

**ORDINANCE NO. 2020-08-043**

**RATIFICATION OF EMERGENCY ORDER 20-09**

**(Emergency Order Phase 4 Operating Guidelines Concerning Numbers of Attendees, Social Distancing, and Use of Face Coverings at Parties and Other Gatherings)**

**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**, currently Governor Pritzker’s Restore Illinois Plan for the region in which the City is located is in Phase 4 of that Plan;

**WHEREAS**, the Illinois Department of Public Health recently issued Emergency Rules concerning, among other issues, the mandatory use of face coverings (77 Ill. Adm. Code 690.50 *et seq.*); and

**WHEREAS**, the Champaign-Urbana Public Health District recently issued Ordinance No. 2020-08-05 that also addresses mandatory use of face coverings; and

**WHEREAS**, the City of Champaign has issued or will soon issue one or more emergency orders or ordinances that while provide for the same or similar effect as the City’s Emergency Order 20-09; and

**WHEREAS**, the City Council has reviewed Emergency Order 20-09 and believes that it benefits the public health, safety and welfare of 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 20-09, hereby ratifies and confirms the said Emergency Order and the same shall remain in full force as provided in Section 4 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 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 24<sup>th</sup> day of August, 2020.

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

NAYS: Miller

ABSTENTIONS:



*Phyllis D. Clark*

Phyllis D. Clark, City Clerk

**APPROVED BY THE MAYOR** this 25<sup>th</sup> day of August, 2020.

*Diane Wolfe Marlin*

Diane Wolfe Marlin, Mayor

# COVID-19 RELATED ***EMERGENCY ORDER***



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

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## EMERGENCY ORDER NO. 20-09

### GUIDELINES CONCERNING NUMBERS OF ATTENDEES, SOCIAL DISTANCING, AND USE OF FACE COVERINGS AT PARTIES AND OTHER GATHERINGS

Effective Date: Upon execution of this Emergency Order No. 20-09 by the Mayor.

**EXPLANATION:** This Emergency Order 20-09 (hereinafter, “Order”) provides enforceable guidelines concerning numbers of guests and attendees, social distancing and use of face coverings while attending parties and other social gatherings pursuant to Phase 4 of Governor Pritzker’s Restore Illinois Plan, the Illinois Department of Public Health’s Emergency Rules to Enforce the Use of Face Coverings, and the Champaign-Urbana Public Health District Ordinance No. 2020-08-05. This Order is intended to address the heightened risk of mass transmission of the novel coronavirus (COVID-19) within the City of Urbana because of the large numbers of students who are returning to the City and who will be residing in multifamily rental residential buildings in the immediate vicinity of the University’s core academic facilities and throughout the community.

**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, the Illinois Department of Public Health Emergency Rules to Enforce the Use of Face Coverings (77 Ill. Adm. Code 690.50 *et seq.*); and the Champaign-Urbana Public Health District Ordinance No. 2020-08-05 that has incorporated the Illinois Department of Public Health’s Emergency Rules to Enforce Use of Face Coverings with certain limited exceptions.

**ISSUER OF EMERGENCY ORDER 20-09:** 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 “C-UPHD Ordinance” shall mean the Champaign-Urbana Public Health District Ordinance No. 2020-08-05 - COVID-19 Face Coverings and Gathering Restrictions Ordinance.

c. “Enforcement Officer” shall mean any member of the police and law enforcement and fire departments of the City of Urbana, City of Champaign, Champaign County, State of Illinois, or University of Illinois, or employees or designees of a governmental jurisdiction as designated and delegated by the City of Urbana.

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

e. "Host" shall mean the owner, occupant, tenant, or other person who, individually or jointly with others, has legal possession of or a possessory control, whether by reason of ownership or lease, over the premises where a Party or Gathering occurs.

f. "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.).

g. "Party" or "Gathering" shall mean a congregation of five (5) or more persons who are not related to one another and/or who do not have a legal right, whether by ownership or lease, to occupy a residence whether such residence is a single or multiple family dwelling or dwelling unit.

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

## **2. Parties and Other Gatherings.**

a. **Nuisance Parties.** A Party or Gathering on private property in the City shall be deemed a "nuisance party" pursuant to Urbana City Code Section 15-65 and this Order if during said event there are one or more violations of the Social Distancing and Face Covering requirements described in this Order on the site of said Party or Gathering, or on public or private property adjacent to the site of the Party or Gathering.

### **b. Social Distancing, Face Covering Requirements and Number of Attendees.**

(1) Private property covered by this Order includes any residential setting, building or unit located anywhere within the City or common areas or parking lots related to any such residential setting, building or unit.

(2) The following Social Distancing and Face Covering requirements apply to Parties or Gatherings on private property:

(a) **Face Coverings.** When in any public place and when unable to maintain Social Distancing, Face Coverings shall be required as set forth in Section 5 of Emergency Order 20-08.

(b) **Maximum Attendees-Guests at a Party or Gathering.** The maximum number of attendees at a Gathering or guests at a Party in the residential settings and units described in Subsection (1)(a) shall be 10 persons, excluding those individuals who have a lawful right, whether by ownership or lease, to be present on the premises where the Gathering or Party is occurring. Proof must be provided of such right to possess or reside on the said premises when requested by an Enforcement Officer. Proof may include valid leases that identifies all persons entitled to be present on the residential property and/or substantive evidence that immediate family or immediate household members present at the Party or Gathering reside at that residence.

(c) **Occupancy Count.** The Host must maintain a current and accurate occupancy count, and immediately provide such count upon request of any Enforcement Officer.

(d) **State Requirements.** The Party or Gathering must comply with any other guidance related to Social Distancing, use of Face Coverings, and/or the gathering of persons that is issued by the State of Illinois or its agencies and/or the Champaign-Urbana Public Health District, not in conflict with this Order.

**c. Host Duty and Liability.** The Host has a duty to control their premises, enforce and maintain the Social Distancing and Face Covering requirements contained in this Order and in any order, rule, regulation, or guidance issued by the State of Illinois or any of its agencies to prevent a Party or Gathering from being or becoming a nuisance party. A Host shall be deemed in violation of Urbana City Code Section 15-65 (Nuisance Parties) and this Order for being the Host of a nuisance party under the following circumstances:

- (a) That person, individually or jointly with others, and whether directly or indirectly, organizes, sponsors, conducts, hosts, invites, or otherwise allows or permits the Gathering or Party to become or that has become a nuisance party; and
- (b) That person knowingly, recklessly, or negligently allows the Gathering or Party to be or become a nuisance party.

Additionally, any failure of a Host to control the premises, enforce and maintain the Social Distancing and Face Covering requirements at a Party or Gathering and otherwise comply with this Order shall also be a violation of this Order.

**d. Individual Attendees.** Attendance or presence by an individual at a Party or Gathering that is or becomes a nuisance party shall be a violation of this Order. Individual failure to comply with the Social Distancing and Face Covering requirements contained in this Order shall be a violation of this Order. Eating food or drinking alcoholic liquor at a Party or Gathering that is or becomes a nuisance party shall not be a defense to the failure to adhere to the Social Distancing and Face Covering requirements of this Order. To the extent food and beverages, including but not limited to alcoholic liquor, are served at a Party or Gathering, the Social Distancing and Face Covering Requirements provided in Emergency Order 20-08 shall also apply.

**e. Order to Cease.** A Party or Gathering that is or becomes a nuisance party shall immediately cease upon the order of any Enforcement Officer and all persons not residing therein at the site of such Party or Gathering shall leave the premises immediately. Any person who fails or refuses to abide by such an order to depart the premises shall be guilty of a violation of Urbana City Code Section 15-65 (Nuisance Parties).

**f. Gatherings on Public Property.** This Order shall also be deemed to apply to Parties or Gatherings that occur on public property unless otherwise provided for by another Emergency Order, ordinance or law.

### **3. Administration.**

**a. Penalty.** A violation of this Order shall be subject to the penalty provisions contained in Urbana City Code Sections 1-10, 1-18 and 15-65 which may include a fine of up to \$750 per violation per day. Each violation of this Order may be punished as a separate offense.

**b. Municipal Code; Public Endangerment and Reckless Conduct.** A violation of this Order shall may be deemed, constitute, and be punishable as a violation of Urbana City Code Section 15-18 (Reckless Conduct).

**c. License and Permit Holders.** License or permit holders within the City who host a Party or Gathering which is found to be in violation of this Order may have additional measures or penalties imposed as permitted pursuant to the Urbana City Code and Emergency Order 20-08.

**d. Rebuttable Presumption.** There shall be a rebuttable presumption of a violation of this Order and/or the Social Distancing and Face Covering requirements provided in this Order if such violation is observed at any time, including in-the-moment observation or through viewing of photographs and/or videos depicting said violations.

**e. Exemptions.** Businesses, day cares, religious houses of worship, residential drug and alcohol treatment facilities, residential medical facilities, elder care homes, homes for disabled individuals, and residential prison reentry facilities that are in compliance with regulations and guidance issued by the State of Illinois and its agencies shall be exempted from this Order.

**f. Other Orders.** Where another Emergency Order is more restrictive than this Order, the order imposing more restrictive requirements shall apply.

**g. Severability.** The provisions of this Order are declared to be severable.

**4. Duration of Emergency Order 20-09.** This Order shall expire at 11:59:59 p.m. on September 28, 2020 unless earlier terminated by the City Council or extended by the Mayor with ratification by the City Council.

DATE: 8/25/2020

Diane Wolfe Marlin  
Diane Wolfe Marlin, Mayor

ATTEST:

Phyllis D. Clark  
Phyllis D. Clark, City Clerk

