

ORDINANCE NO. 1448

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, SUSPENDING CERTAIN PROVISIONS OF CHAPTER 17.65 GHMC AND FEES ASSOCIATED WITH CHAPTER 12.02 GHMC FOR A LIMITED DURATION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 13, 2020, the Mayor of the City Gig Harbor issued a Proclamation of Emergency declaring that an emergency exists within the City of Gig Harbor due to the outbreak of novel coronavirus (COVID-19); and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency due to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, Governor Inslee issued a proclamation closing restaurants, bars, entertainment and recreation venues, and certain service businesses in order to promote social distancing and self-isolation and therefore slow the spread of COVID-19. The closure does not affect grocery stores, pharmacies, gas stations, and convenience stores; and

WHEREAS, as people self-isolate and social distance, access to groceries, pharmaceuticals, and other retail goods is imperative and should be facilitated; and

WHEREAS, many local businesses have been closed since March due to the health emergency which has affected local jobs and economy; and

WHEREAS, on May 29, 2020, Washington Governor Jay Inslee issued Order 20-25.3 "Safe Start – Stay Healthy" Phased Reopening Plan,

WHEREAS, Chapter 17.65 of the Gig Harbor Municipal Code (GHMC) requires a Special Use permit to be obtained by a business or entity to temporarily locate a use in an unapproved area; and

WHEREAS, Chapter 12.02 of the Gig Harbor Municipal Code (GHMC) requires an Encroachment Permit be obtained before work is commenced on any public right-of-way or easement in the City; and

WHEREAS, the Mayor determined that it was necessary to take action under the authority of Revised Code of Washington (RCW) 38.52.070 and GHMC 9.12.020 to temporarily suspend GHMC 17.65.020, GHMC 17.65.050 and temporarily waive fees associated with 12.02 GHMC only for retail businesses with a physical location within the City of Gig Harbor with an existing approved Gig Harbor Business License;

WHEREAS, on June 5, 2020, Mayor Kuhn issued an additional emergency declaration temporarily suspending certain provisions of Chapter 17.65 GHMC and fees associated with Chapter 12.02 GHMC; and

WHEREAS, the Gig Harbor City Council took formal action to temporarily suspend certain provisions of Chapter 17.65 GHMC and fees associated with Chapter 12.02 GHMC to approve and ratify the actions of the Mayor on July 27, 2020 by adoption of Ordinance 1445; and

WHEREAS, Ordinance 1445 is set to expire on December 31, 2020; and

WHEREAS, Pierce County remains in Phase 2 of the “Safe Start Washington” Order and the City Council wishes to extend temporary provisions;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Certain Code Provisions Suspended. The provisions of Chapter 17.65.020 and 17.65.050 GHMC and fees associated with Chapter 12.02 are hereby suspended subject to the following: Must be an existing business with a physical location within the City of Gig Harbor carrying an existing approved Gig Harbor Business License. Temporary suspension of Special Use provisions does not grant a use to a property or business that has not already been approved by the City of Gig Harbor. These provisions apply to businesses for COVID-19 purposes only.

Section 2. Enforcement. Any business found to be operating in violation of this Ordinance will be subject to Code Enforcement per Chapter 19.16 GHMC.

Section 3. Consistency with Governor’s Proclamation 20-25.4. All businesses are lawfully required to maintain consistency with the Governor’s Orders/Proclamations or other federal or state law. This Ordinance does not grant exemptions to the Governor’s Orders/Proclamations or relief from any federal or state law.

Section 4. Duration of Suspension. The suspensions provided for in this Ordinance shall remain in effect until December 31, 2021 or until 90-days after Statewide COVID-19 Emergency Order is lifted, whichever is later.

Section 5. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/ clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

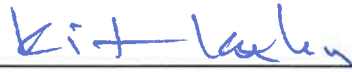
Section 6. Ratification. All actions taken in furtherance of and not inconsistent with this Ordinance are ratified and confirmed in all respects.

Section 7. Severability. The provisions of this Ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 8. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 23rd day of November, 2020.

CITY OF GIG HARBOR

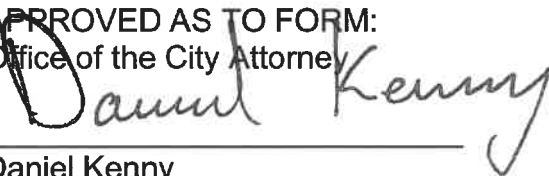


Mayor Kit Kuhn

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney


Daniel Kenny

FILED WITH THE CITY CLERK: 11/13/2020
PASSED BY THE CITY COUNCIL: 11/23/2020
PUBLISHED: 12/3/2020
EFFECTIVE DATE: 12/8/2020
ORDINANCE NO: 1449