



**LEGAL DIVISION**  
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**DATE:** August 28, 2017  
**TO:** Mayor Diane Wolfe Marlin, City Council Members  
**FROM:** James Simon, City Attorney  
**RE:** Ordinance Regulating Special Events Held within the City of Urbana.

The City of Urbana (“City”) is and has been home to various special events, some small, others quite large, which are held throughout each year. The vast number of events experience no problematic incidents. However, there are occasions when incidents have occurred during or shortly after such events involving event attendees. These incidents have posed threats to human life, health or safety or property for which the Fire Department and/or Police Department have deployed resources. These incidents have typically included overcrowding of indoor space and fighting in and around the event venue. However, on several occasions, weapons have been found present and gunfire was reported at or shortly after such events. City staff deems it very important to adopt a special event ordinance which regulates such events and which allows City staff to impose restrictions, limitations and/or security plans when they deem it appropriate or necessary to maintain order at such events and to prevent or minimize threats to human life, health or safety or property from arising during and shortly after certain events.

**BACKGROUND:**

In October 2002, the City adopted a policy which requires sponsors of events to obtain event permits. The policy has been amended on several occasions. The latest iteration of the policy applies to special events, parades, free speech events, and residential block parties.

**DISCUSSION:**

The City Attorney has concluded and advises that an internal City policy cannot lawfully be enforced on persons other than City employees who review, investigate and approve/deny applications to conduct special events. The Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*) provides that the City Council acts through:

The passage of all ordinances for whatever purpose, and of any resolution or motion (i) to create any liability against a city ...or (ii) for the expenditure or appropriation of its money shall require the concurrence of a majority of all members then holding office on the city council, including the mayor, unless otherwise expressly provided by this Code or any other Act governing the passage of any ordinance, resolution, or motion.

65 ILCS 5/3.1-40-40. Currently, the only part of the policy which is enforceable as to sponsors of special events is that part which deals with the events which provide for or allow the sale and/or

service of alcoholic liquor. Such activities are governed by the City's alcoholic liquor ordinance (UCC Ch. 3) and, particularly UCC Sec. 3-42 governing temporary liquor licenses.

The Exhibit attached to this memorandum is a proposed ordinance for the regulation of special events ("Proposed Ordinance"), whether or not they include or allow for the sale and/or service of alcoholic liquor. The Proposed Ordinance has undergone extensive review, comment, revision, and editing by the City Attorney, Department heads and various other City employees over the last nine (9) months and, for the most part, is based on the substantive provisions in the policy.

**RECOMMENDATION:**

The City Attorney strongly recommends that the Proposed Ordinance be adopted in the form and substance provided for in Exhibit B for the following reasons:

- The current City policy on special events is not legal enforceable as to sponsors and persons other than City employees who process, investigate and approve/deny applications for special events.
- The Proposed Ordinance is the product of extensive careful drafting, reviewing, commenting, and revising by Department heads, the City Attorney and other City staff.
- The Proposed Ordinance carefully balances the various and, sometimes, competing interests of the City, sponsors of special events, and the City's citizens, businesses, and visitors.

**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, 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 \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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**

**14-58 Violation of special events ordinance. 500.00**

**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. – SPECIAL 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.

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 in the manner described in an application for issuance of such written authorization. The term “permit” shall including any event restrictions placed on the special 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.

Event services fee. “Event services fee” means the reasonable monetary value, as determined by the city, of city resources which may be allocated, deployed and/or used by the city in connection with a special event.

Authorized officer. “Authorized officer” mean 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 without first obtaining a permit for such special event. A permit may be issued for a special event planned to last more than one day. Any permit issued pursuant to this article shall expire upon the conclusion of the special 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 15-91(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 deployed, the city shall provide written notice to the person who sponsored the aforesaid event which 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. The sponsor applicant must be age twenty-one (21) 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. An application for a 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.

(3) Late application submissions. If the authorized officer accepts an application for a permit after the date provided for in subsection 14-52(d)(2), the sponsor shall pay to the city a late submission fee of \$300 for expedited processing of the application. The authorized officer shall have the authority to waive the aforesaid late fee or refuse to accept a late application for good cause.

(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. 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. The authorized officer shall, within ten (10) business days of receipt of the application for a permit, provide the sponsor with a determination as to whether or not the requested permit will be issued and, if issued, any event restrictions included with the permit.

#### **Section 14-54. Event restrictions; cessation of events.**

(a) Compliance with law. Special events 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.

(c) Order to limit or cease activities or vacate area. The city shall have the authority to order reasonable special event restrictions after an event has commenced which may include but are not necessarily limited to cessation of some or all special event activities or the clearing or partial clearing of the special event area should conditions at the special event 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 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 special event. The owner shall be responsible for complying with and enforcing any and all special 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 14-55. Appeal of denial of or placement of event restrictions on permit.**

(a) Appeal of denial of or restriction on event permit. If a sponsor wishes to appeal a denial of a permit or any event restriction included with the 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 to the mayor. The sponsor may appeal the authorized officer's decision 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 subsection 14-52(c) notice. A sponsor may appeal a notice issued to the sponsor pursuant to subsection 14-52(c) in the same manner as provided in subsections 14-55(a) and (b).

(d) 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.

(c) *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 is sought to be held, in whole or in part, on the owner's private property.

#### **Section 14-56. Responsibilities of sponsors and owners.**

The sponsor of any special event and the owner of any private property on which a special 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 special event is held and restoring the government-owned premises on which the special event was held to the condition which those premises existed before the special event commenced.*

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

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

#### **Section 14-57. Event services fees and permit application fees.**

(a) *Permit application fee.* The city shall collect an 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 special event, may be charged for each day the special event is scheduled to take place.

(b) *Event services fee.* 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. The authorized officer shall, where appropriate, confer with the chiefs of the Urbana Fire Department and Urbana Police Department or their respective designees, when calculating the event services fee if Fire Department or Police Department resources are to be allocated, deployed or used. The 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 deployment and/or use of city resources exceed the event services fee paid, the sponsor shall

pay to the city the additional monetary value of the city resources actually deployed or used as determined by the authorized officer.

(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 14-58. Enforcement.**

(a) *Violation.* No person shall conduct a special event 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 \$500 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.