

ORDINANCE NO. 2020-04-024

REAFFIRMATION OF ORDINANCE NO. 2020-03-015 AND REISSUANCE OF THE MAYOR'S AUTHORITY TO ISSUE TEMPORARY DECLARATION OF EMERGENCY

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 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 2020-03-015 – Temporary Emergency Order to Address the COVID-19 Pandemic; and

WHEREAS, on March 16, 2020, at 9:10 p.m., the Mayor issued her initial Temporary Declaration of Emergency pursuant to said Ordinance 2020-03-015; and

WHEREAS, pursuant to the aforesaid Mayor's Temporary Declaration of Emergency, the Mayor issued two Emergency Orders including Emergency Order 20-01 (pertaining to the sale of package liquor) and Emergency Order 20-02 (pertaining to private ambulance company staffing and response time requirements); and

WHEREAS, pursuant to state law, the Mayor's Temporary Declaration of Emergency expires 30 days after issuance;

WHEREAS, in order to extend the Mayor's Temporary Declaration of Emergency, she must reissue the same or a new Temporary Declaration of Emergency; and

WHEREAS, it is unclear in the law, given the City's home rule authority, whether the City Council's Ordinance 2020-03-015 expires within the same period of time as the Mayor's Temporary Declaration of Emergency; and

WHEREAS, the City Council deems it necessary and appropriate to now reaffirm Ordinance No. 2020-03-015 in the form in which it was originally adopted and to reauthorize the Mayor to reissuance of her Temporary Declaration of Emergency in substantially the form in which it was issued on March 16, 2020 which took effect at 9:10 p.m. on the aforesaid date in order to protect and preserve health, safety and welfare of the community.

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

Section 1. Re-affirmance of Ordinance No. 2020-03-015.

The City Council shall and hereby reaffirms Ordinance No. 2020-03-015 in the same form as it was originally passed on March 16, 2020. In all respects, except as provided in Section 2 of this Ordinance No. 2020-04-024, all sections of Ordinance No. 2020-03-015 shall remain in full force and effect and shall automatically terminate as provided in Section 3 Ordinance No. 2020-03-015.

Section 2. Reissuance of Mayor's Temporary Declaration of Emergency.

The Mayor shall be and hereby remains vested with the power and authority to extend or reissue her Temporary Declaration of Emergency in substantially the form previously approved by the City Council's Ordinance No. 2020-03-015 and may in the future issue such further extensions of her Temporary Declaration of Emergency as she deems necessary and appropriate until such time when the Governor of the State of Illinois lifts or terminates his emergency order or the Mayor lifts or terminates the Temporary Declaration of Emergency then in place, whichever occurs later. Notwithstanding the immediate forgoing, the City Council retains the power and authority to, at any time, repeal this Ordinance No. 2020-4-024 and Ordinance 2020-03-015 which repeal shall nullify any and all Temporary Declarations of Emergency and Emergency Declarations then in effect as issued by the Mayor.

Section 3. Current Emergency Orders.

The Mayor shall be and hereby remains vested with the power and authority reissue or extend Emergency Order 20-01 (pertaining to the sale of package liquor) and Emergency Order 20-02 (pertaining to private ambulance company staffing and response time requirements) until such time as when they are lifted, terminated or repealed as provided in this Ordinance No. 2020-04-024 or Ordinance 2020-03-015.

Section 4. Future Emergency Orders.

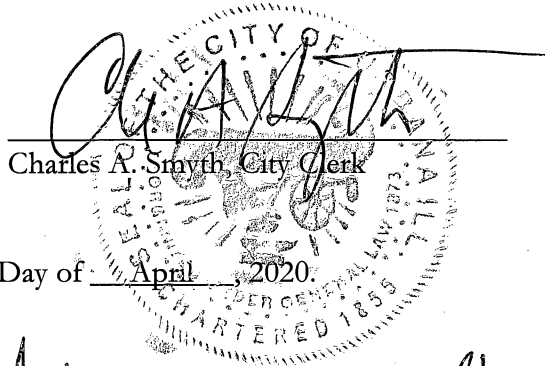
The Mayor shall be and hereby remains vested with the power and authority to issue Emergency Orders in addition to those identified in Section 3 of this Ordinance No. 2020-04-024. Issuance of any new Emergency Order shall be governed by the terms and provisions in Ordinance No. 2020-03-015, including but not necessarily limited to Section 13 thereof.

PASSED BY THE CITY COUNCIL this 16th Day of April, 2020.


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

NAYS:

ABSTENTIONS:


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 17th Day of April, 2020.


Diane Wolfe Marlin, Mayor

**REISSUANCE OF DECLARATION OF EMERGENCY
CITY OF URBANA, ILLINOIS**

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 January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, the City has coordinated its response to COVID-19 with other Champaign County governmental entities; and

WHEREAS, 20 ILCS 3305/10(j) of the Emergency Management Agency Act and 65 ILCS 5/8-10-5 of the Illinois Municipal Code, were enacted to, among other things, prevent, minimize and alleviate disasters and address public health emergencies that may or will adversely impact the life, health and safety of persons within the State of Illinois; and

WHEREAS, the City has adopted Urbana City Code Chapter 6, “Civil Emergencies” to address “civil emergencies; and

WHEREAS, said Urbana City Code Chapter 6 was not drafted in such a way so as to allow the City to issue emergency declarations and to vest the Mayor with emergency powers and authority to address such public health emergencies as are now being presented by the novel coronavirus - COVID-19 which is now facing City of Urbana citizens, businesses and visitors; and

WHEREAS, in recognition of the limitations of Urbana City Code Chapter 6 and while considering the nature of the emergency facing the City and surrounding geographic area, including the apparent rapid spread of COVID-19, the City Council deems it necessary and appropriate to adopt Temporary Ordinance No. 2020-03-015 in order to meet and address the emergency presented by COVID-19; and

WHEREAS, on March 16, 2020, the Mayor issued a Temporary Declaration of Emergency that took effect at 9:10 p.m. on that same date; and

WHEREAS, the aforesaid Temporary Declaration of Emergency expires 30 days after its issuance; and

WHEREAS, pursuant to Ordinance No. 2020-04-024, I, Mayor of the City of Urbana, deem it necessary and appropriate to reissue and extend my prior Temporary Declaration of Emergency as hereinafter stated.


I, Diane Wolfe Marlin, Mayor of the City of Urbana, Illinois, pursuant to power granted to me by Temporary Ordinance No. 2020-03-015 and Ordinance No. 2020-04-024 and the relevant provisions of the Illinois Compiled Statutes, do hereby re-declare the existence of a local emergency within the City of Urbana, Illinois.

A. Description of Emergency. The emergency to which this Reissuance Temporary Declaration of Emergency is directed is related to the novel coronavirus - COVID-19 which is causing or which is anticipated to cause widespread serious negative impacts on the health and welfare of members of the community. In this matter, I am relying upon each and every matter recited in the preamble hereto, which is hereby incorporated by reference.


B. Posting. The City Administrator or her designee shall provide copies of this Temporary Declaration of Emergency to the news media and post copies at the Urbana City Building, The Urbana Free Library, and each City of Urbana Fire Station during the pendency of this emergency.

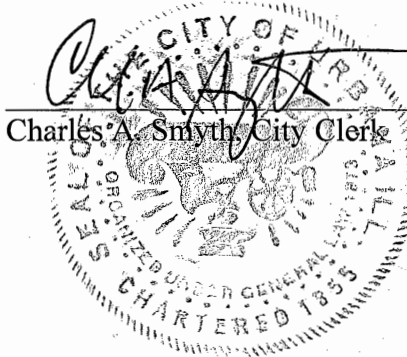
C. Expiration of Reissued Declaration of Emergency. This Declaration of Emergency shall expire on the sooner of (i) 30 days from the date when this Reissuance of Declaration of Emergency was issued; or (ii) the Governor of the State of Illinois lifts or terminates his emergency order; or (iii) the Mayor lifts or terminates her Reissuance of Declaration of Emergency; or (iv) the City Council repeals Ordinance Nos. 2020-03-015 and 2020-04-024.

This Reissuance of Temporary Declaration of Emergency takes effect at 10 o'clock A.m. on the 17th day of April, 2020.


Mayor of the City of Urbana, Illinois

WITNESSED:


Charles A. Smyth, City Clerk



STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT **Diane Wolfe Marlin**, personally known to me to be the Mayor of the City of Urbana, Illinois and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor, she signed and delivered the said instrument as Mayor and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the City Council of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 17 day of April, 2020.



Wendy M. Hundley
Notary Public.