persons who reside in the immediate area where such event occurs and which usually involves residents of two or more properties along one or both sides of city property (usually, but not limited to, a neighborhood street, park, parkway, or intersection) where 50% or more of the contiguous properties are zoned residential.

Permit. "Permit" means written authorization issued by the city to a sponsor to set-up, operate, hold, conduct, and take-down, as the case may be, a special event, free speech event, or residential block party in the manner described in an application for issuance of such written authorization. The term "permit" shall including any lawful event restrictions placed on a special event or free speech event.

Event restrictions. "Event restrictions" means any restriction, limitation or security plan which is included with any permit issued or imposed on the special event for the purpose of preventing any threat to human life, health or safety or property.

Permit application fee. "Permit application fee" means the fee charged, if any, by the city in connection with accepting and processing an application to conduct a special event, free speech event or residential block party.

Event services fee. "Event services fee" means the reasonable monetary value, as determined by the city, of city resources which are allocated, deployed and/or used by the city in connection with a special event or free speech event.

Authorized officer. "Authorized officer" means the director of the city's public works department and his/her designee.

Section 14-52. Event applications, permits, deadlines, late applications.

(a) *Permit required/expiration.* Except as provided in subsections 14-52(b), no person shall conduct or hold a special event, free speech event or residential block party without first obtaining a permit for such event. A permit may be issued for a special event, free speech event or residential block party planned to last more than one day. Any permit issued pursuant to this article shall expire upon the conclusion of the event.

(b) *Exemptions.* The following special events shall be exempt from the requirement of obtaining a permit except as provided in subsection 14-52(c):

- (1) Events hosted by the city which has been approved by the mayor or city council.
- (2) Events hosted by units of government other than the city which are held wholly on that government's property or where the government is acting within its scope of authority; or
- (3) Events held by an elected constitutional officer of the State of Illinois or the United States so long as the event is constitutes official business of the State of Illinois or the United States where the event is open to the public in general but is not a campaign event.
- (4) Funeral processions.
- (5) Events hosted by liquor licensees where such events are confined wholly within the licensee's establishment and where the licensee has adopted a security plan as provided in chapter 3 of this code.
- (6) Any event which is confined wholly within the walls of the city-owned Civic Center where –
 - a. no alcoholic liquor will be sold or served; or
 - b. alcoholic liquor will be sold or served for consumption wholly within the walls of the Civic Center pursuant to a valid Urbana liquor license and where the liquor licensee has adopted a security plan as provided in chapter 3 of this code.
- (7) Any event which is to be held solely on private residential property and for which no city resources will be allocated.

(c) *Permit required notwithstanding subsection 14-52(b) exemption.*

Notwithstanding anything to the contrary contained in subsection 14-52(b):

- (1) If a person conducts or hosts an event which was exempt under subsection 14-52(b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person shall be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following the last date of the event to which city resources were deployed
- (2) Within ten (10) business days after the last date of the event which was exempt pursuant to subsection 14-52(b) but to which city resources were required to be deployed, the city

shall provide written notice to the person who sponsored the aforesaid event. The notice shall provide:

- a. that the person who sponsored the event which was exempt pursuant to subsection 15-52(b) shall be required to obtain a permit for any similar event which the said person seeks to conduct or host within the twelve-month period commencing with the last date of the event to which city resources were deployed;
- b. the date when the said twelve-month period shall commence and end;
- c. the reason or reasons for requiring a permit for any similar event held within the said twelve-month period notwithstanding subsection 14-52(b); and
- d. such other information, if any, as the authorized officer deems appropriate.

(d) *Application for events.*

(1) *Applications.* In the case of a special event which will include or allow for the sale, service or consumption of alcoholic liquor, the sponsor applicant must be age twenty-one (21) years or older. In the case of a special event which will not include or allow the sale or service of alcoholic liquor, the sponsor applicant must be age eighteen (18) years or older. A sponsor of a special event shall provide all information and agree to such terms and conditions as required on an application. Applications for permits shall be available from the city's public works department.

(2) *Time and place for submitting application for permit.*

a. *Special events.* An application for a special event permit shall be submitted to the authorized officer at least forty-five (45) business days in advance of the earliest date scheduled for the special event.

b. *Free speech events.*

1. *Free Speech Event Policy.* Nothing in this article shall be deemed or construed as limiting, restricting or otherwise interfering with any person's lawful free speech rights afforded under the First Amendment to the United States Constitution and Article 1, Section 4 of the Illinois Constitution of 1970.

2. *Events scheduled in advance.* If a free speech event is organized to occur at a time and date more than forty-eight (48) hours from the time when the event is scheduled to occur, the sponsor shall submit an application for a free speech event permit and the same shall be submitted to the authorized officer or the Chief of the Urbana Police Department.

3. *Spontaneous events.* If a free speech event is organized to occur within forty-eight (48) hours or less of the time when the event will occur, the sponsor shall make a reasonable effort to notify either the authorized officer or the

Chief of the Urbana Police Department as soon as reasonably practicable and such notice shall provide the time, date and location of the event, and the identity of the person or persons sponsoring the event. The notice may be sent by e-mail or hand-delivered to the Police Department at its front desk.

c. *Residential block parties.* An application for a residential block party shall be submitted to the authorized officer at ten (10) business days in advance of the earliest date scheduled for the residential block party.

(3) *Late application submissions.* If the authorized officer accepts an application for a special event, free speech event or residential block party permit after the date provided for in subsection 14-52(d)(2), the sponsor shall pay to the city a late submission fee for the expedited processing of the application as provided in the City's schedule of fees. The late application fee shall not be assessed for a free speech event which is scheduled to occur within forty-eight (48) of when the event is organized to occur.

(4) *Complete applications.* An application for a permit shall not be deemed complete until all the required information has been provided to the authorized officer. The city shall not begin reviewing the application until all information required to be provided has been submitted to the authorized officer.

(5) *Order of review.* Applications for permits shall be reviewed in the order in they are received. Applications for regularly scheduled annual special events shall be given priority over all other applications for such special events.

Section 14-53. Bases for denying applications for permits.

To the extent permitted by law, the city may deny an application for an event permit on any of the following grounds:

(1) *Special event permits, residential block parties.*

- a. The application (including any required attachments and submissions) is not fully complete and executed.
- b. The sponsor has not tendered the required application fee with the application and, in the case of a special event, a certificate of insurance which names the city as an additional insured. Sponsors of residential block parties shall not be required to provide a certificate of insurance which names the city as an additional insured.
- c. The application contains a material false statement or misrepresentation;
- d. The sponsor is legally incompetent to contract or to sue or be sued;
- e. The sponsor has failed to pay any outstanding fee, tax, fine, or other assessment due and owing to the city.

- f. Another fully executed and complete application for permit for the same date, time, and location has been received and such prior-requested permit will very likely be granted and where the location will not reasonably accommodate the holding of both events at the same time without compromising human life, health or safety or property.
- g. The proposed use or activity is unlawful.
- h. The use or activity intended by the sponsor will present a threat to human life, health or safety or property.
- i. The sponsor has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering for sale of any goods or services.

(2) *Free speech events.*

- i. The city may not refuse to issue a free speech event permit to hold such event on the same date, time and location as another free speech event on the basis that the anticipated content of the speech of the two free speech events may conflict with one another. Notwithstanding the foregoing, the city may deny the second application if the city reasonably and in good faith determines that the holding of the two free speech events at the same date, time and location may pose a threat to human life, health or safety or property.
- ii. The city may not refuse to issue a free speech event permit on grounds that a city elected or appointed official or employee holds views or opinions different from those sought to be expressed during the free speech event for which the application is submitted.
- iii. In the case where a free speech event permit is denied on grounds that a prior-received application has requested and will likely be approved or has been approved to hold a special event or a free speech event at the same date, time and location and where the location will not reasonably accommodate both events, the city will attempt to make a reasonable accommodation to the sponsor who submitted the later application so that the said event can be held at a location within reasonable proximity of the location requested.

Section 14-54. Permit application approval and denial.

(a) *Review of permit applications.* Permit applications will be reviewed in accordance with the policies, rules and/or procedures approved by the mayor.

(b) *Allocation or deployment of city resources.* The city shall retain the right and authority to allocate, deploy or use city resources as it deems necessary or appropriate based on the review of a permit application, the nature of the special event, and whether the city has had to deploy city resources to address a threat to human life, health or safety or property at any special event previously sponsored by the sponsor.

(c) *Event restrictions.* The city shall retain the right and discretion to include with any permit reasonable and lawful event restrictions which the authorized officer or any other city official deems necessary and appropriate to protect and preserve human life, health or safety or property. Any event restriction included with a permit shall apply to the sponsor and the owner of the private property on which the special event will be conducted in whole or in part, if any, and their agents.

(d) *Notice granting/denying permit application.*

(1) *Special events.* The authorized officer shall, within ten (10) business days of receipt of a special event permit application, provide written notice to the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.

(2) *Free speech events* Where practicable, the authorized officer shall, by the close of the next business day following receipt of an application for a free speech event permit, notify the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.

(3) *Residential block parties.* The authorized officer shall, within five (5) business days of receipt of a residential block party permit application, provide written notice to the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.

(4) If the city refuses to issue a special event, free speech event or residential block party permit or issues such permit with a restriction, the notice to the sponsor shall include the reason or reasons for such action.

Section 14-55. Event restrictions; cessation of events.

(a) *Compliance with law.* Special events, free speech events and residential block parties conducted on public and/or private property must be conducted in compliance with all applicable federal and state laws and city ordinances.

(b) *Presence on site of event.* The sponsor or the sponsor's duly authorized agent shall be present at all times during the special event, free speech event or residential block party.

(c) *Order to limit or cease activities or vacate area.* The city shall have the authority to order reasonable event restrictions after an event has commenced which may include but are not necessarily limited to cessation of some or all event activities or the clearing or partial clearing of the area where the event is occurring should conditions arise which threaten or are very likely to threaten human life, health or safety or property.

(d) *Private property owners' obligations.* In the case where a special event, free speech event or residential block party requiring a permit is scheduled to occur in whole or in part on private property, the owner or the owner's agent shall be present at all times on the private property during the event. The owner shall be responsible for complying with and enforcing any and all event restrictions, if any, which are issued in connection with the permit. The owner shall be responsible

to the city in the same manner as the sponsor for any conduct which threatens human life, health or safety or property other than the owner's private property.

(e) *Alcohol.* The sale or service of any alcoholic beverage at or in conjunction with any special event by the sponsor or any other person shall be subject to full compliance with chapter 3 of this code.

(f) *Tents.* If the sponsor intends to use or allow the use of a tent at any special event which covers more than 400 square feet in area, such sponsor must obtain a separate permit from the department of community development services prior to erecting any such tent.

Section 14-56. Appeal of denial of or placement of event restrictions on permit.

(a) *Appeal of denial of or restriction on special event permit.* If a sponsor wishes to appeal a denial of a special event permit or any event restriction included with a special event permit, the sponsor shall provide written notice to the authorized officer of such appeal at within five (5) business days of receipt of the notice of denial of permit or placement of event restrictions on an issued permit. The written notice shall specify the reasons for contesting the denial. If the sponsor appeals any particular restriction placed on a permit, the sponsor shall identify the restriction from which the appeal is taken. The sponsor and the authorized officer or his/her designee shall confer within five (5) business days after submission of the notice of appeal regarding the sponsor's appeal. Within three (3) business days after the aforesaid conference, the authorized officer shall notify the sponsor of the authorized officer's determination on the sponsor's appeal.

(b) *Appeal of denial or restriction on special event permit to the mayor.* The sponsor may appeal the authorized officer's decision provided for in subsection 14-56(a) to the mayor within three (3) business days of the sponsor's notice of the authorized officer's decision. The mayor or his/her designee, within five (5) business days of receipt of the sponsor's appeal, shall confer with the sponsor and the authorized officer or his/her designee regarding the authorized officer's decision. The mayor or the authorized officer shall notify the sponsor of the mayor's decision within three (3) business days thereafter and the mayor's decision shall be final.

(c) *Appeal of denial or restriction on free speech event or residential block party permit.* If a sponsor wishes to appeal a denial of a free speech event or residential block party permit or any restriction included therewith, the sponsor shall notify the mayor's office as soon as practicable. The mayor or the mayor's designee (other than any person who recommended the denial of the permit or the placement of such restriction on the permit) shall meet with the sponsor of the free speech event within one (1) business day after receipt of such notice or, in the case of a residential block party, within five (5) business days after receipt of such notice at which the sponsor and the authorized officer or that person's designee shall confer regarding the denial of the permit or restriction included therewith. The mayor's decision regarding the matter shall be final.

(d) *Appeal of subsection 14-52(c)(2) notice.* A sponsor may appeal a notice issued to the sponsor pursuant to subsection 14-52(c)(2) in the same manner as provided in subsections 14-55(a), (b), and (c), as the case may be.

(e) *Pendency of appeal.* The denial of a permit, the inclusion of a restriction in a permit, or the requirement for obtaining a permit as provided for in subsection 14-52(a) or 14-52(c) which is the

subject of the sponsor's appeal shall remain in force unless and until otherwise modified or waived by the authorized officer or the mayor.

(f) *Rights of private property owner.* An owner shall have the same rights as the sponsor to appeal the denial of a permit or the placement of any restriction required as a condition for issuing the permit if a special event, free speech event or residential block party requiring a permit is sought to be held, in whole or in part, on the owner's private property.

Section 14-57. Responsibilities of sponsors and owners.

The sponsor of any special event, free speech event or residential block party and the owner of any private property on which said event will be held as provided for in this article shall be responsible for the following:

- (a) Complying with all applicable federal and state laws and city ordinances and any special event restrictions included with the permit.
- (b) Assuring that the permit, including any event restrictions issued therewith, are present and available for review upon request by any city official or law enforcement officer at the special event site.
- (c) Controlling litter at, in, and about the premises where the event is held and restoring the government-owned premises on which the event was held to the condition which those premises existed before the event commenced.
- (d) Complying with any lawful directive or order issued by the city to restrict or cease an activity occurring at the event; terminate the event; and/or vacate the area where the event is occurring.
- (e) Providing for public safety during the special event.

Section 14-58. Event services fees and permit application fees.

(a) *Permit application fee.* The city shall collect a special event, free speech event or residential block party event application permit fee in the amount provided for in the city's published fee schedule at the time the application for a permit is received. The application fee, at the city's discretion and depending on the nature of the event, may be charged for each day the event is scheduled to take place. A sponsor of a free speech event scheduled to occur within forty-eight (48) hours from the time the event is organized to occur shall not be required to pay a permit application fee.

(b) *Event services fee.* In the case of special events, the sponsor shall pay an event services fee if the sponsor has requested the city to allocate, deploy or use any city resource or if the authorized officer determines that city resources should or will be allocated, deployed or used in connection with the special event whether not requested by the sponsor. The authorized officer shall, where appropriate, confer with the heads of the Urbana Fire Department, Urbana Police Department, and Public Works Department, as the case may require, or their respective designees, regarding whether city resources will be allocated for the event and, if so, the reasonable cost of allocating, deploying and using such city resources. The special event services fee shall be based on the reasonable value

of the particular city resources to be allocated, deployed or used and the said fee shall be paid on or before the date when the sponsor obtains the sponsor's special event permit. The authorized officer may, in his reasonable discretion, waive the event services fee. If, after the special event has been completed, the reasonable monetary value of the city resources actually deployed and/or used by the city exceeded the event services fee paid, the sponsor shall pay to the city the additional monetary value of those city resources as determined by the authorized officer. The city shall have the right to charge the sponsor of a free speech event a fee equal to the reasonable value of any city resource actually deployed to such free speech event to address a threat to human life, health or safety or property at such event. No event services fee shall be charged for the use of any city resource in connection with a residential block party.

(c) *Late payment.* If any payment due the city pursuant to this article is not paid in full within the time provided for in this section, the city shall be authorized to charge the sponsor interest at the rate of 1.5% per month until the said amount due and owing has been paid in full.

Section 14-59. Enforcement.

(a) *Violation.* No person shall conduct an event for which a permit is required in violation of this article.

(1) *Evidence of commission.* Proof the commission of any violation of this article shall be by a preponderance of the evidence.

(2) *Convictions.* The finding of or judgment of guilty in any court against the sponsor and/or owner of private property for violating this article shall be prima facie evidence of the commission.

(b) *Remedies.* Any sponsor or owner of private property who is convicted of violating any provision of this Article shall be fined not less than \$300 together with any other relief, remedy, penalty, and costs which the court deems just and proper.

(c) *Defense.* The remedies provided in subsections 15-99(3) and (5) shall not be imposed after a finding of guilt if the sponsor made a showing in court of a good faith effort to prevent the conduct complained of in the complaint.