

RESOLUTION NO. 2021 – 40

A RESOLUTION of the City Council of Ellensburg, extending the ability of restaurants in certain areas of downtown Ellensburg to obtain permits to operate streateries on a temporary basis pending the development and adoption of permanent regulations.

WHEREAS, A state of emergency exists in Washington State due to the current COVID-19 outbreak, and

WHEREAS, due to the rising number of COVID-19 cases in Washington last year, Governor Inslee issued Proclamations 20-25, *et seq.*, "Stay Safe - Stay Healthy," which at the time reduced restaurant operations occupancy; and

WHEREAS, Governor Inslee issued Proclamation 20-25.13, "Healthy Washington Roadmap to Recovery, on May 21, 2021, which moved all Washington counties into Phase 3, which also limited the capacity of restaurants and other businesses to serve customers; and

WHEREAS, as a result of the previous restrictions on restaurant capacities during the COVID-19 emergency, the Ellensburg City Manager, as authorized by City Council Resolution 2020-05, issued City Management Emergency Order 2020-03, which allowed restaurants in certain areas in the downtown area of the City of Ellensburg to obtain a permit to operate, under certain conditions, on the sidewalks adjacent to their storefronts and also operate "streateries" in portions of the street immediately in front of their businesses; and

WHEREAS, City Management Order 2020-03 was subsequently amended and extended by City Management Orders 2020-03-A, 2020-03-B and 2020-03-C, which was then extended to December 31, 2021 by City Council Resolution 2021-20; and

WHEREAS, City Council held a study session to discuss streateries on November 15, 2021, and directed City staff to provide recommendations for permanent regulation of streateries;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ellensburg, Washington, as follows:

Section 1. The City Council finds that the facts set forth in the recital paragraphs of this Resolution support and justify the actions taken herein.

Section 2. All streateries currently permitted under City Manager Order 2020-03, as amended, shall be allowed to continue operating until June 30, 2022, or such time as the effective date City Council may adopt an ordinance regulating "streateries" on a permanent basis, whichever occurs first. No new streateries shall be permitted to operate until such time as the City adopts permanent regulations for streateries.

Section 3. Through the continued temporary operation period for streateries authorized herein, any restaurant operating a permitted streatory shall clear snow and debris from

all surrounding sides of the streatory to the extent of the restaurant's storefront consistent with the requirements in ECC 5.40.140 for clearing snow from sidewalks.

Section 4. Upon request from the City's Public Works & Utilities Department, restaurants may be required to remove their streatory for schedule and/or emergency road or utility maintenance.

Adopted by the City Council of the City of Ellensburg this 20th day of December, 2021.



MAYOR

Attest:



CITY CLERK