

ORDINANCE NO. 2020-12-068

AN ORDINANCE RATIFYING EMERGENCY ORDER 20-11

(Temporary Ban of On-Premises Indoor Consumption of Food And Beverages to Include Alcoholic Liquor Within City of Urbana Corporate Limits)

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 April 16, 2020, the City Council adopted Ordinance No. 2020-04-24 that reaffirmed Ordinance No. 2020-03-015; and

WHEREAS, the City has adopted an ordinance regarding the sale and service of alcoholic liquor for on-premises consumption (UCC Ch.3); and

WHEREAS, the City and the Champaign-Urbana Public Health District have entered into an agreement and the City has adopted an ordinance (UCC Sec. 9-3) whereby the Champaign-Urbana Public Health District requires each establishment that sells and/or serves food for on-premises consumption obtain and maintain a current Retail Food Establishment Health Permit, and whereby the City shall enforce such requirement as to such establishments located within the City; and

WHEREAS, on March 9, 2020 the Governor of the State of Illinois issued a Disaster Proclamation due to the COVID-19 pandemic; and

WHEREAS, currently Governor Pritzker’s Restore Illinois Plan for Region 6, in which the City is located, is in Tier 3 Mitigation; and

WHEREAS, the City and the Champaign-Urbana Public Health District seek to cooperate in requiring establishments that sell and/or serve alcoholic liquor and/or food for on-premises consumption to temporarily refrain from selling and/or serving food for on-premises consumption in an effort to reduce and mitigate the resurging spread of COVID-19 throughout the City; and

WHEREAS, the City Council has reviewed Emergency Order 20-11 attached hereto and made a part hereof and believes that it benefits the public health, safety and welfare of residents of the City of Urbana.

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

Section 1.

The City Council, after reviewing Emergency Order 20-11 attached hereto and made a part hereof, hereby ratifies and confirms the said Emergency Order and the same shall remain in full force as provided in Section 6 of the said Emergency Order. Notwithstanding, the immediate foregoing, the City Council shall have the authority to repeal this Ordinance prior to the lifting or termination of the Governor's Disaster Proclamation and the Mayor's Declaration of Emergency.

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 _____, 2020.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

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

Diane Wolfe Marlin, Mayor

COVID-19 RELATED
EMERGENCY ORDER



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

EMERGENCY ORDER NO. 20-11

**TEMPORARY BAN OF ON-PREMISES INDOOR CONSUMPTION OF
FOOD AND BEVERAGES (TO INCLUDE ALCOHOLIC LIQUOR)
WITHIN CITY OF URBANA CORPORATE LIMITS**

Effective Date: Upon execution of this Emergency Order No. 20-11 by the Mayor.

EXPLANATION: This Emergency Order (hereinafter, “Order”) temporarily suspends the sale and service of food and/or beverages, including alcoholic liquor, for on-premises indoor consumption in bars and restaurants, microbreweries, hotels, video gaming halls, and catered events located within the corporate limits of the City of Urbana.

AUTHORITY TO ISSUE 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; and that part of Governor Pritzker’s Tier 3 Resurgence Mitigation Guidelines that took effect at 12:01 am on Friday, November 20, 2020.

ISSUER OF EMERGENCY ORDER 20-11: Diane Wolfe Marlin, Mayor.

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

“City” shall mean the City of Urbana, Illinois.

“C-UPHD Ordinance” shall mean the Champaign-Urbana Public Health District Ordinance No. 2020-08-05 - COVID-19 Face Coverings and Gathering Restrictions Ordinance.

“Enforcement Officer” shall mean any member of 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.

“Establishment” shall mean a bar and/or restaurant, microbrewery, hotel, video gaming hall, and/or catered event that sells and serves food and/or beverages, to include alcoholic liquor, for on-premises indoor consumption.

“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.*).

“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.

“Tier 3 Guidelines” shall mean the Tier 3 Resurgence Mitigation Guidelines issued by the Governor of the State of Illinois that took effect at 12:01 a.m., Friday, November 20, 2020.

2. Temporary Ban on Indoor Consumption of Food and Beverage in Establishments. The resurgence in number of COVID-19 infections within the Urbana-Champaign community presents a clear and present danger to human life, health and safety within this community. Due to this resurgence in COVID-19, all Establishments located within the corporate limits of the City of Urbana shall suspend for the duration of this Order any and all sales and/or 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 carryout, delivery or for consumption outdoors, whether on public property or property owned by the Establishment.

3. Violation.

a. Violation by Establishment that Sells and/or Serves Food for On-Premises Consumption. The C-UPHD’s suspension or revocation of an Establishment’s Retail Food Establishment Health Permit for reasons related to the COVID-19 pandemic shall be deemed to constitute reckless conduct by knowingly endangering the bodily safety of an individual in violation of Urbana City Code Section 15-18 (reckless conduct) and a violation of Urbana City Code Section 9-3 (requiring Establishments that sell food to possess health permits issued by the C-UPHD).

b. Violation by Establishment that Sells and/or Serves Alcoholic Liquor for On-Premises Consumption. The sale and/or service of alcoholic liquor for on-premises consumption by an Establishment during the pendency of this Order shall be deemed to be an immediate threat to the welfare of the community as provided in Section 7-5 of the Liquor Control Act of 1934 (235 ILCS 5/7-5) and, therefore, shall constitute a violation of this Order.

4. Penalty for Violating this Order.

a. Violation by Establishment that Sells and/or Serves Food Only. In the event that an Establishment is found in violation of Section 3.a. of this Order, the Establishment shall immediately cease all sales and service of food for on-premises consumption until such time as the C-UPHD restores the Establishment’s Retail Food Establishment Health Permit. The Establishment shall be subject to the penalties provided for in Urbana City Code Sections 15-18 and 9-3.

b. Violation by Establishments that Sell and/or Serve Alcoholic Liquor Only. In the event that an Establishment is found in violation of Section 3.b of this Order, the Local Liquor Control Commissioner shall have the authority pursuant to Section 7-5 of the Liquor Control Act of 1934 (735 ILCS 5/7-5) to suspend the Establishment’s liquor license for a period of up to and including seven (7) days. The Establishment shall be subject to the penalties and have the rights provided in Urbana City Code section 3-60.

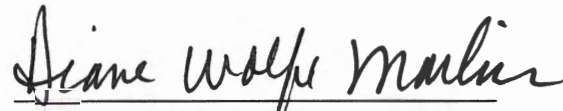
c. **Violation by Establishments that Sell and/or Serve Food and Alcoholic Liquor.** In the event that an Establishment that sells and/or serves both food and alcoholic liquor is found in violation of Section 3.a. or 3.b. of this Order, that Establishment shall be subject to the penalties provided or Subsections 3.a. and 3.b. of this Order.

d. **Violation by Individual.** Any individual that is found to have violated or to have facilitated the violation of Section 3 of this Order by another person shall be subject to the penalties provided for in Urbana City Code Section 15-18.

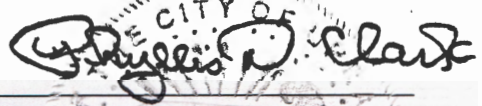
5. **Code in Effect.** All other sections of the Urbana City Code not in conflict with this Order shall remain in full force and effect, and are made applicable to this Order.

6. **Duration of Emergency Order 20-08:** This Emergency Order 20-11 shall expire on the later of (i) when Tier 3 Guidelines are suspended or terminated; or (ii) when the City Council repeals its Ordinance Nos. 2020-03-015 and 2020-04-024; or (iii) when the Mayor repeals or terminates her Temporary Declaration of Emergency or this Emergency Order 20-11.

DATE: 11-30-2020


Diane Wolfe Marlin, Mayor

ATTEST:


Phyllis Clark, City Clerk
by 
Deputy Clerk
