

ORDINANCE NO. 6778

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, PROVIDING A TEMPORARY WAIVER OF RIGHT-OF-WAY USE PERMIT FEES, SET FORTH IN ACC SECTIONS 12.60.020 AND 12.60.025 FOR OUTSIDE RESTAURANT SEATING, IN RESPONSE TO THE PHASED OPENING OF COMMERCIAL BUSINESSES FOLLOWING THE COVID-19 DECLARED PUBLIC HEALTH EMERGENCY.

WHEREAS, earlier this year, the World Health Organization has announced novel coronavirus (COVID-19) is officially a global pandemic; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency because of COVID-19; and

WHEREAS, the Washington Governor also declared a State of Emergency due to new cases of COVID-19; and

WHEREAS, on March 5, 2020, the Mayor proclaimed a local emergency due to growing public health impacts of COVID-19, which the Auburn City Council ratified by Resolution No. 5504; and

WHEREAS, the COVID-19 outbreak presents an extreme risk of person-to- person transmission of the virus and public health experts worldwide advise the best way to prevent transmission of the virus is to prevent infected people from coming in close contact with healthy persons; and

WHEREAS, following recommended public health best practices, including social distancing, which is critical to mitigate the spread of COVID-19, is having significant negative economic effects on the national, regional, and local economy, in particular small

businesses and workers in the Auburn-area who cannot work remotely, including those related to restaurants; and

WHEREAS, as the business-related restrictions are relaxed in phases, including opening of restaurants with significantly reduced capacities, flexibility in allowing use of outdoor areas, including some City rights-of-way, could help some restaurants survive during these challenging times; and

WHEREAS, the Auburn City Code ("ACC") includes several provisions identifying different types of right-of-way use permits, including ACC Section 12.60.025; and

WHEREAS, ACC Section 12.60.020 sets forth right-of-way use permit application process and fee; and

WHEREAS, the waiver of such permit fees would forego moderate revenue to the City, but the assistance to restaurants that may be able to use public right-of-way to expand the area within which customers could be served – in light of appropriate social distancing standards and customer health concerns – could help struggling restaurant businesses survive and help keep the restaurant employees who depend on the jobs that have been impacted and jeopardized by the coronavirus shut-downs employed; and

WHEREAS, to assist in the recovery of restaurant related businesses, it is reasonable that the City temporarily waive the fees for right-of-way use permits for outdoor restaurant purposes through September 15, 2020 or until the City enters Phase 4 of the Governor's Safe Start plan, whichever occurs first.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Temporary Waiver of Certain ROW Use Permit Fees. The imposition and collection of fees for right-of-way use permits, per ACC Section 12.60.020-25, for outdoor restaurant seating purposes shall be waived for such use through September 15, 2020 or until the City enters Phase 4 of the Governor's Safe Start plan, whichever occurs first.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. Severability. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____