



City of Langley  
Mayor Tim Callison

## Building A Prosperous Community

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### CITY OF LANGLEY WASHINGTON PROCLAMATION

**WHEREAS**, Governor Inslee issued Proclamation 20-05 on February 29, 2020, which declared a State of Emergency for all counties throughout Washington state as a result 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 the restrictions imposed on non-essential businesses, local merchants have experienced economic and financial hardships; and

**WHEREAS**, on March 16, 2020, I executed an Emergency Proclamation in response to the COVID-19 virus, proclaiming a local emergency necessitating the use of emergency powers granted under RCW 38.52.070 and LMC Chapter 4.01; and

**WHEREAS**, on May 23, 2020 Island County has been granted permission to implement Phase 2 “Stay Home, Stay Healthy”

**WHEREAS**, in accordance with my March 16, 2020, Emergency Proclamation, I believe 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, is necessary to mitigate the economic hardships currently experienced by local merchants.

**NOW, THEREFORE**, I, Tim Callison, Mayor of Langley, Washington, do hereby proclaim that an emergency exists as described in my March 16, 2020 Emergency Proclamation and that further utilization of the emergency powers granted under RCW 38.52.070 and Chapter 4.01 LMC is necessary to authorize the above-described Sidewalk

Sales for a 30 day period from the date this proclamation is signed or such other date as this Proclamation may be rescinded or amended.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. "Sidewalk Sales" means retail sales or food service conducted on parking stalls adjacent to a business located in the City of Langley's Central Business Zone District.

2. For retail businesses, Sidewalk Sales may be conducted between 11:00am and 6:00pm. For food service businesses, Sidewalk Sales may be conducted between 11:00am and 9:00pm. During regular business hours.

3. A valid business license must be present at all businesses conducting Sidewalk Sales.

4. At all times, Sidewalk Sales will leave an unobstructed pedestrian pathway of at least six 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 fifteen feet of a fire hydrant. No Sidewalk Sales shall obstruct a building's entrance, exit, driveway access, cross walk.

5. Pre-approved removable barriers shall be located to separate Sidewalk Sales from vehicular traffic, at all times that the Sidewalk Sales are taking place.

6. Sidewalk Sales are permitted on private property located in the Central Business Zone District and the regulations contained herein shall apply. The private property owner shall be responsible for ensuring there is adequate insurance coverage.

7. Cooking, refrigeration, sinks, food preparation or other related operating equipment shall not be permitted outside.

8. 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 feet above sidewalk grade in height.

9. Heating elements are permitted but must be contained within the designated Sidewalk Sales area.

9. 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 and Police Chief.

10. 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.

11. Prior to any Sidewalk Sales, Chamber of Commerce 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 Chamber of Commerce 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 claim and shall remain in place through and including September 7, 2020, or such other date as this Proclamation may be rescinded or amended.

12. There are no application fees required for any business undertaking Sidewalk Sales.

13. The City reserves the right to order a business operator to remove Sidewalk Sales that (i) creates a obstruction to, or causes congestion or, 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.

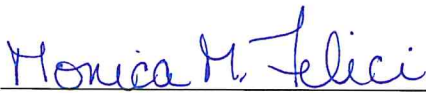
14. Additionally, the City may require removal, temporary or permanent, of the Sidewalk Sales due to city requirements or utility company requirements that have franchise or other right to the public right-of-way. The business owner shall be responsible to the City for any removal costs if a business owner fails to remove the Sidewalk Sales after reasonable written notice from the City. The City is not responsible for any damages or loss of any business personal property.

PROCLAIMED ON THE 26 DAY OF May, 2020.

CITY OF LANGLEY

  
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Tim Callison, Mayor

ATTEST/AUTHENTICATED:

  
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Monica M. Felici, City Clerk