

ORDINANCE NO. 2020-09-045

**AN ORDINANCE RATIFYING EMERGENCY ORDER NO. 20-10
TEMPORARY BAN OF ON-PREMISES CONSUMPTION OF
FOOD AND BEVERAGE WITHIN SPECIFIC BOUNDED AREA**

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, 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, on April 16, 2020, the City Council adopted Ordinance No. 2020-04-024 – Reaffirmation of Ordinance No. 2020-03-015 and Reissuance of Mayor’s Authority to Issue Temporary Declaration of Emergency; and

WHEREAS, in light of recent increases in the number of persons who have tested positive for COVID-19, especial especially among students on the University of Illinois Urbana-Champaign campus, on September 4, 2020, effective September 5, 2020, the Mayor issued Emergency Order No. 20-10 – Temporary Ban of On-Premises Consumption of Food And Beverages Within Specific Bounded Area in an effort to reduce the increasing trends in positivity testing; and

WHEREAS, the City Council has reviewed the Extension of Emergency Order No. 20-10 Temporary Suspension of Issuance of Special Events Permits a copy of which is appended hereto.

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 the Emergency Order No. 20-10 – Temporary Ban of On-Premises Consumption of Food and Beverages within Specific Bounded Area, hereby ratifies and confirms the said Emergency Order No. 20-10 and the same shall remain in full force and effect as provided in Section 7 thereof unless otherwise extended. Notwithstanding, the immediate foregoing, the City Council shall have the authority to repeal this Ordinance prior to the expiration date provided in Section 7 or any extension thereof.

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.

This Ordinance shall be in full force and effect from and after its passage.

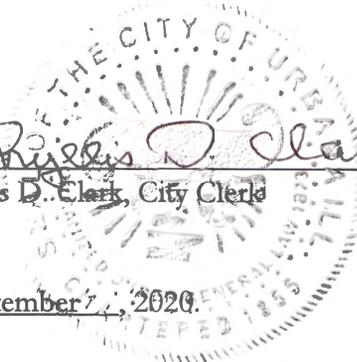
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 14th day of September, 2020.

AYES: Brown, Colbrook, Hursey, Laut, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 15th day of September, 2020.

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

COVID-19 RELATED **EMERGENCY ORDER**



Under Authority of TEMPORARY EMERGENCY ORDINANCE NO. 2020-03-015

EMERGENCY ORDER NO. 20-10

EXTENSION OF TEMPORARY BAN OF ON-PREMISES CONSUMPTION OF FOOD AND BEVERAGES WITHIN SPECIFIC BOUNDED AREA

Effective Date: This Emergency Order No. 20-10 (hereinafter, “Order”) extends the original Temporary Ban of On-Premises Consumption of food and Beverages within Specific Bounded Area that took effect at 5:00 pm on September 5, 2020. This extension of the Order takes effect upon issuance by the Mayor of the City of Urbana.

EXPLANATION: This Order extends the temporary suspension of the sale and service of food and/or beverages, including alcoholic liquor, for on-premises indoor consumption in bars and restaurants located within a specific geographic area within the City.

AUTHORITY TO EXTEND EMERGENCY ORDER: Ordinance No. 2020-03-015 – Temporary Emergency Order to Address the COVID-19 Virus Pandemic, Section 13; Ordinance No. 2020-04-024 – Reaffirmation of Ordinance No. 2020-03-015 and Reissuance of Mayor’s Authority to Issue Temporary Declaration of Emergency; Governor Pritzker’s Restore Illinois Plan - Phase 4 Guidelines including COVID-19 2020 Restaurant and Bar Establishment Safety Guidelines for Phase 4 of the Restore Illinois Plan; and the Illinois Department of Public Health Emergency Rules to Enforce the Use of Face Coverings (77 Ill. Adm. Code 690.50 *et seq.*); Champaign-Urbana Public Health District No. 2020-08-05.

ISSUER OF EMERGENCY ORDER 20-10: Diane Wolfe Marlin, Mayor.

1. Definitions. For the purposes of this Order, the below terms have the following meanings:

- a. “City” shall mean the City of Urbana, Illinois.
- b. “Bounded Area” shall mean the geographic area bounded on the north by Springfield Avenue, on the west by Wright Street, on the south by Florida Avenue, and on the east by Lincoln Avenue.
- c. “C-UPHD Ordinance” shall mean the Champaign-Urbana Public Health District Ordinance No. 2020-08-05 - COVID-19 Face Coverings and Gathering Restrictions Ordinance.
- d. “Enforcement Officer” shall mean any member of the police and law enforcement departments of Urbana, Champaign, Champaign County, State of Illinois, or University of Illinois or C-U Public Health District or employees of a governmental jurisdiction as designated and delegated by the City of Urbana.
- e. “Establishment” shall mean a restaurant, bar, and restaurant/tavern that sells and serves food and/or alcoholic liquor for on-premises consumption.

f. “Face Covering” shall mean a mask or cloth covering that is worn so as to completely cover the nose and mouth of the wearer.

g. “IDPH Emergency Rules” shall mean the Illinois Department of Public Health Emergency Rules to Enforce the Use of Face Coverings (77 Ill. Adm. Code 690.50 *et seq.*).

h. “Social Distancing” shall mean a radius of at least a six (6) feet that separates two or more individuals from each other.

i. “State Guidelines” shall mean the COVID-19 2020 Restaurant and Bar Establishment Safety Guidelines for Phase 4 of the Restore Illinois Plan issued by the Illinois Department of Commerce and Economic Opportunity.

2. Extension of Temporary Ban on Indoor Consumption of Food and Beverage in Establishments. All Establishments located within the Bounded Area shall suspend for the duration of this Order and any extension hereof any and all sales and service of food and beverages, including alcoholic liquor, for consumption within the Establishments’ premises. This Order shall not be deemed or construed as prohibiting the sale of food and/or beverages, including alcoholic liquor, for carry-out, delivery or for consumption outdoors, whether on public property or property owned by the Establishment.

3. Order of Superiority in Governing Requirements. In the event that any part of this Order conflicts with any part of the C-UPHD Ordinance, the IDPH Emergency Rules, State Guidelines, or the City’s Emergency Order 20-08, this Order shall govern.

4. Violation; Penalty.

a. Establishments that Sell or Service Alcoholic Liquor. Any Establishment that is licensed by the City to sell alcoholic liquor for on-premises consumption that is found to be in violation or to have violated this Order shall be subject to the penalties provided for in Urbana City Code Chapter 3 (Alcoholic Liquors) and may be subject to the maximum fine assessable for each day the said Establishment is found to be in violation of this Order.

b. Other Establishments, Businesses, Services, and Facilities. Any Establishment that does not sell alcoholic liquor for on-premises consumption and any business, service and/or facility that is found to be in violation or to have violated this Order shall be subject to the penalties provided for in Urbana City Code Section 15-18 (Reckless Conduct) and may be subject to the maximum fine assessed for each day the said Establishment, business, service, or facility is found to be in violation of this Order.

c. Individuals. Any individual that is found to be in violation or to have violated this Order shall be subject to the penalties provided for in Urbana City Code Section 15-18 (Reckless Conduct) and may be subject to the maximum fine assessed for each day the said individual is found to be in violation of this Order.

5. Violations of Guidelines, Emergency Rules, and/or C-UPHD Ordinance. Any violation of the State Guidelines, IDPH Emergency Rules, and/or C-UPHD Ordinance shall constitute a violation of this Order and shall be subject to the penalty provisions provided herein.

6. **Code in Effect.** All other sections of the Urbana City Code not in conflict with this Order shall remain in full force and effect, and are made applicable to this Order.

7. **Duration of Extension of Emergency Order 20-10:** This Order shall expire at 5:00 p.m. on September 16, 2020 unless otherwise extended.

DATE: 09-04-2020

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

ATTEST:

Phyllis Clark
Phyllis Clark, City Clerk

