

CITY OF BLOOMINGTON
CITY COUNCIL WORK SESSION
109 E. OLIVE ST.
MONDAY, JUNE 27, 2011, 5:30 P.M.

City Hall – Council Chamber/Conference Room

AGENDA

Downtown Entertainment Task Force Report - Presentation and Discussion

**Downtown Entertainment Task Force
Report to Bloomington City Council
June 2011**

INTRODUCTION

Downtown Bloomington is a vibrant mixed-use community that includes residents, businesses, and a growing number of entertainment venues. With the increase of mixed use comes inevitable challenges to the management of that growth. The goal of our task force is to create a district that is in balance among the many uses throughout the day and evening, one which reflects positively on Bloomington. To the extent possible, our work focuses on using resources at hand, and optimally on decreasing the need for significant police hire-back. We recognize that initially, some resources will need to be expended as we change or develop ordinances, increase compliance with existing ordinances, and add receptacles, different signage, etc.

The Downtown Entertainment Task Force (DETF) has met 3 times. In our initial meeting, we divided our work into 5 study groups: Cleanliness, Liquor License Issues, Noise, Safety, and Transportation. At our second meeting, these groups reported back to the task force with draft proposals. At our final meeting, we continued to fine-tune our recommendations. As we developed the recommendations, we continued to hear from and reach out to individuals who are stakeholders in the downtown community, including taxi cab and vehicles for hire company owners, bar owners, downtown residents and downtown business and property owners. We acknowledged from the beginning that there is overlap among the study areas.

It is equally important to point out that this report represents a consensus opinion from the group, and not individual perspectives or solutions. We had a number of additional opinions expressed, such as interest in a one-year moratorium on tavern licenses in the downtown; much tougher enforcement of liquor violations; significant expansion of the number of people who serve on the Liquor Commission; and developing new types of liquor licenses (e.g., an Entertainment license.) While these suggestions did not emerge as consensus items from the study groups, we strongly encourage additional conversation among our residents and especially among the downtown stakeholders to provide feedback and guidance on these proposals. Liquor Commissioner Marabeth Clapp, who chaired the Liquor License Issues group, has indicated that the Liquor Commission is very interested in providing a forum to address these ideas.

The task force acknowledges the potential costs of increased police presence, adding trash/recycling receptacles, and noise ordinance equipment. Increased costs might be covered by revenue from fines with a tiered violation structure, fee changes, special assessments or flat rates or percentages on ticket sales. This is a legislative matter that requires significant additional discussion. The task force has every expectation that implementing recommendations in our report will assist in mitigating the need for additional police resources. We believe investment in other recommendations (additional trash receptacles, noise ordinance equipment) will create a safer, cleaner downtown, lead to increased revenue and positively impact the quality of life in Bloomington.

The report is organized into 3 parts. Part one are the summary reports of the 5 study areas. Part two is a table that recommends an action item, a proposed date for implementation, and individuals or organizations responsible for implementation. Part three includes appendices for the supporting documentation for the recommendations.

The task force has expressed its interest in meeting again later in 2011 to assess the effectiveness of the recommendations, to evaluate the implementation, and to make further suggestions for the improvement of the downtown experience. We look forward to feedback from the City Council and our community. The City Council was clear in its expectation that we will begin to implement at least some of the task force recommendations before the end of August. The task force is willing to assist and to amend recommendations as needed to begin this work.

Mission Statement (as adopted by the Bloomington City Council)

The mission of the Downtown Entertainment Task Force shall be to work together with the Mayor, City Council, Liquor Commission, City staff, Downtown citizenry, and all other interested parties to make recommendations to continue and improve upon Downtown's tradition as the area's entertainment hub, offering an enjoyable and welcoming environment for our citizens and guests of all ages, thereby providing positive social, cultural, and economic impacts for the greater Central Illinois community, while maintaining appropriate synergies and balance between entertainment and other downtown functions such as retail, residential, and economic development.

Purpose

That in making these recommendations to the City of Bloomington, the Downtown Entertainment Task Force shall consider relevant factors, such as:

- Identification of the root causes of issues that may detract from the enjoyment of our Downtown by all citizens and guests, including ordinance violations, unreasonable noise, litter, vandalism, and any public perception of safety concerns;
- Consideration of specific activities that can contribute to issues, including occupancy levels of individual establishments, over serving of alcoholic beverages, hours of operation, appropriate control and monitoring of licensees, and their impact on the local area;
- Research into best practices used in other communities, especially those that are home to large populations of college students and young professionals that can be adapted to our own downtown. Consider practices that are already being used successfully in our Downtown and for study and possible expansion, as well as recommendations from studies such as the recent downtown study;
- Enhancement of entertainment opportunities with the US Cellular Coliseum, the Bloomington Center for the Performing Arts, and other diverse hospitality offerings that exist or should exist in our downtown, thereby maximizing the entertainment value for our citizens and guests;
- Analysis of costs, revenues, and timelines that will support both short term and long term recommendations, as well as an atmosphere of continued communication, which will assure the sustainability of the desired environment and benefits.

**Downtown Entertainment Task Force
Members/Alternate Members**

Jay Balmer (Mayoral appointee)

David Bentley (Downtown Property Owner)

Sabrina Burkiewicz (Mayoral appointee)

Kathy Cavins-Tull/Darcy Greder (Bloomington Normal
Community Concerns Committee)

Marabeth Clapp (Liquor Commission)

Troy Clark (Downtown Bloomington Association)

Tony Fabrizio/Dan Rolph (Downtown Bar Owners Association)

Diana Kuhlaczak / Ted Delicath (IWU student)

Jan Lancaster (Downtown restaurant owner)

Jeremiah Liebendorfer (Bloomington Police Department;
Downtown hire-back patrol)

Debra Risberg (Downtown Residents Association)

Karen Schmidt (Bloomington City Council; Convener)

Daniel Sherling (ISU student)

(in addition, the Task Force benefited from the input of Aaron Halliday, representing the Taxis & Vehicles of Hire companies that meet regularly with the City of Bloomington.)

Summary recommendations

CLEANLINESS STUDY GROUP

There are four different cleanliness issues in downtown.

- **Litter**, including food and beverage related debris is also a problem. From observation and research, this type of litter is difficult to attribute to one source. It is not tied to a particular class of business, though it can be connected to evening and weekend activity in downtown.
- **Cigarette butts**, while technically litter, is a dominant cleanliness and image problem for downtown. There are no specific trash cans for cigarettes so they end up on the ground or at the base of trees lining the street.
- **Improper disposal of commercial and residential garbage or garbage bags**. Bags can end up sitting in alleys or being torn to shreds in the streets. Some factors complicating this issue are: shared dumpsters, not locking dumpsters, city trash pickup, and no recycling options.
- **Vandalism** of sidewalk features including planters, garbage cans; benches are also a major factor contributing to a negative perception of the downtown area.

Awareness & Enforcement

A high-profile, long-term communication/marketing program designed to inform and motivate downtown stakeholders about cleanliness and beautification efforts is needed.

Objectives:

- Increase understanding and awareness of the problems, ordinances and available solutions and resources.
- Increase motivation and engagement in cleanliness and beautification efforts.
- Increase documentation and resolution of persistent issues.

Tactics:

- Employ traditional communications vehicles to promote beautification and cleanliness such as: newsletters, flyers, phone calls, postcard mailers, personal visits, emails, website content, etc., to keep the issue in the forefront.

- Create a grading system to reinforce the importance by grading the blocks each quarter. The rating can follow the approach used by the rental inspection program, and the City Beautification Committee may be called on to assist with this work.
- Develop an Adopt a Block program to encourage increased accountability and beautification efforts, with appropriate signage, possibly attached to light poles or trash receptacles
- Organize contests to recognize and encourage success and document ongoing issues.
- Ask the target audience to submit photos of garbage and litter they encounter in the downtown area. Display the photos and have viewers vote for the “worst” display of litter. This will get stakeholders involved by documenting the problem while bringing a high level of awareness to the concept.
- Reinforce the importance and emphasis on taking action by holding contests among the target audiences in the downtown areas. Motivators to participate could be a golden broom, presentation by the mayor, promotion spotlight on a business, competition among neighbors.

Receptacles, Schedules & Ordinances

By determining the appropriate number, types, and location of receptacles, we can encourage appropriate disposal of street waste including cigarettes, food trash from pedestrians and other litter. During peak periods of downtown activity which occur weekly, additional receptacles should be added to strategic areas to help reduce the amount of litter that hits the street. **Awareness and enforcement of the current ordinance regarding litter is key to motivating patrons and stakeholders to reduce litter.**

Objectives:

- Increase the convenience and visibility of garbage and litter receptacles.
- Coordinate existing cleaning and beautification efforts.
- Maximize current services and cleaning schedules for best impact.

Tactics:

- Enforce existing litter ordinances; modify as needed: the current ordinance requires that businesses remove and clear away all litter on streets, alleys, sidewalks, etc that are adjacent to the business within 2 hours from the start of the business day. The “business day” encompasses the hours between 10:00 A.M. and 6:00 P.M., which often do not match bar, restaurant and entertainment venues.

- Move current garbage cans to more convenient optimal locations to increase convenience and encourage use.
- Provide (or require) access to cigarette trays in high smoker areas in accordance with state smoking laws.
- Provide (or require) increased number of garbage cans in high traffic areas.
- Coordinate municipal and volunteer cleaning efforts to maximize results.
- Determine and enforce appropriate commercial dumpster availability and responsibility and other litter ordinances.

Questions:

- Can additional units be delivered to key locations during critical litter periods such as major events?
- Are there more specific types of units available for specific litter problems such as cigarette butts? Who pays for them?

Steward program

The Downtown Bloomington Association already contracts with Marc First for seasonal cleaning efforts. Further developing this program into a broader effort would not only add necessary resources, but also increase awareness and participation in a variety of Downtown efforts. By using these agencies, we can create a mutually beneficial relationship between their clients and the city.

Tactics:

- Mobilize a regular volunteer force, possibly through an Adopt a Block program, with appropriate incentives and recognition.
- Expand the schedule of the Marc First efforts
- Engage (hire) other social service agencies and programs to help with cleaning, documentation, reporting and friendly enforcement
- Marc First, Experience Works, Area Agency on Aging, Township, or Community Service

Questions:

- Are there other benefits/uses for such a relationship?
- How do we administer/fund the program?

LIQUOR LICENSE ISSUES STUDY GROUP

This study group reviewed topics related to current licensure policy, including number and type of licenses awarded, compliance reviews, and consequences for violations. There are four areas of specific concern, along with a number of recommendations for addressing these.

Types of licenses:

- There are some types of licenses that should be more carefully defined, such as those given restaurant status when selling tickets rather than food. Regulations regarding BYOB (Bring Your Own Bottle) should also be reviewed and tightened, and should require dram shop insurance.
- Some business owners reinterpret the conditions of their license after the establishment has been opened.
- There needs to be restrictions on after-hours parties at establishments that hold licenses of all types.

This subcommittee recommends a more thorough review of licensee compliance, including an annual review of compliance with food sales requirements for RAS licenses. In the case of new applicants, stronger scrutiny of adherence to commitments made during the application process should be employed, and consequences for non-compliance should be implemented. Alcohol sales should be limited for restaurants, to avoid them staying open “tavern hours.” i.e.: If a kitchen closes at 10, the bar should close at midnight, to allow patrons to enjoy dessert and a nightcap, but not encourage a “bar atmosphere” after hours.

Number of Licenses

It is the consensus of this committee that the Entertainment District (500 and 600 blocks of North Main Street) is currently saturated. Prospective bar owners should be encouraged to find alternate locations, in accordance with the recommendations of the proposed Downtown Strategic plan. While there is no moratorium on liquor licenses recommended here, the group is aware that higher density of taverns leads to a lessened quality of life for both residents and property owners and asks the Liquor Commission to use caution in awarding new tavern licenses in the downtown.

Require training for liquor license personnel

It is recommended that all employees of late night venues have certified training within 60 days of hire. Some venues have employees that have gone through this process, but it should be standardized AND required for all.

Overcrowding

Currently, fire code limits are used to regulate occupancy for establishments serving alcohol. The committee discussed assuring that the Liquor Commission should have the ability to place additional restrictions on occupancy that may be more stringent than what the fire code stipulates. **The Liquor Commission should have the authority to adjust the license limit if it is determined an establishment has difficulty conforming to city codes and the ordinances or stipulations established by the Liquor Commission during times of peak volume**

Shuttle Busses

The shuttle bus program is helping to clear the north end of the Entertainment District in a timely fashion. However, the south end, including Washington and Front Streets has later traffic, due to late night eateries such as La Bamba (open until 3 am). The Liquor License Issues study group concurs with the Transportation study group to establish a designated shuttle route which will cycle through the entire district, including these areas.

Bar Owners Review Panel

The downtown bars are well-equipped to identify problems occurring downtown, and have a vested interest in making sure the downtown experience is positive. It is recommended that the Bar Owners Association work with the Liquor Commission to provide peer review of downtown bars relative to constraints established by the liquor commission and violations of the ordinances and codes. This group of peers would review the Entertainment District and report its findings directly to the Liquor Commission. A representative from this panel could be appointed to serve as a liaison to the Liquor Commission or City Council, in order to give the district a consistent voice.

Perception/Positive Impact of the Downtown District

The niche entertainment available in Downtown Bloomington should be promoted on a larger scale, including the positive economic impact, cross-promotions and partnerships among all sectors of our community. These efforts will greatly improve the current perception that the area is problematic and unsafe.

NOISE STUDY GROUP

The Noise study group focused its attention on noise in the Downtown District and addressed this as not only a nuisance issue but also a public health and safety issue. The City of Bloomington currently does not have an ordinance that controls noise. City ordinances cover disorderly houses that "...disturb or destroy the peace of the neighborhood..." and a vehicle noise ordinance addresses amplified sound that can be heard from 75 feet or more outside the vehicle. The Noise study group provided a number of documents that provide evidence of the negative and damaging effects of noise on quality of life, especially in the mixed use environment of Downtown Bloomington. These can be found in the appendix.

The major recommendation of the Noise study group is the establishment of a noise ordinance for all of the city. The New Jersey Department of Environmental Protection provides a model noise ordinance that allows noise to be monitored wither by decibel levels or to allow the municipality to empower noise control investigators and officers to investigate based on observation.

The Noise study group also recommends that the city or the Downtown Bloomington Association work to educate entertainment venues about the effects of amplified sound, and the ways to control sound limits.

SAFETY STUDY GROUP

Personal safety and property safety is a major concern for the Police Department, and for the Downtown District as a whole. The main goal is to have an enjoyable downtown experience without fear of harm to self and also for the business owners to not have any fear that their property is being damaged or vandalized. Crime to person and property usually happens during the later hours of the night, closer to the closing time, when the streets and sidewalks are filled with intoxicated subjects wandering around looking for a taxi.

Approaches to providing a safer environment include the following:

- The number one way to provide maximum protection on both of the above mentioned topics is more police presence. Friday and Saturday nights both have 2 two man teams working, and if nothing changes with the present activity in the downtown, we recommend that a 2-man team be added to Thursday nights as well.. A 3rd two man team working would greatly increase police presence and therefore help to deter crime if some criminals were plotting crime and also would allow police the necessary manpower to address more issues. Police presence is a deterrence and does reduce crime. Changes in liquor license review, oversight, and increased punishment for infractions; in bar staff training; and in stakeholders' commitment to making our downtown a safer and calmer environment can have a significant positive impact on the need for police presence.
- A second way to deter crime against property is to have a designated drop off and pick up points for the taxi services. This would allow for faster departure of intoxicated subjects and would help to reduce them from having to randomly walk the downtown area looking for a taxi. This would allow police the ability to better control and monitor the downtown visitor. This issue will be addressed in greater detail during the transportation presentation.
- It is recommended that police presence be enhanced with a corps of trained volunteer observers. These observers would be trained to detect both the precursors for and actual violations of city ordinance as well as notifying law enforcement of other potential issues such as violence to person or property. Trained observers would wear easily identifiable clothing, i.e. vests, and would contact dispatch via radio or cell phone to a special hotline. A similar corps of volunteers may be used to enhance compliance “walkthroughs” by the liquor commission and city council.

TRANSPORTATION STUDY GROUP

Transportation to and from the downtown business's is important to the police and also the business owners. The large school buses used by taxis and vehicles for hire effectively move large numbers of people from the downtown when businesses close but they have proven to be a great safety issue because they do not have a set place to drop off and pick up from, **a central hub**. The system that is in place now is outdated. The system worked when the taxis and vehicles for hire were just cars, but times and transportation have changed and we need to change with them.

The purpose of a central drop off/pick up is to prevent taxis and vehicles for hire from blocking the flow of traffic/traffic lanes/traffic devices. Reducing the amount of time an intoxicated person waits on the street/sidewalk is crucial. The less time spent, the lower the chance of crime to person and property. This can be achieved through the development of 3 central hubs:

- The first hub will be the 100 block of W. Washington, on the South side of the road.
- The second hub will be in the 500 block of N. Main St. on the East side of the road, from the fence at Main St Grill all the way South to Market St.
- The third hub will be in the 100 block of W. Mulberry on the South side of the road, from Center Street to the alley.
- Taxis (minivan and smaller) do not have to use the central hub zones. They will be able to drop off and pick up fares where needed. (They will be subject to the proposed ordinance violation #2).
- The taxi and vehicle for hire pick up/drop off hours will be from 10:30 p.m. through 3:00 a.m., Thursday-Friday-Saturday. The central hubs will be only available for use by the vehicles licensed through the city.
- All non-taxis found to be parked in the central hubs will be towed according to Police policy. The towing of non-taxi/vehicle for hire will begin at 10:30 p.m. and will remain in effect until 3:00 a.m.
- It is recommended that a time limit be established for waiting in the hubs to prevent overcrowding and potential confrontations.
- It is suggested that each hub have personnel to direct vehicles in and out of the hubs. Said personnel may be provided all or in part by owners or these vehicles.
- It is recommended that 2 new ordinance violations be created:
 1. Taxis/vehicle for hire operating outside Central Hub during designated hours (10:30 p.m. through 3:00 a.m., Thursday night until Sunday morning). This would be a \$250.00 fine.
 2. Taxis found to be impeding the flow of traffic for an unreasonable amount of time. This would be a \$250.00 fine.

Creating these central hubs is the most efficient way to address the transportation issue. If the downtown visitor knows that he/she can find transportation at one of the three spots then this will reduce their wait time and also help prevent the crime to person/property that comes with intoxicated people waiting for a long duration of time. Having these central hubs will allow Police the greatest opportunity to maintain a more watchful eye over the entire crowd. Police can observe a larger crowd if they are moving in a common direction. Hubs will also provide a better way to ensure compliance of rules and regulations by owners and operators of this means of transportation.



Hubs 1 and 2



Hub 3

TABLE OF ACTIONS & RESPONSIBILITIES

Study Area	Recommendation	Timing to implement	Who is responsible	Possible Cost/ Comments
Cleanliness	Communicate about cleanliness program	Start now; ongoing	DBA; DRA; City thru Beautification Committee	Staff/DBA costs to develop message; Minimal paper costs
Cleanliness	Grade the blocks for cleanliness	Start in fall; ongoing	DRA or Beautification Committee	Use same approach as rental inspection program, A-D
Cleanliness	Establish adopt-a-block program	Start in fall; ongoing	DBA; DRA	Minimal staff or resident oversight
Cleanliness	Modify existing litter ordinances to meet different business hours; actively enforce	Now	City Legal, City PACE	Staff costs
Cleanliness	Move trash receptacles to in front of businesses that generate garbage	Now	City Public Works	Staff costs to move; concern about problems caused by moving receptacles (can cars open doors mid-block? etc.)
Cleanliness	Provide cigarette butt receptacles	Now	Businesses, via a city contract	Cost is about \$100 per receptacle; businesses responsible for oversight
Cleanliness	Coordinate volunteer and municipal cleaning efforts	Start in fall; ongoing	DBA and City	Staff time to organize and oversee
Liquor License Issues	Redefine license types, including BYOB establishments	Now	Legal; Liquor Commission	

Study Area	Recommendation	Timing to implement	Who is responsible	Possible Cost/ Comments
Liquor License Issues	Review license compliance and look for individual reinterpretation of restrictions	Now	Legal; Liquor Commission	
Liquor License Issues	Consider density when awarding new licenses	Now	Liquor Commission; City Council	
Liquor License Issues	Address overcrowding	Now	Liquor Commission	Potential follow-up costs for BPD
Liquor License Issues	Review licenses annually for sales receipt compliance with license type	Start late fall 2011; ongoing	Liquor Commission; City Clerk	May need some additional staff oversight
Liquor License Issues	Require STEP or Basset training for all license holder employees	Begin process now, seek full compliance by July 2012	Liquor Commission; Downtown Bar Owners Association; City Clerk	
Liquor License Issues	Establish downtown bar owner peer review process	Begin to develop now; fully operational by fall, 2011	Downtown Bar Owners Assoc.; Liquor Commission	Initial legal/staff costs to set up process
Liquor License Issues	Improve community information about downtown	Fall and ongoing	DBA; CVB; City	
Noise	Establish a noise ordinance for the city and enforce it	Begin work now with target date of no later than Jan 2012	City Legal; BPD and City PACE for enforcement	Staff time in crafting ordinance; cost of decibel reading equipment; BPD costs in measuring & enforcement
Noise	Educate entertainment venues about noise control	Jan 2012	DBA; Downtown Bar Owners Assoc.	

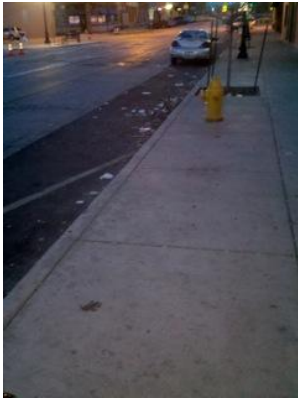
Study Area	Recommendation	Timing to implement	Who is responsible	Possible Cost/ Comments
Safety	Provide additional police presence by adding 3 rd 2-man team	August 2011	BPD; City	Cost incurred if realignment of existing resources is not possible
Safety	Develop staging areas for Vehicles for Hire	Now, to implement in August 2011	BPD; City with Taxi & VFH group	
Safety	Fire up cameras	August 2011	City IT; BPD	Camera cost is covered
Safety	Establish corps of trained volunteer observers to assist police and provide service to downtown venues	Begin planning process now, with target implementation by May 2012	BPD, DBA	
Transportation	Develop 3 hubs as suggested in report, include time limits for vehicles to wait and personnel to oversee	Now, for August 2011 implementation	BPD; City with Taxi & VFH group	
Transportation	Create 2 new ordinance violation categories per report	Now, for August 2011 implementation	City Legal	

APPENDIX 1: DOWNTOWN LICENSE HOLDERS, as of June 2011

Restaurants and Taverns in Downtown Bloomington

License Type: RAS	RESTAURANT/SUNDAY SALES	ALL TYPES OF ALCOHOL
CASTLE PRODUCTIONS LLC D/B/A CASTLE THEATER 209 E WASHINGTON		License Expires: 03/31/2011
CLARABEL LTD D/B/A ROSIE'S PUB 106 E FRONT ST		License Expires: 03/31/2011
REALITY BITES INC D/B/A REALITY BITES 414 N MAIN ST		License Expires: 03/31/2011
LUCCA GRILL INC D/B/A LUCCA GRILL 116 E MARKET ST		License Expires: 12/31/2011
TJOLOS CORP D/B/A MAIN ST GRILL 517 N MAIN ST		License Expires: 06/30/2011
CS BLOOM INC D/B/A STATION 220 220 E FRONT ST		License Expires: 03/31/2011
MIKE'S WORLD - BLOOMINGTON INC. D/B/A MICHAEL'S FAMILY RESTAURANT 110 W WASHINGTON ST		License Expires: 03/31/2011
LANCASTER & FREITAG INC D/B/A LANCASTER'S 513 N MAIN ST		License Expires: 03/31/2011
BMI CONCESSIONS LLC D/B/A BMI CONCESSIONS LLC 101 S MADISON ST		License Expires: 03/31/2011
License Type: RBS	RESTAURANT/SUNDAY SALES	BEER AND WINE ONLY
BIG CHEESE INC D/B/A FLINGERS PIZZA CO 608 N MAIN ST		License Expires: 03/31/2011
License Type: TA	TAVERN	ALL TYPES OF ALCOHOL
LSRE INC D/B/A LAUGH COMEDY CLUB 108 E MARKET		License Expires: 03/31/2011
License Type: TAP	TAVERN/PACKAGE SALES	ALL TYPES OF ALCOHOL
TAKEN INC D/B/A A. RENEE 306 N. CENTER ST.		License Expires: 12/31/2011

APPENDIX 2: CLEANLINESS – EXAMPLES OF ISSUES



Trash in the street



Cigarette butts in a tree space



Loose garbage bags



Dirt & plants pulled from downtown pot



Broken bottles



Planters used as trash cans

APPENDIX 3: MODEL NOISE ORDINANCE

June 2010

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MODEL NOISE CONTROL ORDINANCE

This model is provided by the NJ Department of Environmental Protection (Department) as guidance for municipalities to follow when adopting a noise control ordinance pursuant to the State's Noise Control Act and seeking to establish specific decibel standards to control noise. All such ordinances must be submitted for written approval to the Department, including an ordinance that is based entirely on the model ordinance provided below.

For assistance, please contact the Department's Office of Local Environmental Management at (609) 292-1305.

Procedures for Written Approval by the Department:

A governing body of a municipality may adopt this model ordinance without change. Changes in formatting, numbering, or any other changes of this type shall not be considered significant changes. Within 30 days after a municipality adopts this ordinance, the municipality shall submit it to the Department, with a certification signed by the Township Clerk, Borough Manager or Administrator.

The certification shall state:

I certify that {insert name of municipality} has adopted the Model Noise Control Ordinance without change(s). I further certify that if this statement is willfully false, I am subject to a penalty.

This ordinance shall be approved in writing upon submission by a municipality to the Department, of the fully executed certification and duly adopted noise ordinance. In addition, in the event that a regional or county health agency is identified as the authorized enforcement agency for the purpose of enforcing this ordinance when adopted by a municipality, written consent of the regional or a county health agency must be obtained, affixed to the ordinance and made a part thereof noise ordinances shall be submitted to:

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
COMPLIANCE & ENFORCEMENT
OFFICE OF LOCAL ENVIRONMENTAL MANAGEMENT
P.O. BOX 422
9 EWING STREET
TRENTON, NEW JERSEY 08625

(B) If a governing body of a municipality wants to change any provision(s) of this model ordinance such as hours of operation as it applies to subsequent sections, or wants to develop a noise ordinance that is not based on the model, the entire noise control ordinance including the proposed change(s) shall be submitted to the Department for review and approval, prior to adoption. The Department will review such noise ordinances to determine consistency with the statewide scheme for noise control and whether the ordinance is more stringent than the State's noise code, in accordance with the Noise Control Act.

If the Department approves the change(s), the municipality shall submit a copy of the duly adopted ordinance to the CEHA agency governing its region, if one exists. If the Department disapproves the change(s), the ordinance shall be returned to the municipality and shall be considered disapproved, meaning that the municipality cannot enforce it.

(C) The Department reserves the right to review, at any time, a noise control ordinance adopted by a municipality.

The model noise ordinance follows:

MODEL NOISE ORDINANCE

I. Declaration of Findings and Policy

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

Now THEREFORE, it is the policy of **{insert name of municipality}** to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life. This ordinance shall apply to the control of sound originating from sources within **{insert name of municipality}**.

II. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures. "dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network. "Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways. "Department" means the New Jersey Department of Environmental Protection. "Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second. "Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation. "Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences. "Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.
- 3.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons. "Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons. "Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song. "Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity. "Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity. "Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity. "Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall). "Sound production device" means any device whose primary function is the production of sound,

including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment. "Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment. "Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m. "Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

III. Applicability

(A) This model noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties; and
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

IV. Exemptions

(A) Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

V. Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to

investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

VI. Measurement Protocols

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

VII. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

TABLE I MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS WHEN MEASURED OUTDOORS

RECEIVING
PROPERTY
CATEGORY

Residential property, or residential portion of a multi-use property
Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility

TIME 7 a.m.-10 p.m. 10 p.m.-7 a.m. 24 hours

Maximum A Weighted sound level standard, dB 65 50 65

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING
PROPERTY
CATEGORY

Residential property, or residential portion of a multi-use property
Commercial facility or nonresidential portion of a multi-use property
TIME 7 a.m.-10 p.m. 10 p.m.-7 a.m. 24 Hours
Maximum A Weighted sound level standard, dB55 40 55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS**

Receiving
Property
Category

Residential property, or residential portion of a multi-use property
OUTDOORS

Residential property, or residential portion of a multi-use property
INDOORS

Commercial facility, public service facility, nonresidential portion of a multi-use property, or community service facility
OUTDOORS

Commercial facility or non-residential portion of a multiuse property
INDOORS

Octave Band Center Frequency, Hz. Octave Band Sound Pressure Level, dB Octave Band Sound Pressure Level, dB
Octave Band Sound Pressure Level, dB Octave Band Sound Pressure Level, dB

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

VIII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

Week nights
10:00 p.m. - 7:00 a.m.
Weekend nights
11:00 p.m and 9:00 a.m.

All other times
3 dB(C) 6 dB(C)

IX. Restricted Uses and Activities

Note: This section is optional; any numbered paragraph may be adopted in its entirety.

The following standards shall apply to the activities or sources of sound set forth below:

A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

(1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without

interruption, defined as an average of four or more vocalizations per minute in that period; or, (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

X. Motor Vehicles

Note: This section is optional; any numbered paragraph may be adopted in its entirety.

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

(A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

(B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

(C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

(D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

XI. Enforcement

(A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the (Health Department) _____. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation the violator shall be notified that if the violation is not immediately corrected a NOPA with a civil penalty of no more than \$3,000 will be issued. If a non-minor violation is immediately corrected a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

XII. Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

SAMPLE INFORMATIONAL BROCHURE FOR DOWNTOWN ESTABLISHMENTS

While they can add vibrancy and character to a community, restaurants and bars are also bound by certain noise standards set forth in the Chicago Municipal Code.

Under the noise ordinance, there are two issues of particular concern for restaurant and bar owners:

MUSIC

Whether it's live jazz, a dance mix DJ, or a karaoke crooner, music from entertainment establishments should stay on the premises to the extent possible.

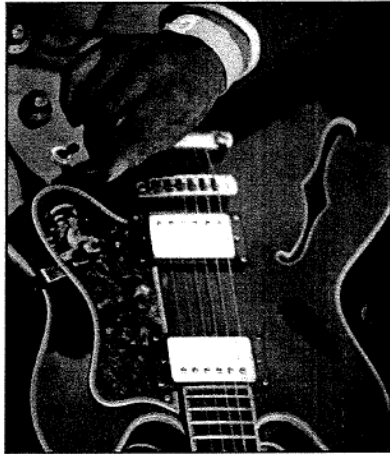
Adequate soundproofing on doors, windows and ceilings can go a long way towards keeping the music inside.



MECHANICAL EQUIPMENT

Even when the party's over, the refrigeration unit keeps humming. If the unit is not properly maintained, it could keep the neighbors awake at night.

Be mindful of neighbors when locating mechanical equipment, and make sure it is routinely serviced.



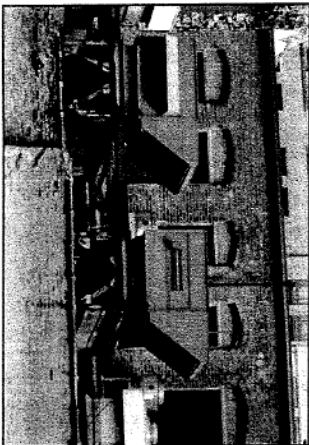
MUSIC SOUND LIMITS— NOISE ORDINANCE SECTIONS 11-4-2800 & 11-4-2805

- Regulated entertainment businesses may not allow amplified music to exceed **55 decibels** within any neighboring dwelling unit.
- If ambient noise is greater than 55 decibels, the limit is **10 decibels** above ambient noise.
- Music may not rise above an average conversational level at **100 feet** away from the establishment.



MECHANICAL EQUIPMENT NOISE LIMITS— NOISE ORDINANCE SECTION 11-4-2810

- Air conditioners, refrigeration units and other ventilation equipment may not be louder than **55 decibels** when measured from 100 feet away.
- This standard applies between **8:00 p.m.** and **8:00 a.m.**



APPENDIX 4: SAFETY

DOWNTOWN BPD STATISTICS, 2010

	Bar			Uniform			
	Checks	OV's	Parking	Traffic Ticket	Fights	Arrests	Calls
Jan	100	50	12	7	9	2	28
Feb	92	81	3	1	9	5	27
Mar	140	42	3	8	13	4	29
Apr	105	98	1	0	13	1	36
May	141	73	1	3	15	11	32
June	102	38	7	3	4	3	16
July	2	4	0	0	1	1	4
Aug	86	49	3	0	11	5	21
Sept	93	58	1	6	9	3	21
Oct	89	87	1	5	15	8	19
Nov	120	45	10	0	15	7	36
Dec	118	31	9	2	20	3	28
Total	1188	656	51	35	134	53	297

2. City of Rockford has added an ordinance that attaches fines to premises where there are disorderly crowds and activities. The Task Force did not fully engage with this proposal, and agreed that it needs further public discussion that would spell out the details of implementation.

Sec. 3-11. - Illegal, disorderly activities or crowds on or about premises.

(a) No licensee under this chapter nor any officer, associate, member, representative, agent or employee of such licensee shall engage on or about the licensed premises, or upon any adjacent city-owned parking lot which is utilized by the licensee to fulfill its parking requirements, in any activity or conduct or permit any other person to engage in any activity which is prohibited by any ordinance of the city or law of the state or the United States. Every licensee under this chapter shall at all times keep a good and orderly house.

(b) Fees will be assessed at the rate described in the liquor license fee ordinance for police department responses to a licensed establishment as a result of disorderly activities on or about the premises, including, but not limited to crowd and/or traffic control. No fee shall be assessed if two or fewer police officers respond to the licensed premises or adjacent property. No fee shall be assessed for the first qualifying incident in each calendar year. Nothing in this subsection shall abrogate a licensee's duty to fully comply with section 3-12.

(c) All such city police responses shall be documented in a police department report by a responding officer and include the reason for police response to the scene, the time of arrival at and departure from the scene, and a list of all city police department responding officers. Said fees are due and payable upon written demand from the city legal department. No liquor license shall be renewed upon expiration of the same unless all fees assessed pursuant to this section are paid in full.

(Code 1970, § 4-19; Ord. No. 1974-73-O, 4-15-1974; Ord. No. 1981-164-O, 9-8-1981; Ord. No. 2008-001-O, § 4-19, 1-7-2008)

**CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA
109 E. OLIVE
MONDAY, JUNE 27, 2011, 7:30 P.M.**

- 1. Call to order.**
- 2. Pledge of Allegiance to the Flag.**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call**
- 5. Appointments:**
 - A. Proclamations**
 - 1. In Recognition of the Ecology Action Center 40 Years of Service in the Environmental and Outreach**
 - 2. July as Parks and Recreation Month**
- 6. “Consent Agenda”**

(All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which is Item #8.

The City’s Boards and Commissions hold Public Hearings prior to some Council items appearing on the Council’s Meeting Agenda. Persons who wish to address the Council should provide new information which is pertinent to the issue before them.

The Council may vote to suspend the rules to allow citizen input on Regular Agenda items. If this occurs, public input will be limited to three (3) persons in support of and three (3) persons in opposition to said item. Input will be limited to five (5) minutes per person. Said person must provide their name and address for the record.)

- A. Council Proceedings of June 13, 2011 and Special Meeting Minutes of June 13, 2011. (Recommend that the reading of the minutes of the previous Council Meeting of June 13, 2011 and Special Meeting Minutes of June 13, 2011 be dispensed with and the minutes approved as printed.)**
- B. Bills and Payroll. (Recommend that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.)**
- C. Request to Pay Stark Excavating, Inc. for Emergency Repair of City Sewer in the 500 Block of East Mulberry Street. (Recommend that the payment in the amount of \$24,579.85 be approved.)**
- D. Request to Purchase Playground Equipment. (Recommend that playground equipment for Eagle Creek Park be purchased from Recreation Concepts, Inc., in the amount of \$54,483, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.)**
- E. Request to Purchase Customized Seat Wall Caps for Sister City Garden in McGraw Park. (Recommend that the seat wall caps for the Sister City Garden in McGraw Park be purchased from Intaglio Composites in the amount of \$51,000, plus shipping, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.)**
- F. Analysis of Bids for White High Durability Latex Traffic Line Paint, Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material. (Recommend that the bid for the White High Durability Latex Traffic Line Paint, Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material be awarded to Diamond Vogel Paints in the amount of \$57,186, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- G. Evaluation of Request for Proposals for Janitorial Services. (Recommend that the Request for Proposals (RFP) for Janitorial Services to clean City Hall, 109 E. Olive St., Public Works Office, 401 S. East St. and Water Department Administration Facility, 603 W. Division St. be awarded to Alpha Cleaning Service, Inc. in the amount of \$104,200, over a three (3) year period and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- H. Approval of Purchase of Four (4) LifePak 15 Cardiac Monitors. (Recommend that the purchase of four (4) LifePak 15 Cardiac Monitors from Physio-Control, in the amount of \$99,142.58 be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.)**

- I. Renewal of IBM Lotus Software Maintenance Agreement. (Recommend that the payment to TeamCentric for a software maintenance and support agreement with IBM/Lotus covering the City's email system, in the amount of \$17,344 be approved and the Resolution adopted.)**
- J. Annual Renewal of Hewlett Packard Hardware, Software and Proactive Services Support Agreement. (Recommend that the agreement with Hewlett Packard for hardware, software and proactive services support in the amount of \$100,928.43 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.)**
- K. Intergovernmental Agreement for Traffic Signal Maintenance & Energy Reimbursement on State Routes. (Recommend that the agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- L. Professional Services Contracts for the Bloomington Center for the Performing Arts. (Recommend that the contract from Monterey International in the amount of \$15,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- M. Application of Blues Blowtorch Society, requesting a Limited Liquor License (LB), for the event called "Aint Nothin but the Blues Festival", a charitable fundraiser to be held at the General Electric Employees Club grounds located at 1750 GE Rd., on Friday and Saturday, July 15 and 16, 2011, which allows the limited sale of beer and wine by the glass for consumption on the premises. (Recommend that an LB liquor license for the Blues Blowtorch Society, for the event called "Aint Nothin but the Blues Festival", a charitable fundraiser to be held at the General Electric Employees Club grounds located at 1705 GE Rd., on July 15 and 16, 2011 from 12:00 p.m. (noon) until 11:30 p.m., be created, contingent upon compliance with all applicable health and safety codes.)**
- N. Application of Bloomington Normal Jaycees, requesting a Limited Liquor License, (LB) for the event called "Bruegala", a charitable fundraiser, to be held at the Bloomington Center for the Performing Arts located at 600 N. East St., on Friday and Saturday, August 26, and 27, 2011, which allows the limited sale of beer and wine by the glass for consumption on the premises. (Recommend that an LB liquor license for Bloomington Normal Jaycees, requesting a Limited Liquor License, (LB) for the event called "Bruegala", a charitable fundraiser, to be held at the Bloomington Center for the Performing Arts located at 600 N. East St., on Friday and Saturday, August 26, and 27, 2011 from 5:00 to 11:00 p.m. be created, contingent upon compliance with all applicable health and safety codes; and that the premise include the building's interior, Lincoln Park and the area connecting the two premises.)**

- O. Application of DazLou, LLC (pending), d/b/a Sidetracked Sports Bar, located at 907 E. Oakland for a TAPS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. (Recommend that a TAPS liquor license for DazLou, LLC (pending), d/b/a Sidetracked Sports Bar, located at 907 E. Oakland be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) a six foot (6') high solid fence, made from opaque wood material be installed on the south and west perimeters prior to issuance of license; 2.) the fence would not allow vehicle/pedestrian traffic from the south and west side; 3.) live and/or amplified music shall cease at 11:00 p.m.; 4.) no open windows or doors during live/amplified music; 5.) installation of an interior sound baffling barrier; 6.) the selling of packaged alcohol from the liquor store shall cease at 11:00 p.m.; 7.) no gang apparel or apparel to indicate other affiliations outside that might cause disruption; 8.) security on the west door entrance; 9.) ongoing maintenance/clean up of the interior and exterior; 10.) creation of a double vestibule door on the west side; 11.) no outdoor patio will be allowed; and 12.) the Commission reserves the right to impose more restrictions.)**

7. “Public Hearings”

8. “Regular Agenda”

- A. 2011 Action Agenda – City Manager’s Quarterly Update and Discussion**

9. Mayor’s Discussion

10. City Manager’s Discussion

11. City Aldermen’s Discussion

12. Executive Session - cite section

13. Adjournment

14. Notes