



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Economic Development Division

Urbana Public Arts Program Monthly Progress Report April 8th – May 8th, 2009

Prepared by Anna Hochhalter, Public Arts Coordinator

Introduction

The following Urbana Public Arts Program Monthly Progress Report describes activities of the Public Arts Program for the Urbana Public Arts Commission. The report includes information regarding projects which are in process, recent requests and recommendations from the public, staff activities, and upcoming events.

On-going Projects with Recent Updates

- Art in Infrastructure Projects:
 - Iron Post Sculpture Project—preparing Call for Art
 - Philo Road Beautification Project—preparing Call for Art
 - Downtown Newspaper Rack Project—approved by Champaign County and reviewed by Urbana City Council on May 11, 2009
- Projects with Partners: 40 N | 88 W ACE Awards planning
- Gallery District Incentive Program—continued business participation
- Urbana Business Association Business Backs the Arts Initiative

Projects in Development

- City Hall Art Exhibition Space Program—preparing Call for Art
- UPArts Grant Program—Applications being received and the juries have been confirmed
- The Arts at the Market—planning for May 30th and June 13th workshops
- Storefront Arts Series Project—DRAFT program guidelines prepared
- Spring Lecture Series—planning to continue in Fall 2009
- UPTV bi-monthly programming featuring local artists—planning to continue in Fall 2009

Staff Activities

- Urbana Public Arts Program of Work for FY 09-10
- Arts Grant Program administration and fielding of inquiries
- Chinese Goose Plaque Project coordination
- Urbana Blues Brews and BBQ Festival meeting and collaboration
- Maintained Urbana Public Arts Program Facebook Page—currently has 90 fans

Upcoming Events:

- Chinese Goose Plaque Dedication, May 23rd is tentative date
- Arts at the Market, Art workshop at the Market at the Square on Saturday, May 30th, from 8:00am - Noon
- Urbana Blues, Brews and BBQ Festival, downtown Urbana, June 26-27th

Compilation of City of Urbana Arts-Related Goals

The Public Arts Commission is charged with developing an Annual Public Arts Program Plan that identifies specific program goals for the year, means of achievement, and, among other items, an implementation plan to address the goals. In preparation for the creation of this plan, the Commission will need to identify program goals. The following includes arts-related goals and recommendations developed through prior planning processes that may assist in the creation of goals for the 2009-10 fiscal year. Excerpts describing arts-related goals from the following documents are below:

1. Ordinance Establishing the Public Arts Commission and Program
2. Public Arts Program Community Input Report
3. City of Urbana 2005 Comprehensive Plan
4. City of Urbana 2002 Downtown Strategic Plan
5. Urbana Public Arts Task Force Recommendation on Goals and Value Statements

1. Ordinance No. 2008-03-013, An Ordinance Establishing a Public Arts Commission and Permanent Public Arts Program

Attached is the Ordinance Establishing a Public Arts Commission and Permanent Public Arts Program. Areas of interest related to arts-related goals include the description of the City Council 2005 Common Goals listed in the clauses and the duties of the Commission described in the ordinance.

2. Community Input Recommendations summary:

Recommendations on projects to be pursued by a Public Arts Program, received through input sessions, submitted surveys, and event attendance, included the following:

- Participants at the input session for business representatives described an art in public places program and free music program most commonly.
- Arts organizations at the artist input session most commonly describe funding, grants, and promotion.
- Individual artists most commonly recommended an art in public places program and increased promotion, events, and venues.
- An interview with a performing arts group, the Champaign Black Stars, resulted in the recommendation for the development of free practice/rehearsal spaces.

The main piece of advice received from artists and arts organizations was to develop further collaborations with other local organizations.

3. City of Urbana 2005 Comprehensive Plan

The following goals and objectives are included in the City of Urbana's current Comprehensive Plan:

Goal 13.0 Capitalize on Urbana's unique heritage as a community with a mix of urban and small-town features.

Objectives:

- 13.1 Promote the incorporation of public art in significant new public and private developments.
- 13.2 Promote community events and activities (such as the Market at the Square, Sweetcorn Festival, and local art festivals) that bring the community together and promote Urbana's special character.
- 13.3 Expand the City's creative community by promoting arts-related uses and events.
- 13.4 Promote the beautification of Urbana through both public and private developments.

Goal 22.0 Increase the vitality of downtown Urbana as identified in the Downtown Strategic Plan and Annual Action Plan.

Objectives:

- 22.1 Promote the creation of housing in downtown Urbana.
- 22.2 Promote the rejuvenation of Lincoln Square.
- 22.3 Continue to promote the highly successful Market at the Square.
- 22.4 Encourage public/private partnerships to foster new development in the downtown area.
- 22.5 Use tax increment financing to promote new development and redevelopment opportunities, mini-parks and plazas.
- 22.6 Continue to improve the public infrastructure of parking lots and streetscapes.
- 22.7 Pursue redevelopment of the North Broadway corridor.
- 22.8 Promote visible, outdoor activity in downtown.
- 22.9 Pursue the development of a permanent outdoor public square and performance/event space.

4. City of Urbana 2002 Downtown Strategic Plan

The following text is an excerpt from the 2002 Downtown Strategic Plan. The complete plan can be viewed from the City webpage. Goals of particular interest are described in the "Center of Urbana Initiative" below.

VISION

Figuratively the center of the community, the prior discussion of downtown Urbana shows that it is not perceived in that manner by the market or the community. Should we abandon downtown to the whims of the market? Should we consider it no more than one of many neighborhoods in the community? Should we reconsider its purpose, function and aim to make it more relevant to community image?

Members of the community have considered this question, and conclude that downtown is a unique place that serves a special role in defining the community. They hold a particular vision of downtown:

“Downtown Urbana is the heart of our City and a regional attraction. It is a busy and exciting place serving all – the community, the University and visitors to the region. It accommodates business, housing and government. It is a regional entertainment center that offers a host of shopping, dining and entertainment venues set within intimately scaled development and quality public spaces. It is a cohesive area, and is distinguished by its unique visual character and a walkable, pedestrian friendly environment that preserves our past and accommodates our future. It is the keeping place of community heritage and home to longstanding community traditions. Downtown Urbana is the pride of our community.”

The Center of Urbana Initiative

Downtown Urbana still retains some hold on the public mind: Figure 25, Where is the Center of Town?, shows that Main Street is still seen as the center of town by a great number of residents. As long as the downtown continues to be viewed as the locus of community events – parades, meetings, community fairs, dedications, etc. – then downtown will be viewed as the City center. This role attracts people downtown and provides a marketing opportunity. But even this opportunity can be lost or wasted if not pursued. Attention must be given to the continued location of community destinations and community events downtown. The policy must be: If there is an Urbana public facility or activity that attracts people, put it downtown. The retention of the County Courthouse downtown is an example of this policy. More is needed. A fivefold program is suggested:

Encourage more Public Art Downtown

The presence of public art helps creates a niche for downtown and can beautify the are and attract new visitors. The newly organized Champaign County Arts Council should be encouraged to promote downtown Urbana as a new opportunity to display public art. Opportunities to help achieve this goal could include:

1. Encourage more gallery uses in existing and newly developing areas of downtown
2. Promote public art in downtown open spaces
3. Public murals where appropriate
4. Develop public art themes for downtown corridor entryways

Encourage and Accommodate Community Events

The maintenance and growth of downtown events could be enhanced through aggressive outreach, management, and provision of proper space. Such actions could complement what is already underway. For example, the Urbana Business Association (UBA) in conjunction with the Park District and the city sponsors Friday Night Street Dances on Race and Elm Streets on Friday nights in the summer. However, the calendar of events is not large enough. It should be increased such that something occurs at least once a month. Consideration should also be given to encouraging greater use of Lincoln Square Mall for community events. Additional ideas could include:

1. Winter ice sculpture competition
2. Memorial Day, Fourth of July or Labor Day Parades
3. Downtown winter lighting festival
4. Community garage sale
5. Spring garden show and plant sale

Provide Community Outdoor Space

Improving outdoor space is another important action. If downtown is the center of Urbana, places must be available to host dedicatory or community gatherings, establish settings for community monuments, and play host to group events that wish to commemorate a special occasion by having it occur in a setting with a positive community image. Currently, there are no adequate spaces for such outdoor celebratory public gatherings downtown. To this end, community squares or plazas should be established within the downtown that will help give the downtown focus as well as fulfill these purposes. These spaces need not be very large. Rather, it should create an inviting place to sit, and should be located at a busy place. It should be of a size so that it will look crowded when small events occur so that it adds to the sense of interest and excitement downtown. Perhaps one, Post Office Square, might be located in front of the Post Office and Lincoln Square, and be of a size large enough to host a small celebratory event. Figure 26, Public Gathering Space, shows how Post Office Square might look.

Establish a Community Performance Venue

While recognizing that the University is the dominant provider of performance venues, opportunities should be found to either upgrade the Civic Center or establish space within Lincoln Square or Jumer's Hotel for a small performance venue which might accommodate local performers, children's presentations and theater, or repertory theater. This facility could be leased and managed by the City. As an

alternative, existing community performance groups might band together as an “arts association” for the purpose of leasing, refurbishing and managing the space.

5. City of Urbana Public Arts Task Force Recommendation

The following text is an excerpt from the Urbana Public Arts Task Force Recommendation on the Creation of a Public Arts Program.

Mission

(adopted by the Public Arts Task Force on November 6, 2007)

The Urbana Public Arts Commission is established to recognize the arts as essential to the vitality of our city. The Commission fosters a dynamic, innovative Urbana, where all residents—emerging artists, established artists, and “non-artists” alike—may engage with the arts in its many forms and where artists thrive and are valued.

Goals

(adopted by the Public Arts Task Force on November 6, 2007)

1. Maintain a dedicated and broad-based revenue stream for the arts.
2. Foster a conducive environment for established and emerging artists to thrive in Urbana.
3. Create conditions for equity and participation in programs of artistic excellence that are accessible, affordable, and diverse.
4. Support life-long learning in the arts.
5. Promote inquiry and confluence amongst Urbana residents, bringing the arts to bear on pressing social issues.
6. Encourage relationships among artists and the public to further Urbana’s cultural development and fund their cultural contributions.
7. Integrate art into the urban environment, creating a sense of place and purpose.
 - a. Incorporate art into every feasible public works project.
 - b. Encourage art in Urbana developments.
8. Invigorate downtown - economically and culturally - through the arts.
9. Preserve and commemorate local and multicultural traditions and histories through the arts in its many forms.
10. Encourage emerging artists and art forms.

Value Statements

The City of Urbana values ...

- Art that inspires, includes, meets needs, proliferates, invites, and educates.

The City of Urbana values ...

- Art as inspirational excellence, art as play, art as ecological stewardship, art as public school partnership, art as celebration of cultural diversity, art as environment of care, art as economic development, art as anti-violence strategy, art as problem solving mechanism, art as community building, art as neighborhood partnership.

The City of Urbana values ...

- Art that enables people to become members of communities, neighborhoods, citizenries, cultures - where people come away with a sense of solidarity with one another that is stronger and more vital to them than their initial sense of difference, separation, isolation.

These materials are provided as a guide for the process of establishing goals for the Public Arts Program Plan for FY 09-10.

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ORDINANCE NO. 2008-03-013

**AN ORDINANCE ESTABLISHING A PUBLIC ARTS COMMISSION
AND PERMANENT PUBLIC ARTS PROGRAM**

WHEREAS, art, in all its many forms, is essential to the vitality of our city, bolstering quality of life, economic development, public safety, academic performance, and social tolerance; and

WHEREAS, many cities throughout the United States have adopted public arts programs recognizing the need for public support and contribution to the arts; and

WHEREAS, the Urbana City Council adopted Common Goals on September 19, 2005 which included:

- the establishment of a dedicated revenue stream for public art;
- the preservation and commemoration of local and multicultural traditions and histories;
- the integration of art into every feasible public works project--to promote functional and streetscape art;
- to create a program that represents our community in all its diversity--in terms of race, geography, gender, class, sexual orientation, belief-system, etc.;
- to develop a strong public collection of artworks representing diverse communities, artistic styles, and disciplines;
- to provide opportunities for local and national, established and emerging artists in Champaign County; and
- the establishment of a public arts commission; and

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WHEREAS, the Urbana Mayor appointed and the City Council approved the Urbana Public Arts Task Force to study and make recommendations on the creation of a public arts commission and program; and

WHEREAS, the Urbana Public Arts Task Force has recommended the creation of a public arts commission and program which would create a dedicated revenue stream for the arts, foster an environment for established and emerging artists to thrive in Urbana, promote life-long participation and learning in the arts, and integrate art into the urban environment; and

WHEREAS, the Urbana City Council wishes to establish a Public Arts Commission and a Public Arts Program.

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

Urbana Public Arts Program; establishment.

The City Council hereby establishes the Urbana Public Arts Program as set forth herein.

Definitions.

As used in this ordinance:

The "Arts" and "Art" as used in this program description includes but is not limited to creative writing, dance, film/video, music, theatre, visual arts, crafts, performing arts, spoken word, environmental arts, multimedia arts, architectural arts, landscape architecture, and emerging media.

"Construction Cost" means original budgeted cost of construction or alteration of the structure or the project itself, excluding land, engineering and administrative costs, cost for fees and permits, fixtures, furnishings, streets, sewers, similar accessory construction, and indirect costs, such as interest during construction, advertising and legal fees.

"Construction or alteration" means construction, rehabilitation, renovation, remodeling or improvement.

"Municipal building" means all municipal buildings except service facilities not normally visited by the public.

"Municipal building project" means a construction project which involves the construction or alteration of a municipal building with an original budgeted construction cost of \$750,000 or more.

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Commission.

The Urbana Public Arts Commission is hereby established.

Mission.

The Urbana Public Arts Commission recognizes the arts as essential to the vitality of our city. The Commission fosters a dynamic, innovative Urbana, where all residents—emerging artists, established artists, and “non-artists” alike—may engage with the arts in its many forms and where artists thrive and are valued.

Composition, appointment.

The Urbana Public Arts Commission shall consist of nine (9) members appointed by the Mayor, and approved by the Council, from constituencies representing various segments of the community which have experience, expertise, or interest in the areas of the arts, arts education, planning, neighborhood organizing, event planning, business, or another related field. Members shall be chosen from a diverse range of backgrounds, occupations, and artistic venues, with the intention of reflecting the full diversity of the Urbana arts community. In the making of appointments hereunder, the Mayor may receive recommendations from civic groups.

All members shall be voting members.

Quorum.

Five (5) members shall constitute a quorum.

Terms of members; absence of member.

(a) The initial terms shall be as follows. There shall be four (4) members whose terms expire June 30, 2009, and five (5) members whose terms expire June 30, 2010. Subsequent appointments shall be made for terms of three (3) years, or until their successors are appointed and approved by the City Council. Within sixty (60) days following the expiration of the term of each of those commissioners, a successor shall be appointed by the Mayor with the approval of the Council, and the successor shall serve for a term of three (3) years.

(b) If a commissioner resigns or is removed from the commission, a successor shall be appointed by the Mayor with approval of the City Council and shall serve for the unexpired period of the vacated term.

(c) These members of the commission may be removed by the Mayor for good cause with the approval of a majority of Council present and voting. Absence from all meetings in three (3) consecutive months may be considered to be prima facie good cause.

Meetings.

(a) The Public Arts Commission shall meet at least quarterly, on call of the chairperson or of any five (5) members.

Chairperson.

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The Mayor shall designate the chairperson of the commission.

Functions and duties generally.

The functions and duties of the Urbana Public Arts Commission are limited to those set forth in this ordinance, and as specifically set forth in any other duly enacted ordinance. Nothing in this ordinance shall be construed as vesting legislative or budgetary discretion or power in the Commission.

Duties.

The Urbana Public Arts Commission shall adopt its rules of procedure for whatever regular and special meetings are deemed by the Commission to be advisable and necessary to the fulfillment of the duties of the commission.

The roles and responsibilities of the Commission may include, but not be limited to, the following:

(1) To explore and recommend to the Mayor, City Council, City staff, and other groups, ways to further the development of, and interest in, the arts and the local cultural heritage, as well as to offer advice on relevant city projects;

(2) To propose to the Mayor and City Council an Annual Public Arts Program Plan that identifies specific program goals for the year, means of achievement, proposed expenditures, sources of supplemental revenue, schedule of execution, necessary resources and responsibilities, and an implementation plan to address the goals;

(3) To propose to the Mayor and City Council policies regarding the selection of proposed public arts projects such as the involvement of artists in selected building projects, criteria for artist and site selection, evaluation criteria for all programs, and other policies relevant to the Public Arts Program. Such policies should reflect the following three priorities:

- a) Community accessibility to the arts;
- b) Artist accessibility to resources; and
- c) Opportunities for collaboration and partnerships

(4) To review relevant proposals and assist in the process by which artists, arts organizations, neighborhood organizations, businesses, developers, merchant associations, charitable foundations, or any other member of the general public proposes and creates projects in the arts which are located in public places owned and maintained by the City of Urbana;

(5) To convene temporary selection committees to review and recommend proposals to Urbana's Public Arts Program for approval by the commission.

(6) To approve proposals that are not permanently placed on municipal property.

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- (7) To submit, for confirmation, proposals to the Mayor and City Council confirming the receipt, purchase, maintenance, dispossession, and de-accession of works of art to be permanently placed on municipal property.
- (8) To oversee subject to provisions under the section on Administration, the receipt, purchase, maintenance, dispossession, and de-accession of works of art to be placed on municipal property;
- (9) To research and seek additional funding including donations, grants and other support to further expand public arts programs;
- (10) To encourage public participation in local artistic and cultural events and programs;
- (11) To cooperate with other entities on matters regarding the arts;
- (12) To offer educational programming to the public regarding the arts;
- (13) To coordinate events and outreach related to the arts;
- (14) To recommend updates to the public arts ordinance;
- (15) To take such other actions as the Mayor and City Council may direct from time to time.

Sub-committees, Selection Committees.

The Public Arts Commission shall appoint sub-committees as deemed necessary. Sub-committees and selection committees shall serve in an advisory capacity to the Public Arts Commission.

Compensation.

No member of the Public Arts Commission, or any appointed sub-committee, shall receive compensation for his or her services. Members of the committees who are city employees shall receive only such compensation as is set forth as salary and benefits in the annual appropriation ordinance.

Dedication.

Every budget for the construction or alteration of a municipal building, which involves the construction or alteration of a municipal building with an original budgeted cost of construction of \$750,000, or more, to which there is or will be public access built for or by the City of Urbana, shall provide that at least one percent of the original budgeted cost of construction, shall be appropriated and deposited in the Public Arts Fund for the purchase, or commission, of art to be located in a public area in, upon, or adjacent to such building, provided; except that if it would be inappropriate to display art at that location, said one percent shall be used for the acquisition or commission of art to be located in a public area in, upon, or adjacent to or in close proximity to other municipal buildings. This provision, however, shall not apply to any building or project constructed with funds which exclude public art as an eligible cost. At the time of project approval, adequate additional funds for the maintenance, and

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preservation of the subject art shall be put aside into the Public Arts fund.

Public Arts Fund.

A Public Arts Fund is hereby created to serve as an account through which funds from the city, outside grant monies, private and corporate donations for the arts, and other revenue sources can be received, collected, and distributed.

Administration.

The Urbana Public Arts Commission shall have the authority to select works of art, remove works of art previously displayed based on a de-accession policy, promulgate criteria for selection of works of art and artists and maintenance, and take any other action necessary to carry out its purposes for projects as described in the section on Duties, in accordance with the annual budget and subject to all ordinances of the City of Urbana.

The Community Development Services Department, in coordination with the Public Arts Commission, shall administer the Public Arts Program and all Public Arts Program projects, including artwork(s) received as gifts to the City of Urbana. The Community Development Services Department shall be the contracting officer for commission or purchase all works of art after consultation with the Public Arts Commission.

This Ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED by the City Council this 21st day of April, 2008.

AYES: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

[Signature]
Clerk

[Signature]
Deputy Clerk

APPROVED by the Mayor this 30th day of April, 2008.

[Signature]
Laurel Lunt Prussing, Mayor

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ORDINANCE NO. 2008-05-040

**AN ORDINANCE AMENDING CHAPTER 3, "ALCOHOLIC BEVERAGES",
OF THE CITY OF URBANA CODE OF ORDINANCES**

(Public Arts Funding from Class T3 License Fees)

WHEREAS, the City of Urbana has a population of more than 25,000 and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, the City is empowered to regulate the sale of alcoholic beverages, particularly on public lands; and

WHEREAS, it is in the best interests of City of Urbana to foster a vibrant civic and cultural atmosphere; and

WHEREAS, the City wishes to encourage the promoters to plan and run outdoor festivals within its corporate limits; and

WHEREAS, the City's current liquor ordinance does not allow private, for-profit entities/promoters which already possess a City-issued liquor license to receive a temporary liquor license for their events that are not held on property that is contiguous with the license-holding entity's property; and

WHEREAS, the City's current liquor ordinance does not allow private, for-profit entities who are not current license holders to receive a temporary liquor license; and

WHEREAS, the issuance of said temporary licenses for festivals approved by the City Council will allow private, for-profit entities/promoters to bring such festivals to the City of Urbana.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS THAT Chapter 3 of the Urbana Code of Ordinances shall be, and hereby is, amended as follows:

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Section 1. §3-42 of the Code of Ordinances shall be amended as follows:

Sec. 3-42. Class T licenses.

There shall be three (3) categories of Class T licenses:

T-1 (Special event--current licensee)

T-2 (civic or charitable organization)

T-3 (Private promoter of festivals)

(a) T-1 license (special event--current licensee). Any license holder may obtain a special license which shall permit and allow such license holder to serve alcoholic drinks in an enclosed area immediately adjacent and adjoining and opening onto the premises described in the then current license application on file for the license, 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 one (1) such license shall be issued to any license holder in any one (1) calendar month, nor more than three (3) in a calendar year. The special license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

(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.

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(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.

(c) T-3 license (Private for-profit festival promoter). The T-3 license shall permit the retail sale of alcoholic liquor 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. For purposes of this Section, a festival shall be defined as special event, normally held only once per calendar year, which is held primarily outdoors; is open to the public; and has been designated as an approved festival by the City Council.

(1) The T-3 license shall be valid for a maximum of two (2) days.

(A) If any festival lasts less than two (2) days, then the T-3 license shall be valid only for the duration of said festival.

(B) In no case shall alcoholic liquor be sold by the T-3 license holder outside of the hours designated in the T-3 license application. Said hours shall not be inconsistent with the limitations in §3-3 of this Chapter. The City of Urbana Liquor Commissioner or his/her designee shall have sole discretion to limit hours of alcoholic liquor sales during any outdoor festival.

(2) The festival promoter shall apply for the T-3 license no later than sixty (60) days prior to the date of the festival.

(3) No more than two (2) T-3 licenses shall issue to any current license holder or new applicant in any calendar year.

(4) A Class T-3 license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

(5) No more than one (1) T-3 license shall issue per calendar month, and said license shall issue on a first come basis.

(6) The fee for a T-3 license shall be 5% of the gross revenue generated by the event.

(A) Payment of such fee shall be made to the Comptroller of the City, by the license holder within ten (10) business days from the last day of the festival.

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(B) Payment of the 5% of gross revenue shall be accompanied by an accounting of the gross revenue and a certification by the license holder of the accuracy of said accounting.

(C) The fees for a T 3 license shall be aid into the Urbana Publi Arts Fund.

(7) All T-3 license recipients shall, as a condition for receiving that license, pay all of the City of Urbana's costs in providing City services to that event, including, but not limited to, police services and Public Works Department services. The Police Department, Public Works Department, and any other City department/division from which services are requested by the permit applicant or that are required, by necessity, at the event, shall provide estimates of the costs of providing their services, and the license applicant shall agree in writing to pay the same, prior to the issuance of the license.

(d) 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, 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 (e) below. 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 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;

(e) 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 (24) hours' notice, remove all refuse, litter, debris, garbage and the like from the property

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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 can not 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.

(f) 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.

