



MEMORANDUM

TO: Urbana City Council
FROM: Mayor Diane Wolfe Marlin
DATE: 23 May 2022
RE: Repealing Emergency Order 20-06

On June 20, 2020, Emergency Order 20-06 was issued in response to the COVID-19 Pandemic to temporarily suspend parts of the City's ordinances governing use of City sidewalks and privately-owned sidewalks and parking lots to allow for use by Urbana retail and service businesses:

- *Urbana City Code Chapter 20, "Public Right-of-Way and other Public Places: Sections 20-301 (delivery or sale of merchandise on sidewalks);*
- *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).*

On July 13, 2020, City Council adopted Ordinance 2020-07-037 ratifying Emergency Order 20-06 issued by the Mayor.

As the current status of the COVID-19 Pandemic is no longer having significant impact on retail sales and services, and the provisions of this Emergency Order are no longer necessary, Emergency Order 20-06 should be repealed.

ORDINANCE NO. _____

**AN ORDINANCE REPEALING ORDINANCE 2020-07-037
PERTAINING TO RATIFICATION OF EMERGENCY ORDER 20-06**

WHEREAS, on March 16, 2020, the City Council adopted Ordinance 2020-03-015, being a Temporary Emergency Ordinance to Address the COVID-19 Pandemic; and,

WHEREAS, Ordinance 2020-03-015 authorized the Mayor to issue a Temporary Emergency Declaration and vested the Mayor with certain emergency powers and authority to address the public health emergency; and,

WHEREAS, Section 13 of Ordinance 2020-03-015 provides that all emergency orders issued by the Mayor are subject to review and ratification by the City Council; and,

WHEREAS, on June 30, 2020, the Mayor issued Emergency Order 20-06 with regard to certain right-of-way usage within the City; and,

WHEREAS, on July 13, 2020, the City Council adopted Ordinance 2020-07-037 which ratified Emergency Order 20-06 issued by the Mayor; and,

WHEREAS, the current status of the COVID-19 Pandemic is no longer having the impact as it had at the time Emergency Order 20-06 was issued; and,

WHEREAS, the provisions of Emergency Order 20-06 are no longer necessary; and,

WHEREAS, Section 1 of Ordinance 2020-07-037 provides that the City Council has the authority to repeal such ordinance prior to the lifting or termination of the Governor's disaster declaration and the Mayor's Declaration of Emergency.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana,

Champaign County, Illinois, as follows:

Section 1. Upon the effective date of this Ordinance, Ordinance 2020-07-037 is hereby superseded and repealed, and the underlying Emergency Order ratified by such ordinance shall no longer be in effect.

Section 2. This Ordinance shall become effective immediately upon its passage and approval as required by law.

PASSED BY THE CITY COUNCIL this ____ day of May 2022.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of May, 2022.

Diane Wolfe Marlin, Mayor

ORDINANCE NO. 2020-07-037

AN ORDINANCE RATIFYING EMERGENCY ORDER NO. 20-06

(Temporary Suspension of Certain Ordinances to Allow for Retail Sales and Services on Sidewalks and Parking Lots)

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 power and perform 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 passed Ordinance No. 2020-03-015, authorizing the Mayor to issue general orders that have the force and effect of law 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; and

WHEREAS, on April 16, 2020, the City Council passed Ordinance No. 2020-04-024, reaffirming Ordinance No. 2020-03-015 and reissuing the Mayor's authority to issue a temporary declaration of emergency; and

WHEREAS, for any order issued pursuant to Ordinance Nos. 2020-03-015 and 2020-04-024 to remain in force, said Ordinances require the City Council to ratify the order by majority vote at its subsequent regular meeting; and

WHEREAS, on June 30, 2020, pursuant to Ordinance Nos. 2020-03-015 and 2020-04-024, the Mayor issued Emergency Order No. 20-06, temporarily suspending certain City ordinances to allow for retail sales and services on sidewalks and parking lots; and

WHEREAS, the City Council, after due consideration, finds that ratifying Emergency Order No. 20-06 will protect the public health, safety, and welfare.

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

Section 1.

The City Council hereby confirms and ratifies Emergency Order No. 20-06, attached hereto and hereby incorporated by reference, as issued by the Mayor on June 30, 2020.

Section 2.

The City Council hereby confirms and ratifies all actions undertaken by the City of Urbana pursuant to Emergency Order No. 20-06 prior to the adoption of this Ordinance.

Section 3.

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.

Section 4.

This Ordinance shall be in full force and effect from and after its passage.

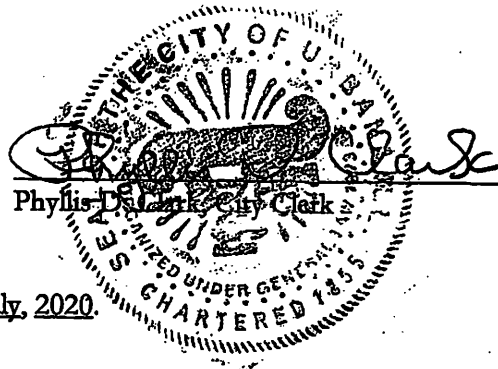
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 13th day of July, 2020.

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

NAYS:

ABSTENTIONS:



APPROVED BY THE MAYOR this 14th day of July, 2020.

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

COVID-19 RELATED EMERGENCY ORDER



EMERGENCY ORDER NO. 20-06

TEMPORARY SUSPENSION OF CERTAIN CITY OF URBANA ORDINANCES TO ALLOW FOR RETAIL SALES AND SERVICES ON CITY SIDEWALKS OR RETAIL ESTABLISHMENTS'/SERVICE PROVIDERS'-OWNED SIDEWALKS AND PARKING LOTS

Effective Date: Upon execution of this Emergency Order No. 20-06 by the Mayor.

EXPLANATION: This Emergency Order temporarily suspends parts of the City's ordinances governing use of City sidewalks and privately-owned sidewalks and parking lots to allow for use by Urbana retail and service businesses.

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 Restore Illinois Plan - Phase 4 Guidelines, <https://coronavirus.illinois.gov/s/restore-illinois-phase-4>; <https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-recreation/>.

ISSUER OF EMERGENCY ORDER 20-06: 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. 20-06 expires.

Urbana City Code Chapter 20, "Public Right-of-Way and other Public Places: Sections 20-301 (delivery or sale of merchandise on sidewalks);

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).

Applications for City-owned sidewalk right-of-way use permits shall be required. Permit applications should include detailed plans that (i) identify the specific outdoor space (public sidewalk or other similar outdoor space to the extent the City approves) that they intend to use for outdoor retail sales or the provision of services, (ii) the arrangement of the fixtures and equipment necessary to conduct retail sales or perform services 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 or the State of Illinois.

To the extent that a City-approved application to open and operate outdoor retail sales or provision of services 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 a permit to open and offer outdoor retail sales and/or provide outdoor services on public property.

2. Outdoor Café Emergency Order: This Emergency Order 20-06 shall not be deemed or construed as voiding any part of Emergency Order 20-04 concerning the operation of outdoor cafés.

3. Duration of Temporary Suspension of Certain City Ordinances: This Emergency Order 20-06 shall expire on the later of (i) when the Governor issues an emergency order or suspends an existing emergency order so that the sale of retail merchandise and the provision of services 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 20-06.

DATE: 30 June 2020

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

ATTEST:

