

ORDINANCE NO. 2020-06-032

RATIFICATION OF EMERGENCY ORDER 20-04 “TEMPORARY SUSPENSION OF CERTAIN CITY OF URBANA ORDINANCES TO ALLOW FOR OPERATION OF OUTDOOR DINING AND/OR DRINKING SPACES” ISSUED ON MAY 29, 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 April 16, 2020, the City Council adopted 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, on May 29, 2020 and pursuant to Ordinance No. 2020-03-015 and Ordinance No. 2020-04-024, the Mayor issued Emergency Order 20-04 – Temporary Suspension of Certain City of Urbana Ordinances to Allow for the Operation of Outdoor Dining and/or Drinking Establishments; 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 20-04 and believes that it benefits public health, safety and welfare residents, businesses and visitors in and to the City of Urbana.

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 20-04, hereby ratifies and confirms the said Emergency Order and the same shall remain in full force and effect until the Governor of the State

of Illinois lifts or terminates his disaster declaration or the Mayor lifts or terminates her Declaration of Emergency, whichever is later. 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 declaration and the Mayor's Declaration of Emergency.

Section 2.

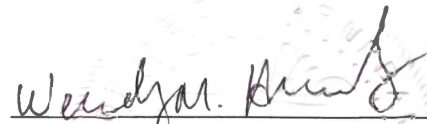
This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired,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

PASSED BY THE CITY COUNCIL this 10th day of June, 2020.

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

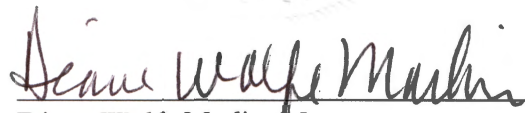
NAYS:

ABSTENTIONS:



Wendy M. Hundley, Deputy City Clerk

APPROVED BY THE MAYOR this 11th day of June, 2020.



Diane Wolfe Marlin, Mayor

EMERGENCY ORDER NO. 20-04
TEMPORARY SUSPENSION OF CERTAIN CITY OF
URBANA ORDINANCES TO ALLOW FOR OPERATION
OF OUTDOOR DINING AND/OR DRINKING SPACES

Effective Date: Friday, May 29, 2020 until further notice

EXPLANATION: This Emergency Order temporarily suspends certain parts of the City’s ordinances governing use of public rights-of-way and privately-owned parking lots for use by Urbana restaurants and bars for outdoor dining and/or drinking.

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; and Governor Pritzker’s Executive Order (COVID-19 No. 32).

ISSUER OF EMERGENCY ORDER 20-04: Diane Wolfe Marlin, Mayor.

1. Ordinances Temporarily Suspended.

The following ordinances shall be and hereby are suspended or otherwise modified until such time as when this Emergency Order No. 20-04 expires.

Chapter 3, “Alcoholic Liquors”: Section 3-40 (Applications); Section 3-41(a) (Class A license, sale of alcoholic liquor for on premises or off premises consumption); Section 3-41(c)(2) (Class BW license, sidewalk cafés); Section 3-41(e) (Class BB license, sale of beer and wine for on premises or off premises consumption); Section 3-41(n) (Classes R-1 and R-2 licenses, restaurant sale of alcoholic liquor or beer and wine for on premises consumption); and Section 3-41(r)(2) (Class license MB-2, microbrewers manufacture of beer for on premises or off premises consumption and sale of other goods).

Chapter 20, “Public Right-of-Way and other Public Places: Sections 20-609 through 20-615 (outdoor cafés);

Zoning Ordinance: Section VIII-1 (Applicability); Section VIII-3 (Design and Specifications of Off-Street Parking); VIII-5 (Amount of Required Parking); Table VIII-7 (Parking Requirements By Use).

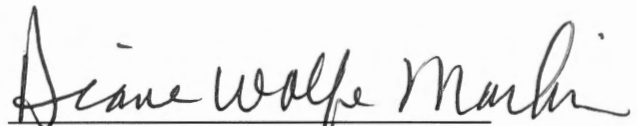
Applicants for outdoor dining and/or drinking permits shall be required, as part of their permit applications, to submit detailed plans that (i) identify the specific outdoor space (public sidewalk, private parking lot, or other outdoor spaces, to the extent the City approves) that they intend to use as outdoor dining and/or drinking space; (ii) the arrangement of tables, chairs and other appropriate furniture to assure sufficient social distancing consistent with Champaign-Urbana Public Health District and/or Centers for Disease Control standards on social distancing, and (iii) such other requirements as provided by the City.

To the extent that a City-approved application to open and operate outdoor dining and/or drinking space contains elements that deviate from any of the above-cited City ordinances, the approved permit application shall govern. The City shall have the right to approve or deny any application for permit to open and operate an outdoor dining and/or drinking space, whether on public or private property.


2. Voiding of Previously Issued Sidewalk Café Permits: Any and all sidewalk café permits that have heretofore been issued by the City shall be and hereby are void.

3. Duration of Temporary Suspension of Certain City Ordinances: This Emergency Order 20-04 shall expire on the later of (i) when the Governor issues an emergency order or suspends an existing emergency order so that restaurants and bars can return to normal pre-COVID-19 operations; 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 20-04.

DATE: May 29, 2020



Diane Wolfe Marlin, Mayor

ATTEST: 
City Clerk or Deputy City Clerk