

# City of Oak Harbor

OFFICE OF THE MAYOR  
BOB SEVERNS  
MAYOR



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OAK HARBOR, WASHINGTON 98277  
(360) 279-4500

## Proclamation

- Whereas:** Governor Inslee issued Proclamation 20-05 on February 29, 2020, which declared a State of Emergency for all counties throughout Washington State, because of the coronavirus disease 2019 (“COVID-19”); and,
- Whereas:** Governor Inslee issued Proclamation 20-25, “Stay Home, Stay Healthy,” on March 23, 2020, which was amended on April 2, 2020, to prohibit all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein, through May 4, 2020; and,
- Whereas:** the Governor announced on May 1, 2020 that the “Stay Home, Stay Healthy” restrictions would remain in place at least through May 31, 2020, and implemented “Washington’s Phased Approach for Reopening Business and Modifying Physical Distancing Requirements;” and,
- Whereas:** because of these restrictions imposed on non-essential businesses, local merchants have experienced economic and financial hardships; and,
- Whereas:** on May 23, 2020, Governor Inslee granted permission for Island County to move to Phase 2 of the “Stay Home, Stay Healthy” orders allowing businesses to open, if they meet new guidelines and requirements outlined by the “Phased Approach for Reopening the State;” and,
- Whereas:** The City of Oak Harbor has an existing process to allow businesses and food service to take place outside of the business location on sidewalks and streets, known as a “Temporary Use Permit;” and,
- Whereas:** the Mayor has emergency powers because of COVID-19 under RCW 38.52.070 and OHMC Section 1.10.090 and Resolution 20-09; and,
- Whereas:** I, Beth Munns, Mayor Pro-Tem of the City of Oak Harbor, Washington, do hereby proclaim that authorization of certain retail sales and food service on City sidewalks, parking stalls, limited rights of ways, and private property, with limitations as described below, without requiring the \$25 fee for the Temporary Use Permit Application is necessary to mitigate the economic hardships currently experienced by local merchants for a period of 60 days from the date this Proclamation is signed or such other date as this Proclamation may be rescinded or amended.

The following regulations shall apply to all sidewalk sales:

1. Business must complete a Temporary Use Permit application and submit it to the City Building department for processing.
2. Businesses must meet requirements for occupancy and other guidelines as part of the Phased Approach plan.
3. "Sidewalk Sales" means retail sales or food service conducted adjacent to a business located in the City of Oak Harbor's Central Business District.
4. For retail businesses, Sidewalk Sales may be conducted between 11:00 a.m. and 6:00 p.m. For food service businesses, Sidewalk Sales may be conducted between 11:00 a.m. and 9:00 p.m. Or, during regular business hours, whichever is less.
5. A valid City of Oak Harbor business license must be present at all businesses conducting Sidewalk Sales.
6. At all times, Sidewalk Sales will leave an unobstructed pedestrian pathway of at least six (6) feet in width. Further, no Sidewalk Sale shall impede or impair emergency response service ingress and egress or impede or impair any emergency response service access to any fire hydrant or building. No Sidewalk Sale shall be located within 15 feet of a fire hydrant. No Sidewalk Sales shall obstruct a building's entrance, exit, driveway access, or cross walk.
7. Temporary/removable barriers shall be located to separate Sidewalk Sales from vehicular traffic, at all times that the Sidewalk Sales are taking place.
8. Sidewalk Sales are permitted on private property located in the Central Business District and the regulations contained herein shall apply. The private property owner shall be responsible for ensuring there is adequate insurance coverage.
9. Cooking, refrigeration, sinks, food preparation or other related operating equipment shall not be permitted outside.
10. Overhead coverings such as umbrellas, tents, and shelters shall be pre-approved and shall not encroach into the pedestrian pathway. Umbrellas may encroach when opened provided they are eight (8) feet above sidewalk grade in height.
11. Businesses cannot attach or secure any banners, sandwich boards, signs, or posters to light poles or street signs.
12. If changes to traffic patterns on public streets are necessary to conduct a Sidewalk Sale, the business owner shall obtain prior written approval from the City, in consultation with the Fire Chief, Police Chief, and Streets division in the Public Works department.
13. All food service businesses conducting Sidewalk Sales shall comply with all laws, ordinances, and regulations regarding food handling in an outdoor setting including, but not limited to, Island County Health Department regulations and Washington State licensing regulations.
14. Prior to any Sidewalk Sales, the business owner must coordinate with the Greater Oak Harbor Chamber of Commerce (GOHCC) or Oak Harbor Main Street Association (OHMSA) regarding outdoor vending.

15. Prior to any Sidewalk Sales, the business owner, GOHCC, or OHMSA shall coordinate with City staff to develop forms or other standard operating procedures designed to ensure that businesses utilizing Sidewalk Sales are operating in conformance with this Proclamation. Prior to any Sidewalk Sales, the business owner, GOHCC, or OHMSA shall procure and maintain liability insurance naming the City as an additional insured for negligent acts or omissions arising out of any Sidewalk Sale. Such insurance policy shall provide a minimum coverage of \$1,000,000 per occurrence and \$2,000,000 general aggregate and shall remain in place through and including August 1, 2020, or such other date as this Proclamation may be rescinded or amended.
16. The City reserves the right to order a business operator to remove Sidewalk Sales that (i) creates an obstruction to, or causes congestion, pedestrian or vehicular traffic; (ii) the business operations present a danger to the health, safety, or general public welfare; and (iii) the business operator violates these regulations in this Proclamation.

**Now Therefore,** WE, Beth Munns, Mayor Pro-Tem and Councilmembers of the City of Oak Harbor, do hereby proclaim

## ***Physical Distancing Vending***

*is encouraged in the City of Oak Harbor and the community is encouraged to support local businesses.*

*Signed this 2<sup>nd</sup> day of June, 2020*

  
Beth Munns, Mayor Pro-Tem