

ORDINANCE NO. 2021-06-022

AN ORDINANCE RATIFYING EMERGENCY ORDER NO. 21-01

**RE-ISSUANCE OF EMERGENCY ORDER NO. 20-05
ALCOHOLIC LIQUOR - COCKTAILS "TO GO"**

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 Re-issuance of Mayor’s Authority to Issue Temporary Declaration of Emergency; and

WHEREAS, on June 9, 2021 and pursuant to Ordinance No. 2020-03-015 and Ordinance No. 2020-04-024, the Mayor issued Emergency Order 21-01 – Re-Issuance of Emergency Order No. 20-5 Alcoholic Liquor - Cocktails "To Go"; and

WHEREAS, the City Council has reviewed Emergency Order No. 21-01 – Re-Issuance of Emergency Order No. 20-5 Alcoholic Liquor - Cocktails "To Go", a copy of which is appended hereto.

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 21-01, hereby ratifies and confirms the said Emergency Order and the same shall remain in full force and effect until the Mayor repeals this Emergency Order; the City Council repeals Ordinance Numbers 2020-03-015 and 2020-04-24;

or the applicable provisions regarding the sale of cocktails “to go”, set forth in Emergency Order 20-05, are enacted into Chapter 3 of the Urbana City Code.

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 14th day of June, 2021.

AYES: Quisenberry, Hursey, Kolisetty, Evans, Wilken, Bishop, Wu.

NAYS:

ABSTENTIONS:



Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this this 21st day of June, 2021.



Diane Wolfe Marlin, Mayor

COVID-19 RELATED EMERGENCY ORDER



EMERGENCY ORDER NO. 21-01

RE-ISSUANCE OF EMERGENCY ORDER NO. 20-05

ALCOHOLIC LIQUOR – COCKTAILS “TO GO”

Effective Date: Upon execution of this Emergency Order No. 21-01 by the Mayor.

EXPLANATION: This Emergency Order 21-01 (hereinafter, “Order”) provides for the Re-Issuance of Emergency Order 20-05 providing for certain liquor license holders to sell alcoholic liquor cocktails “to-go”.

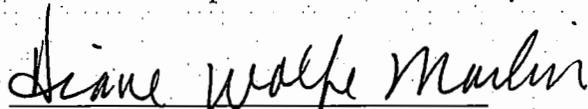
AUTHORITY TO ISSUE EMERGENCY ORDER: Public Act 101-0631, which Governor Pritzker signed into law and became effective on June 2, 2020, and Public Act 102-0008, which Governor Pritzker signed into law and became effective on June 2, 2021. Such Public Acts do not limit Home Rule authority with regard to the provisions of such Public Acts.

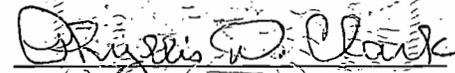
ISSUER OF EMERGENCY ORDER 21-01: Diane Wolfe Marlin, Mayor.

Pursuant to Public Act 101-0631, Public Act 102-0008, and Ordinance Numbers 2020-03-015 and 2020-04-24, I, Diane Wolfe Marlin, Mayor and Local Liquor Commissioner of the City of Urbana, Illinois, do hereby issue the following Emergency Order 21-01.

1. Emergency Order 20-05, regarding Cocktails “To Go”, was effective on June 5, 2020, a copy of which is attached hereto and incorporated by reference herein. Emergency Order 20-05 authorized and allowed certain liquor license holders to sell cocktails “to go” under the provisions set forth in such Emergency Order.
2. Sections 1 through 5, inclusive, of Emergency Order 20-05 are hereby re-issued and effective upon execution of this Emergency Order.
3. Sole Discretion. It is within the sole authority and discretion of the Local Liquor Commissioner to approve, deny, suspend, revoke, or make conditional any activities permitted under this Emergency Order 21-01, in the interest of public health, safety or welfare.
4. Termination of this Emergency Order 21-01. This Emergency Order shall terminate upon the occurrence of one of the following: (i) the Mayor repealing this Emergency Order; (ii) the City Council repeals Ordinance Numbers 2020-03-015 and 2020-04-24; or (iii) the applicable provisions regarding the sale of cocktails “to go”, set forth in Emergency Order 20-05, are enacted into Chapter 3 of the Urbana City Code.

DATE: 06/09/2021


Diane Wolfe Marlin, Mayor

ATTEST: 
City Clerk or Deputy City Clerk

**COVID-19 RELATED
EMERGENCY ORDER**



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

**EMERGENCY ORDER 20-05
ALCOHOLIC LIQUOR – COCKTAILS “TO GO”**

Effective Date: Friday, June 5, 2020 until further notice

EXPLANATION: This emergency order authorizes certain liquor license holders to prepare and sell alcoholic liquor cocktails “to go” for off-premises consumption.

AUTHORITY TO ISSUE EMERGENCY ORDER: House Bill 2682 which Governor Pritzker signed into law on June 2, 2020 (“HB 2682”).

ISSUER OF EMERGENCY ORDER 20-05: Diane Wolfe Marlin, Mayor.

Pursuant to HB 2682 and Ordinance Nos. 2020-03-015 and 2020-04-24, I, Diane Wolfe Marlin, Mayor and Local Liquor Commissioner of the City of Urbana, Illinois, do hereby issue the following Emergency Order 20-05.

1. Sale of cocktails “to go” for off-premises consumption.

The Mayor and Local Liquor Commissioner, in her sole discretion and upon her receipt of a written request from any one or more of the following liquor license holders, which written request bears the original signature of a duly authorized representative of the said licensee, may sell cocktails “to go” as provided in this Emergency Order 20-05.

For the period June 5, 2020 through June 30, 2020, Class A licensees (bars); Class R-1 licensees (restaurants authorized to sell spirits as defined in the Liquor Control Act of 1934, 235 ILCS 5/1-3.0) and MB-2 licenses (microbrewers).

For the period August 1, 2020 through June 2, 2021, or sooner as otherwise provided in this Emergency Order 20-05, Class A licensees (bars); Class MB-2 licensees (microbrewers) and Class R&T licensees (restaurants and taverns).

2. Conditions pursuant to which cocktails “to go” may be sold. The above-listed liquor licensees may sell cocktails “to go” for off premises consumption pursuant to the guidelines issued by the Illinois Liquor Control Commission – “COVID-19 Related Action – Sales and Delivery of “To Go” Mixed Drinks/Cocktails”, issued on June 2, 2020, a copy of which is appended hereto and incorporated into this Emergency Order No. 20-05.

3. Insurance Requirements. Liquor licensees are advised that dram shop/liquor liability insurance policies must be maintained in full force and effect at all times when selling cocktails “to go” for off-premises consumption and that such insurance policies allow for the sale and delivery, whether by the licensee or a third-person, of cocktails “to go” for off-premises consumption.

4. State Law Requirements. Liquor licensees are encouraged to verify with the Illinois Liquor Control Commission whether their particular State-issued liquor licenses will permit the sale of

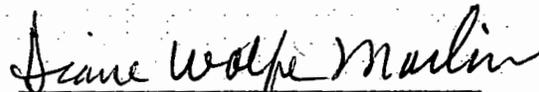
cocktails “to go” for off premises consumption and for the delivery of cocktails “to go.” Licensees remain responsible for complying with all other requirements and provisions of State Law.

5. City Ordinance Requirements. Liquor licensees shall remain responsible for complying with all other requirements and provisions of the Urbana City Code including, but not necessarily limited to Chapter 3 – “Alcoholic Liquors.”

6. Sole Discretion. It is within the sole discretion of the Local Liquor Control Commissioner to approve, deny, suspend, revoke, or make conditional any activities permitted under this Emergency Order 20-05, in the interest of public health, safety, or welfare.

7. Termination of Emergency Order 20-05. This Emergency Order shall terminate upon the earlier of (i) the Mayor repealing this Emergency Order; (ii) the City Council’s repeal of Ordinance Nos. 2020-03-015 and 2020-04-24; or (iii) June 2, 2021.

DATE: 06-05-2020


Diane Wolfe Marlin, Mayor

ATTEST: Wendy M. Bandy
City Clerk or Deputy City Clerk