

ORDINANCE NO. 2020-03-016

**RATIFICATION OF EMERGENCY ORDER 20-01
DELIVERY OF PACKAGE LIQUOR ISSUED ON MARCH 18, 2020**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, on March 16, 2020, the City Council adopted Ordinance No. 2020-03-015, Temporary Emergency Ordinance to Address the COVID-19 Pandemic; and

WHEREAS, on March 18, 2020 and pursuant to Ordinance No. 2020-03-015, the Mayor issued Emergency Order 20-01 – Delivery of Package Liquor that allows certain alcoholic liquor license holders to sell and deliver or cause to be delivered alcoholic liquor in sealed original package form for off-premises consumption; and

WHEREAS, Section 13 of Ordinance No. 2020-03-015 provides that all emergency orders issued by the Mayor shall be subject to review and ratification by the City Council; and

WHEREAS, the City Council has reviewed Emergency Order 20-01 and believes that it benefits the public and economic welfare of the City of Urbana, Illinois and its residents, businesses and visitors.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

The City Council, after reviewing Emergency Order 20-01, hereby ratifies and confirms the said Emergency Order and the same shall remain in full force and effect for the period stated in said Emergency Order or such time as the City Council amends or repeals the Emergency Order, which ever occurs earlier.

Section 2.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

PASSED BY THE CITY COUNCIL this ____ day of March, 2020.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2020.

Diane Wolfe Marlin, Mayor

COVID-19 RELATED *EMERGENCY ORDER*



EMERGENCY ORDER 20-01 DELIVERY OF PACKAGE LIQUOR

Effective Date: Wednesday, March 18, 2020 until further notice

EXPLANATION: This emergency order authorizes certain liquor license holders to conduct or otherwise provide for off-premises delivery of alcoholic liquor in sealed original package form for off-premises consumption.

AUTHORITY TO ISSUE EMERGENCY ORDER: Ordinance No. 2020-03-015 – Temporary Emergency Order to Address the COVID-19 Virus Pandemic.

ISSUER OF EMERGENCY ORDER 20-01: Diane Wolfe Marlin, Mayor.

Pursuant to Ordinance No. 2020-03-015, I, Diane Wolfe Marlin, Mayor of the City of Urbana, Illinois, do hereby issue the following Emergency Order 20-01 as follows:

1. Sale and Delivery of Package Sale of Alcoholic Liquor for Off-Premises Consumption by Class A, Class R-1, Class R-2 and Class MB-2 Liquor Licensees.

Pursuant to Section 1 of Governor Pritzker’s Executive Order in Response to COVID-19 (COVID-19 Executive Order No. 5), “all businesses in the State of Illinois that offer food or beverages for on-premises consumption – including restaurants, bars, grocery stores, and food halls – must suspend service for and may not permit on-premises consumption. Such businesses are permitted and encouraged to serve food and beverages so that they may be consumed off-premises as currently permitted by law, through means such as in-house delivery, third-party delivery, drive-through, and curbside pick-up.” The said Executive Order is effective from March 16, 2020 at 9:00 p.m. through March 30, 2020.

In an effort to reduce the negative financial impact on establishments that hold Class A liquor licenses, restaurants that hold Class R-1 and Class R-2 liquor licenses, and microbreweries that hold Class MB-2 liquor licenses, such liquor licensees shall be permitted to sell, deliver, or cause the delivery of alcoholic liquor in sealed original package form for off-premises consumption during the time period when Governor Pritzker’s COVID-19 Executive Order No. 5 is in effect including any extension thereof.

2. Sale and Delivery of Alcoholic Liquor for Off-Premises Consumption by Class BB Liquor Licensees.

The Mayor, in her sole discretion and upon her receipt of a written request from a Class BB liquor licensee which bears the original signature of a duly authorized representative of the Class BB liquor licensee, may extend to that Class BB liquor licensee the same authority provided in Paragraph 1 of this Emergency Order 20-01.

3. Insurance Requirements. Liquor licensees are advised that dram shop/liquor liability insurance policies must be maintained in full force and effect at all times when alcoholic liquor is sold for off-

premises consumption and that such insurance policies allow for the sale and delivery, whether by the licensee or a third-person, of alcoholic liquor for off-premises consumption.

4. State Law Requirements. Liquor licensees are encouraged to verify with State whether their particular State-issued liquor licenses will permit the sale of alcoholic liquor in sealed original package form for off-premises consumption and the delivery of the same if the licensee intends to have such alcoholic liquor delivered.

5. Continuing Obligations. Licensees remain responsible for complying with all other requirements and provisions of City of Urbana Municipal Code and State Law.

6. Sole Discretion. It is within the sole discretion of the Local Liquor Control Commissioner to approve, deny, suspend, revoke, or make conditional any activities permitted under this Emergency Order 20-01, in the interest of public health, safety, or welfare.

DATE: _____

Diane Wolfe Marlin, Mayor

ATTEST: _____
City Clerk or Deputy City Clerk