

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, the Mayor issued her Temporary Declaration of Emergency pursuant to said Ordinance 2020-03-015; 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, the City Council deems it necessary and appropriate to authorize the Mayor to reissuance of her Temporary Declaration of Emergency in substantially the form in which it was issued on March 16, 2020 in order to protect and preserve the health, safety and welfare.

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 – Reissuance of Mayor's Temporary Declaration of Emergency of this Ordinance 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 – Duration of Powers and Authority of 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 the form previously approved by the City Council on March 16, 2020 by 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 2020-04-024 and Ordinance 2020-03-015 which repeal shall nullify any and all Temporary Declarations of Emergency 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 her Emergency Order 20-01 (pertaining to sale of package liquor) and Emergency Order 20-02 (pertaining to private ambulance service staffing and response times) until such time as when they are lifted, terminated or repealed as provided in this Ordinance 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. 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 ___ Day of _____, 2020.

AYES:

NAYS:

ABSTENTIONS:

ATTEST:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ Day of _____, 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 o’clock a.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, the same will expire on the sooner of 30 days from the date this Temporary Declaration of Emergency has been issued or as provided in Ordinance No. 2020-03-015, or 2020-04-024, or the City Council’s repeal the of these aforesaid ordinances.

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.

This Temporary Declaration of Emergency is effective at _____ o'clock ____m. on the _____ day of _____, 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 _____ day of _____, 2020.

Notary Public.