

RESOLUTION NO. 37-20

**A RESOLUTION OF THE CITY OF WEST RICHLAND
AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO
ISSUE TEMPORARY WAIVERS TO CERTAIN CITY
REGULATIONS IN ORDER TO PROMOTE LOCAL BUSINESSES
OPERATING UNDER *SAFE START – WASHINGTON'S PHASED
REOPENING PLAN*.**

WHEREAS, the City of West Richland is a first class charter city organized under Article XI, Section 10 of the Washington State Constitution; and

WHEREAS, the Revised Code of Washington (RCW) Section 38.52.070 authorizes all political subdivisions of this State to exercise emergency powers within their own jurisdictions under defined circumstances; and

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death for certain vulnerable members of West Richland's population, and is transmissible from person-to-person; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus beginning on January 27, 2020; and

WHEREAS, on February 29, 2020, Governor Jay Inslee declared that a state of emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, beginning on March 11, 2020, the President of the United States, Donald J. Trump, directed the Federal Government to take numerous emergency measures to address the unprecedented nature of this public health crisis, including restrictions on all foreign travel outside United States of America due to the number of confirmed cases of COVID-19 in the United States; and

WHEREAS, on March 17, 2020, West Richland Mayor Brent Gerry signed a Proclamation of the City of West Richland declaring that a state of emergency exists within the City due to the impacts of COVID-19; and

WHEREAS, on March 24, 2020, Governor Inslee issued Proclamation No. 20-25, referred to as the *Stay Home – Stay Healthy* order, which directed all people in the State of Washington to cease leaving their homes except for essential activities; and

WHEREAS, on June 1, 2020, Governor Inslee's Proclamation No. 20-25.4, which provides a county-by-county phased reopening plan referred to as *Safe Start – Washington's Phased Reopening Plan*, superseded the governor's previously issued *Stay Home – Stay Healthy* directive; and

WHEREAS, on July 2, 2020, Governor Inslee authorized Benton County to move immediately into a modified Phase 1.5 of Washington's *Safe Start* reopening plan, which allows restaurants to reopen patron dining using outdoor seating only at 50% of existing outdoor capacity; and

WHEREAS, businesses authorized to reopen under modified Phase 1.5 must adhere to the Washington State Department of Health's guidance, and commit to the following: sign a business pledge that it will follow all COVID-19 guidance; complete a COVID-19 Safety Plan and submit it to Benton County; post the COVID-19 Safety Plan at the front of the business; require face coverings for employees and customers; and post signs stating that face coverings are required; and

WHEREAS, in order for the City of West Richland to do its part in the reopening of Washington's economy, the City Council finds it appropriate to authorize the City Community Development Director to issue temporary waivers to certain local regulations in order for West Richland businesses to maximize the effectiveness of the Governor's relaxation of the previously imposed COVID-19 restrictions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Richland as follows:

Section 1. The City Community Development Director is hereby delegated the power and authority to issue temporary waivers of restrictions in the West Richland Municipal Code that would impose limits on the use of outdoor portions of commercial or city-owned property or right-of-way for dining or service, including provisions that prohibit the use of parking spaces for such activity, and local provisions that restrict the ability of local businesses to erect temporary shade structures to support such activity.

Section 2. Waivers granted under this Resolution will be in writing, will identify specific safety and health criteria to be followed, and will require reasonable insurance and indemnification assurances from participating businesses if located in rights-of-way.

Section 3. Nothing in this Resolution shall waive any State requirements, including any requirements relating to the sale or service of alcoholic beverages.

Section 4. This Resolution and the authority granted herein shall be effective for a period of sixty (60) days from the date of its approval unless terminated earlier by action of the City Council.


Section 5. If the State of Emergency declared by Governor Inslee's Proclamation 20-25 as amended expires or is terminated, this Resolution and the authority granted herein shall terminate immediately.

Section 6. This Resolution and the authority granted herein may be extended, expanded, or renewed by subsequent action of the City Council.

Section 7. Should any provision of this Resolution conflict with any state or federal or constitutional provision, the conflicting provision will be deemed invalid and severed from this Resolution, with the remainder of this Resolution remaining in full force and effect.

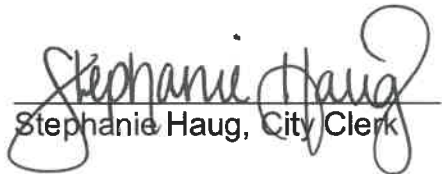
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of West Richland, Washington, at a special meeting on the 9th day of July, 2020.



Brent Gerry, Mayor

Attest:



Stephanie Haug, City Clerk

Approved as to form:

Bronson Brown, City Attorney