



Emergency Executive Order No. 2020-010

Restaurant and Retail COVID-19 Recovery Plan – Temporary Outdoor Use

Purpose:

To establish a Recovery Plan for Restaurant and Retail businesses impacted by the COVID-19 Public Health Emergency, and allowing for temporary outdoor use of the Public Right-of-Way.

Discussion:

- I. On February 29, 2020, Washington State Governor Jay Inslee proclaimed a State of Emergency due to the public health emergency posed by the spread of the SARS-CoV-2 virus that causes the coronavirus disease COVID-19.
- II. On March 2, 2020, Mayor Thomas proclaimed a State of Emergency in the City of Monroe due to the SARS-CoV-2 virus that causes the coronavirus disease COVID-19.
- III. Pursuant to chapter 38.52 Revised Code of Washington and chapter 2.60 Monroe Municipal Code, Mayor Thomas has broad authority to issue, amend, and rescind orders, rules, and regulation on matters reasonably related to the protection of life, property and economic well-being in responding to a proclaimed emergency.
- IV. The current and ongoing COVID-19 emergency has resulted, and continues to result, in financial hardship for many businesses in and residents of Monroe.
- V. On November 15, 2020, Governor Jay Inslee issued Proclamation 20-25.8 – Rollback of County-by-County Phased Reopening – enacting restrictions upon Restaurants and Bars, and closing the same to indoor dining.
- VI. Without the emergency action set forth in this Executive Order, a significant probability exists that the continued operation of many Monroe restaurants will become economically unviable, leading to temporary and/or permanent closures of such businesses.

Action:

Pursuant to my Proclamation of Emergency, issued March 2, 2020, and in further utilization of the emergency powers granted under Section 38.52.070 of the Revised Code of Washington and Section 2.60.050 of the Monroe Municipal Code:

Effective immediately, restaurants may receive City authorization to establish temporary outdoor dining areas in up to two (2) parking spaces in the public right-of-way that are situated immediately in front of the restaurant's storefront by applying for a Sidewalk Use Permit in accordance with Chapter 12.30 MMC. Permits authorizing the use of such parking spaces shall be issued under the following guidelines:

1. Applications shall be for a Sidewalk Use Permit under the terms and requirements of, and shall be evaluated under, Chapter 12.30 of the Monroe Municipal Code, except to the extent provided in this Order and/or to the extent that the context clearly provides otherwise. Without limitation of the foregoing, for purposes of this Order all references to “sidewalk” in Chapter 12.30 MMC shall be construed as referring to the parking space(s) within the adjacent public right-of-way for which the temporary outdoor dining use is proposed.
2. No fees will be charged by the City of Monroe for applications received pursuant to this Order. Other fees may apply for approvals from other agencies.
3. Without limitation of or prejudice to the City’s authority under Chapter 12.30 MMC, the City may impose such conditions, limitations and/or restrictions upon any Sidewalk Use Permit issued under this Order as deemed reasonably necessary by the City to protect the public health, safety and welfare.
4. Any business owner or operator to whom a Sidewalk Use Permit has been issued under this Order shall be solely responsible for ensuring compliance with all applicable permit requirements, laws, regulations, ordinances, policies and other legal requirements applicable to the owner/operator’s business operation, specifically including without limitation all applicable requirements imposed by the Washington Governor’s Office and the Snohomish Health District. Nothing in this Order, or any permit issued hereunder, shall be construed as excusing such compliance except as expressly set forth herein.
5. The City reserves the right, under the terms and requirements of Chapter 12.30 of the Monroe Municipal Code, to revoke a Sidewalk Use Permit issued under this Order, and to order a business operator or owner and remove a temporary use that (i) creates an obstruction to, or causes congestion of, or interferes with safe pedestrian access or vehicular access; (ii) fails to comply with any applicable state or federal laws or regulations, including but not limited to, the Americans with Disabilities Act; (iii) the business operations present a danger to the health, safety, or general public welfare; or (iv) the business operator or owner violates any regulations of this Order.
6. The City reserves the right to order a business operator or owner to remove a use authorized under this Order if City requirements or utility company requirements have franchise or other right to the right-of-way that may be impacted by the temporary use. The business operator or owner shall be responsible to the City for any removal costs if the business owner or operator fails to remove the temporary use within a

reasonable period of time after written notice from the City. The City will not be responsible for any damages or loss of any business property or business income.

7. The issuance of a Sidewalk Use Permit under this Order shall not prevent or otherwise limit the business operator or owner from utilizing the sidewalk area in addition to the approved on-street parking spaces, if expressly authorized by the same or a separate Sidewalk Use Permit.

Effective:

This Emergency Executive Order shall take effect and be in full force immediately upon signing, and shall remain in effect until cancelled, suspended, or upon the issuance of a proclamation ending the emergency, whichever shall occur first.

Council Presentation: Pursuant to MMC 2.60.050(C), this Order shall be presented to the Monroe City Council at the earliest practicable time following issuance.

Dated this 18th day of November, 2020



Geoffrey Thomas
Mayor