

## ORDINANCE NO. 1445

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, TEMPORARILY SUSPENDING PROVISIONS OF CHAPTER 17.65 GHMC AND FEES ASSOCIATED WITH CHAPTER 12.02 GHMC FOR THE DURATION OF THE EMERGENCY DECLARED BY THE MAYOR; RATIFYING AND APPROVING THE MAYOR'S ACTIONS RETROACTIVE TO JUNE 5, 2020; DECLARING AN EMERGENCY AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

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**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 has determined that it is 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 concurs with the Mayor that this is a necessary measure to assist local business operation consistent with the Governor's "Safe Start Washington"; and

**WHEREAS**, the Gig Harbor City Council has decided to take 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;

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 retail 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.

**Section 2. Ratification.** To the extent required by law, the Gig Harbor City Council hereby ratifies and approves the emergency proclamation issued by the Mayor on June 5, 2020. This ratification and approval, and the suspension provided in this Ordinance, is retroactive to June 5, 2020, at the time the Mayor issued the emergency proclamation.

**Section 3. Enforcement.** Any business found to be operating in violation of this Ordinance will be subject to Code Enforcement per Chapter 19.16 GHMC.

**Section 4. 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 5. Duration of Suspension.** The suspensions provided for in this Ordinance shall remain in effect until August 1, 2020 or until Pierce County enters Phase 3 of the Governor's Order, whichever comes first.

**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. Declaration of Emergency – Immediate Effective Date.** For the reasons set forth in this Ordinance and in the emergency proclamations of Mayor Kuhn, Governor Inslee, and President Trump, the Gig Harbor City Council finds and declares that a public emergency exists due to the outbreak of COVID-19 that makes this Ordinance necessary for the immediate protection of the public health, public safety, public property, and public peace. This Ordinance, having been declared an emergency and having received the affirmative votes of at least a majority plus one of the whole membership of the Gig Harbor City Council, is not subject to referendum and shall become effective immediately upon adoption. The City Clerk shall publish this Ordinance or a summary thereof in the ordinary course of business.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 8th day of June, 2020.

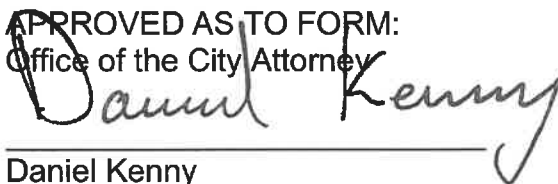
CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

  
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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Daniel Kenny

FILED WITH THE CITY CLERK: 06/04/2020  
PASSED BY THE CITY COUNCIL: 06/04/2020  
PUBLISHED: 06/11/2020  
EFFECTIVE DATE: 06/08/2020  
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