

ORDINANCE NO. 2020-06-033

**RATIFICATION OF EMERGENCY ORDER 20-05
SALE OF COCKTAILS “TO GO” FOR OFF PREMISES CONSUMPTION**

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 June 2, 2020, Illinois Governor Pritzker signed into law House Bill 2682 that provides that certain holders of state liquor licenses, and where applicable, local liquor licenses may sell cocktails “to go” under certain conditions; and

WHEREAS, on June 2, 2020, the Illinois Liquor Control Commission issued certain guidelines and conditions pursuant to which holders of liquor licenses may sell cocktails “to go” for off premises consumption; 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 No. Order 20-05 and Illinois Liquor Control Commission’s guidelines referenced and incorporated in Emergency Order 20-05 and believes that the said Emergency Order will benefit 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 No. 20-05 and the Illinois Liquor Control Commission's guidelines incorporated into the said Emergency Ordinance, hereby ratifies and confirms the Emergency Order No. 20-05 and the same shall remain in full force and effect according to the terms stated therein.

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 date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

Wendy M. Hundley, Deputy City Clerk

APPROVED BY THE MAYOR this date day of Month, Year.

Diane Wolfe Marlin, Mayor

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. Bundy
City Clerk or Deputy City Clerk



Governor JB Pritzker
Cynthia Berg, Chair
Chimaobi Enyia, Executive Director

100 West Randolph Street, Suite 7-801, Chicago, IL 60601
300 West Jefferson Street, Suite 300, Springfield, IL 62702

Illinois Liquor Control Commission
COVID-19 Related Action
Sales and Delivery of "To Go" Mixed Drinks/Cocktails
June 2, 2020

Local municipalities may prohibit or further restrict the sales and delivery of "to go" mixed drinks/cocktails. Licensed retailers should contact the local liquor control commissioner prior to engaging the sales and delivery of "to go" mixed drinks/cocktails to ensure compliance with local laws.

A State of Illinois retailer's licensee (1A License holders) may sell and deliver "to go" mixed drinks/cocktails for off-premises consumption strictly under the following conditions:

1. A mixed drink/cocktail is any alcoholic liquor (beer, wine, spirits) mixed with a non-alcoholic beverage such as "fruit juice, lemonade, cream, or a carbonated beverage."
2. The mixed drink/cocktail container shall be:
 - a. New/unused and rigid. A rigid container includes glass, metal, or ceramic material. A rigid container does not include plastic, paper, or Styrofoam;
 - b. Sealed with a secure cap or lid that is tamper-proof or tamper-evident (includes wax-dip seals and heat shrink wrap covers). The lid shall not have sipping holes or holes designed for straws.
 - c. Filled and sealed by the retailer's employee;
 - d. Labeled in the following manner:
 - i. The name of the mixed drink/cocktail ingredients, type, and name of the alcohol;
 - ii. The name, license number, and address of the retail licensee that filled the container and sold the product;
 - iii. The volume of the mixed drink/cocktail in the container; and
 - iv. The date the container was sealed. The sealed container must be filled less than 7 days before the date of sale.
3. The mixed drink/cocktail **may** be transferred to the consumer in the following manner:
 - a. Inside the licensed business over the counter; or
 - b. Curbside delivery by a retailer employee; or
 - c. Home delivery by a retailer employee.
4. The mixed drink/cocktail **shall not** be transferred to the consumer:
 - a. By way of drive-through service; or
 - b. Home delivery by a third-party delivery company. **Delivery by third party delivery companies is not permitted.**
5. The retailer employee transferring the mixed drink/cocktail shall:

- a. Hold a valid server training certificate by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer;
 - b. Be 21 years of age or older;
 - c. Comply with any requirements of the Governor's executive orders declaring a disaster, including, but not limited to, wearing gloves and a mask and maintaining distancing requirements when interacting with the public.
 - d. Verify the age to whom the mixed drink/cocktail is delivered **(if the employee delivering the cocktail is not able to safely verify a person's age and level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the retail license holder).**
 - e. For curbside or home deliveries, place the sealed container in the vehicle trunk or (if no trunk) other vehicle compartment not readily accessible to the passenger area.
6. Mixed drink/cocktail delivery is limited to holders of State of Illinois retailer liquor licenses ("1A Licenses").
 7. No licensee authorized by law to manufacture alcoholic liquor shall conduct mixed drink/cocktail deliveries pursuant to 235 ILCS 5/6-28.8. This prohibition includes all manufacturer class license holders (as defined in Section 5/5-1(a) of the Liquor Control Act), wine-maker's premises, brew pubs, and distilling pubs.
 8. Licensees authorized to manufacture alcoholic liquor may continue to temporarily deliver alcoholic liquor pursuant to guidance issued by the State Commission on March 19, 2020 Entitled "Illinois Liquor Control Commission, COVID-19 Related Actions, Guidance on Temporary Delivery of Alcoholic Liquor."

The authority to sell mixed drinks/cocktails (under the conditions set forth herein) is scheduled to expire on June 2, 2021