

Passed:
Signed:

ORDINANCE NO. 2010-05-036

**ORDINANCE AMENDING CHAPTER 3, SECTION 42, OF THE CITY OF
URBANA'S CODE OF ORDINANCES**

(T-3 Liquor License Fee Change)

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 65 ILCS 5/1-1-10; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Urbana is authorized under the Illinois Liquor Control Act of 1934 (235 ILCS 5/1 et seq.) to enact laws related to the distribution, sale, purchase and consumption of alcohol; and

WHEREAS, it is the obligation of the City, its Council and its Liquor Commissioner to draft and adopt ordinances that establish and/or amend laws regulating such activities, and

WHEREAS, the City of Urbana wishes to amend the Liquor Code to provide for a flat fee in the cases of issuance of T-3 liquor licenses,

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

Section One.

§3-42(c)(6) of the Code of Ordinances shall be, and is hereby, amended as follows:

....
(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 a 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 section 3-3. 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 ~~five (5) percent of the gross revenue generated by the event~~ one-thousand (1000) dollars.

~~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.~~

~~b. Payment of the five (5) percent 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.~~

€(7) The fees for a T-3 license shall be paid into the Urbana Public Arts Fund.

Section Two.

A. Effective Date.

That this Ordinance shall be in full force and effect, and shall be controlling, _____

B. Conflicts.

That all ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

C. Severability.

If any provision or provisions of this Ordinance shall be held, by a court of competent jurisdiction, to be invalid, illegal, unenforceable or in conflict with the law of this jurisdiction, the validity, legality and enforceability of the remaining valid provisions shall continue to be in full force and effect.

Section Three.

Reserved.

PASSED by the City Council this _____ day of _____,

_____.

AYES:

NAYS:

ABSTAINS

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,

_____.

Laurel Lunt Prussing, Mayor