

ORDINANCE NO. 2013-10-101

AN ORDINANCE AMENDING CHAPTER 3 (ALCOHOLIC LIQUOR)  
OF THE URBANA CITY CODE TO PROVIDE FOR ADDITION OF  
CLASS T-4 LICENSE AND AMENDMENT TO CLASS T-3 LICENSE

(Class T Licenses for Alcoholic Liquor Tasting Events)

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

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

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

WHEREAS, the City of Urbana seeks to allow for alcoholic liquor tasting and package alcoholic liquor sales in conjunction with such tasting at market-type events and sponsored and hosted tasting festivals; and

WHEREAS, the Mayor, acting as local Liquor Control Commissioner, and the City Council believe that the adoption of amendments to said Chapter 3 of the Urbana City Code concerning the offering, hosting and sponsoring of alcoholic liquor tasting at market-type and festival events will improve the quality of life and safety within the City of Urbana; and

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

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

Section 1. Chapter 3, “Alcoholic Liquors”, Section 3-42, “Class T Licenses”, of the Urbana City Code shall be and hereby is amended to:

- a. increase the types of Class T licenses from three (3) to four (4) types of such licenses; and
- b. amend the T-3 license; and
- c. create a Class T-4 license for alcoholic liquor tasting and package alcoholic liquor sales in conjunction with tasting at market-type and alcoholic liquor tasting festival events.
- d. establish fees for the new Class T-4 license.

Section 2. Chapter 3, “Alcoholic Liquors”, Section 3-42, sub-sections (c), (d), (e), (f), (g), (h) of the Urbana City Code shall be and hereby is amended to read as follows and sub-section (i) shall read as follows:

(c) T-3 license private for-profit festival promoter. The T-3 license shall permit the retail sale of wine and/or spirits by the glass and/or cup and/or beer by the glass, cup and/or single bottle by any bona fide private for-profit promoter of outdoor festivals, held within the city’s corporate limits, for consumption on the premises or within an area specifically designated in such license.

Section 3. Chapter 3, “Alcoholic Liquors”, Section 3-42, “Class T Licenses”, of the Urbana City Code shall be and hereby is amended to read as follows:

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

(1) For purposes of this T-4 license –

(i) “Tasting” shall mean a supervised presentation of alcoholic liquor products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic liquor products being an incidental part of the presentation. Only products registered with the Commission may be tasted.

(ii) “Package Alcoholic Liquor” shall mean alcohol liquor offered for sale in conjunction with an event at which Tasting is presented and where such product is in original containers which bear the vintner’s, brewer’s, and/or manufacture’s label and which are corked, capped, or otherwise securely sealed at the place of vintining, brewing, and/or manufacture.

(iii) “Market Event” shall mean but shall not necessarily be limited to the Farmer’s Market, Holiday Market, and Middle Market held in the city.

(iv) “Festival Event” shall mean any special event other than a Market Event held in the city at which Tasting is offered and/or at which Package Alcoholic Liquor is offered for sale.

(v) “Festival Sponsor” means any person who presents a single special event at which Tasting and/or the sale of Package Alcoholic Liquor will be offered by vintners, brewers and/or manufacturers in conjunction with such Tasting. A “Festival Sponsor” may include a person who does not hold a liquor license issued by the State of Illinois so long as that person does not directly offer Tasting and/or Sell Package Alcoholic Liquor at the Festival Event.

(vi) “Tasting Representative” means any person who holds a valid tasting representative license which has been issued by the Illinois Liquor Control Commission and who works under the direction of, is supervised by, or is employed by a person who holds a valid liquor license issued by the Illinois Liquor Control Commission.

(2) Two types of Class T-4 licenses are available including –

(i) a Festival Sponsor T-4 license for persons who seek or intend to host Festival Events at which other persons while be conducting Tasting and/or offering Package Alcoholic Liquor for sale in conjunction with such tasting; and

(ii) a Tasting T-4 license for persons who seek or intend to directly offer Tasting and sell Package Alcoholic Liquor in conjunction with such Tasting.

Any holder of a valid current State of Illinois issued liquor license may apply for a Festival Sponsor T-4 license and/or Tasting T-4 license which, if issued, shall permit and allow such license holder to host and/or conduct Tasting and/or sell Package Alcoholic Liquor in conjunction with such Tasting at any Market Event or Festival Event conducted in the City subject to the restrictions hereinafter provided.

Any person who intends to directly offer Tasting and/or sell Package Alcoholic Liquor in conjunction with such Tasting at a Market Event or a Festival Event must be a holder of a valid current State of Illinois liquor and/or Tasting Representative license, as the case may be, and shall be required to apply for and obtain a Tasting T-4 license.

A Festival Sponsor who does not intend to directly offer Tasting or sell Package Alcoholic Liquor in conjunction with such Tasting at a Festival Event need not be a holder of a current and valid State of Illinois issued liquor license or a Tasting Representative license but shall be required to apply for and obtain a Festival Sponsor T-4 license in order to host Tasting at a Festival Event.

A Festival Sponsor who intends to host a Festival Event and who intends to directly offer Tasting and/or Package Alcoholic Liquor for sale at such Festival Event shall be required to apply for both a Festival Sponsor T-4 license and a Tasting T-4 license.

(3) A Festival Sponsor T-4 license and/or a Tasting T-4 license shall be valid only during the date or dates and during the time or times when such Market Event or Festival

Event is open for operation. A Festival Sponsor T-4 license shall be limited to a single Festival Event. A Tasting T-4 license shall be limited to a single Festival Event or Market Event (e.g., Farmer's Market, Holiday Market, Middle Market).

(4) Tasting: A holder of a Tasting T-4 license who wishes to offer Tasting at a Market Event or a Festival Event shall –

(i) offer alcoholic liquor for Tasting in glasses, cups or other containers which are capable of holding no more than:

a. one (1) fluid ounce each in the case of wine;

b. two (2) fluid ounces each in the case of beer; and

c. one-quarter (1/4) fluid ounce each in the case of spirits;

(ii) require that the consumption of any alcoholic liquor offered for Tasting occur within a designated area immediately adjacent to where the Tasting is being offered;

(iii) collect for disposal all glasses, cups or other containers following consumption of the alcoholic liquor offered for Tasting;

(iv) not charge anything or receive any monetary consideration for the alcoholic liquor offered for Tasting; and

(vi) offer alcoholic liquor for Tasting only on those dates which are identified on the application for the T-4 license and on no other dates when the Market Event or Festival Event may be or is open for operation.

Notwithstanding anything to the contrary contained in this Section 3-42(d), a Festival Sponsor may require a cover charge to enter the Festival Event. Further, the Festival Sponsor may sell tickets in addition to a cover charge which tickets may be redeemed with a holder of a T-4 license or a Tasting Representative in order to Taste alcoholic liquor offered by the T-4 or Tasting Representative license holder.

(5) Package Alcoholic Liquor sales: Only a holder of a Tasting T-4 license shall be permitted, whether or not the license holder conducts Tasting, to offer for sale Package Alcoholic Liquor at such Market Event or Festival Event for consumption off the Market Event and/or Festival Event premises, as the case may be, on the date or dates and at the time or times the Market Event and/or Festival Event is operating and only on the date or dates requested in the application for the T-4 license.

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

(i) The full name, address, and main telephone number of the applicant. If the applicant is a business entity, the applicant shall state the organizational structure (i.e., corporation, limited liability company, partnership, or sole proprietorship) of

the applicant and its date of formation. If the applicant is a business entity and is operating under a name different than its organizational name (i.e., an assumed name “d/b/a”), then the applicant shall provide the full name under which the business holds itself out to the public.

(ii) If the applicant is a business entity, the full name, address, main telephone number, and relationship to the entity of the individual who will serve as the business entity’s primary contact for purposes of obtaining and holding the Tasting T-4 license;

(iii) The name of the Market Event or Festival Event for which the application is requested and the specific dates and times of that Market Event’s or Festival Event’s operation for which the Tasting T-4 license is being requested.

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

(v) A statement whether the applicant will be conducting Tasting and/or selling Package Alcoholic Liquor and the type of alcoholic liquor which will be offered for Tasting (i.e., wine, beer, and/or spirits).

(vi) The name, address, and telephone number of each Tasting Representative who will be responsible for handling the Tasting.

(vii) A copy of the applicant’s current valid liquor license and each Tasting Representative’s license issued by the Illinois Liquor Control Commission.

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

(ix) The application fee and per diem fee, if applicable, in such amount or amounts as set forth in Chapter 14, “Licenses and Permits,” Section 14-7, “Schedule of Fees,” Subsection (A), “Liquor Licenses”, of the Urbana City Code.

(x) A signed and notarized affidavit which states that –

a. the applicant shall not permit a consumer to take any cup, glass, or other container containing alcoholic liquor for Tasting beyond the immediate adjacent area where the applicant will be offering the Tasting;

b. no person under the age of twenty-one (21) years shall be permitted to offer alcoholic liquor for Tasting or offer Package Alcoholic Liquor for sale;

c. no person under the age of twenty-one (21) shall be offered alcohol for Tasting or Package Alcoholic Liquor for sale;

- d. only a holder of a liquor license or a Tasting Representative license shall be permitted to serve any alcoholic liquor for Tasting;
- e. the applicant is not disqualified from receiving a liquor license by reason of any matter or thing stated in the Urbana City Code or the laws of the State of Illinois;
- f. the applicant has not been convicted of any felony in any state or federal jurisdiction which otherwise would disqualify the applicant from receiving a Tasting T-4 license;
- g. the applicant shall abide by the Urbana City Code and the laws of the State of Illinois in offering Tasting and/or the sale of Package Alcoholic Liquor;
- h. affirms that all statements made in the application for the Tasting T-4 license are true and correct;
- i. understands that by submitting the application and the information requested herein and thereby, along with the fees required, the City in its exercise of reasonable discretion may deny the application for the Tasting T-4 license and, if denied, refund any fees tendered to the City for the Tasting T-4 license.

(xi) Such other information as the Mayor deems appropriate.

(7) A Festival Sponsor T-4 license application: An application for a Festival Sponsor T-4 license for hosting a Festival Event shall solicit the following information from the applicant:

- (i) The full name, address, and main telephone number of the applicant. If the applicant is a business entity, the applicant shall state the organizational structure (i.e., corporation, limited liability company, partnership, or sole proprietorship) and its date of formation. If the applicant is a business entity and is operating under a name different than its organizational name (i.e., a d/b/a), then the applicant shall provide the full name under which the business holds itself out to the public (i.e., its d/b/a).
- (ii) If the applicant is a business entity, the full name, address, main telephone number, and relationship to the entity of the individual who will serve as the business entity's primary contact for purposes of obtaining and holding the Festival Sponsor license.
- (iii) The name of the Festival Event for which the application is requested and the specific dates and times when the Festival Event will be operated.
- (iv) The address or other descriptive location of where the Festival Event is scheduled to operate.

(v) A statement whether Tasting and/or Package Alcoholic Liquor sales will be conducted at the Festival Event and the type of alcoholic liquor which will be offered for Tasting and sale (i.e., wine, beer, and/or spirits).

(vi) A statement whether the Festival Sponsor will directly offer Tasting and/or selling Package Alcoholic Liquor in which case the Festival Sponsor must apply for and obtain a separate Tasting T-4 license.

(vii) The names, addresses and telephone numbers of the individuals who will be responsible for handling the Tasting and/or the sale of Package Alcoholic Liquor.

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

(ix) The application fee and per diem fee in such amounts as set forth in Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of Fees," Subsection (A), "Liquor Licenses", of the Urbana City Code.

(x) A signed and notarized affidavit which states that –

a. the applicant shall not permit a consumer to take any cup, glass, or other container containing wine for tasting beyond the boundary of the Festival Event premises;

b. no person under the age of twenty-one (21) years shall be permitted to offer alcoholic liquor for Tasting or offer Package Alcoholic Liquor for sale;

c. no person under the age of twenty-one (21) shall be served alcohol for Tasting or offered Package Alcoholic Liquor for sale;

d. only a holder of a liquor license or a Tasting Representative shall be permitted to serve alcoholic liquor for Tasting;

e. the applicant would not be disqualified from receiving a liquor license, if sought, by reason of any matter or thing stated in the Urbana City Code or the laws of the State of Illinois;

f. the applicant has not been convicted of any felony in any state or federal jurisdiction which would otherwise deny the applicant a liquor license;

g. the applicant shall abide by the Urbana City Code and the laws of the State of Illinois in conducting the Festival Event;

h. affirms that all statements made in the application for the Festival Sponsor license are true and correct;

i. understands that by submitting the application and the information requested herein and thereby, along with the fees required, the City in its exercise of reasonable discretion may deny the application for the Festival Sponsor license and if such application is denied the City will refund any fee or fees tendered.

(xi) Such other information as the Mayor deems appropriate.

(8) A Festival Sponsor shall also apply for and obtain a Special Events permit and shall comply with the City's rules, regulations and policies concerning the holding of Special Events including, but not necessarily limited to, the provision of a security plan pursuant to which the Festival Event shall be conducted and which plan is approved by the Urbana Police Department. The fee which would normally be charged a Festival Sponsor for holding a Special Event shall be waived in lieu of the application fee to be charged to the Festival Sponsor

(9) The issuance of a Tasting T-4 license and/or a Festival Sponsor T-4 license shall not in any manner be deemed, construed or interpreted as relieving the license holder from complying with any other requirement of the Urbana City Code or other applicable law. To the extent any provision in Chapter 3 of the Urbana City Code directly conflicts with any provision of this Section 3-42(d), the latter shall control.

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

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

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

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

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

a. The application shall designate the license applicant as the agent of the owner of record for service of a notice to remove all refuse, litter, debris, garbage and the like for the notice of lien as set forth in subsection (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 (1) alternate exit of at least forty-four (44) inches;

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

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

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

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

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

(3) Whenever the costs and expenses for removal of all refuse, litter, debris, garbage and the like shall remain unpaid for a period of thirty (30) days after the lien is filed, the city

may institute proceedings to foreclose the lien, and the real estate may be sold under the order of the court.

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

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

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

Section 4. Chapter 3, "Alcoholic Liquors", Section 3-50, "Winetasting Event", of the Urbana City Code shall be and hereby is amended to read as follows:

A winetasting event for the purpose of this section is defined as an event conducted on the premises on which the license holder usually conducts its business and which encompasses no more than eight (8) continuous hours at which wine is dispensed in glasses which have a capacity of not more than one (1) ounce, for which the license holder makes no charge and receives no monetary consideration. A current licensee may hold a winetasting event on the license holder's premises not more often than one (1) time in any calendar week. The license holder must comply with the then current policy of the Illinois Liquor Commission, and the mayor must be notified by the license holder, in writing, five (5) days in advance of each such winetasting event, of the time, date and location of the event.

Section 5. The Mayor, acting as Liquor Commissioner or her designee shall prepare or cause to be prepared such form or forms as is or are necessary and which is or are consistent with this Ordinance to implement the new Class T-4 license provisions contained in this Ordinance.

Section 6. Chapter 14, "Licenses and Permits," Section 14-7, "Schedule of Fees," Subsection (A), "Liquor Licenses", of the Urbana City Code shall be and hereby is amended to include a Class T-4 license fee of \$50.00 per event and, in the case of a market-type event, an additional \$15.00 for each day of the event for which such Class T-4 license is sought and when wine, beer, and/or

spirits tasting and/or package wine, beer, and/or spirits sales will be offered with such fees to take effect upon the effective date of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 8. The City Clerk is directed to publish this Ordinance and cause the appropriate sections of Chapter 3, Alcoholic Liquor, of the Urbana City Code to reflect the amendments as hereinabove stated and set forth.

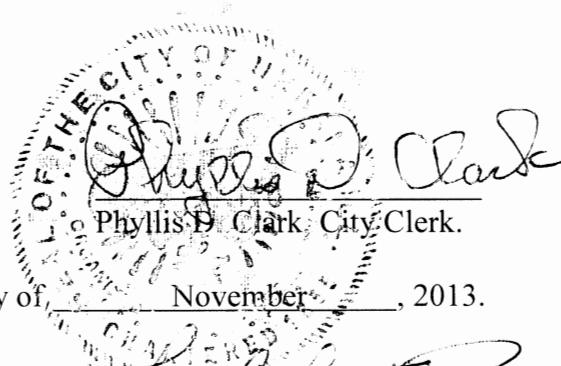
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the City Council of the City of Urbana, at a regular meeting of said Council on the 4<sup>th</sup> of November, 2013 at which a proper quorum was present.

PASSED by the City Council of and for the City of Urbana, Illinois this 4<sup>th</sup> Day of November, 2013 with the “ayes” and “nays” being recorded as follows:

AYES: Ammons, Brown, Marlin, Roberts, Smyth

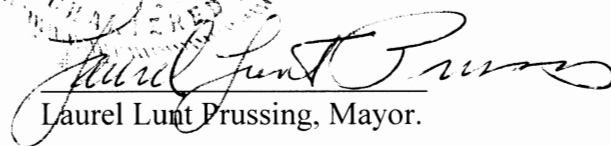
NAYS:

ABSTENTIONS:



Phyllis D. Clark, City Clerk.

APPROVED by the Mayor this 6<sup>th</sup> Day of November, 2013.



Laurel Lunt Prussing, Mayor.



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 4th day of November, 2013, the City Council of the City of Urbana passed and approved Ordinance No. 2013-10-101, entitled:

**"AN ORDINANCE AMENDING CHAPTER 3 (ALCOHOLIC LIQUOR) OF THE URBANA CITY CODE TO PROVIDE FOR ADDITION OF CLASS T-4 LICENSE AND AMENDMENT TO CLASS T-3 LICENSE (Class T Licenses for Alcoholic Liquor Tasting Events).**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2013-10-101 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 7<sup>th</sup> day of November, 2013, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 7th day of November,  
2013.



Phyllis D. Clark, City Clerk