

RESOLUTION NO. 20-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE, DURING THE DECLARATION OF AN EMERGENCY, TO TEMPORARILY SUSPEND ENFORCEMENT OR MODIFY CERTAIN REQUIREMENTS AND SPECIFICATIONS IN THE APACHE JUNCTION CITY CODE TO MITIGATE THE HEALTH AND ECONOMIC EFFECTS OF THE COVID-19 PANDEMIC.

WHEREAS, on March 13, 2020, the President of the United States of America, Donald J. Trump, declared a National Emergency concerning the COVID-19 outbreak ("National Emergency").

WHEREAS, the Governor of the State of Arizona, Douglas A. Ducey, on March 11, 2020, declared that a State of Emergency exists in Arizona due to the COVID-19 outbreak ("State of Emergency") and determined that the COVID-19 outbreak presents conditions that are, or are likely to be, beyond the control of services, personnel, equipment, and facilities of any single county, city, or town, and which requires the combined efforts of the State of Arizona and the political subdivisions.

WHEREAS, on March 20, 2020, the Mayor of the City of Apache Junction, Jeff Serdy, by proclamation declared a State of Emergency for the City of Apache Junction related to the spread of COVID-19 to protect the health, safety, and welfare of the City and its residents ("Proclamation of Emergency") (National Emergency, State of Emergency and Proclamation of Emergency are collectively referred to as "COVID-19 Emergency").

WHEREAS, on March 19, 2020, the Governor of the State of Arizona, Douglas A. Ducey, issued Executive Order 2020-09, Limiting the Operations of Certain Businesses to Slow the Spread of COVID-19, to require restaurants in Arizona counties with confirmed COVID-19 cases to close on-site dining and to require all bars, gyms, and movie theaters in those counties to close; and

WHEREAS, on March 30, 2020, the Governor of the State of Arizona, Douglas A. Ducey, issued Executive Order 2020-18, Stay Home, Stay Healthy, Stay Connected, to enhance physical distancing measures to mitigate the spread of COVID-19; and

WHEREAS, on April 29, 2020, the Governor of the State of Arizona, Douglas A. Ducey, issued Executive Order No. 2020-33, Returning Stronger - Amending the Stay Home, Stay Healthy, Stay Connected Order, and on May 4, 2020, issued Executive Order No. 2020-34, Building on COVID-19 Successes, to authorize certain retailers to resume operations in a limited capacity while still directing people to stay home to the extent possible; and

WHEREAS, on May 11, 2020, dine-in services were able to resume business, provided the business established and implemented policies and practices to limit the spread of COVID-19, including ensuring physical distancing and limiting the number of persons in the establishment based on guidance from the Center for Disease Controls, Department of Labor, Occupational Safety and Health Administration and the Arizona Department of Health Services; and

WHEREAS, many Apache Junction businesses have been, and continue to be, economically impacted by the COVID-19 Emergency especially local businesses forced to operate at reduced capacity in order to maintain social distancing and to comply with the Governor's Executive Orders; and

WHEREAS, to reenergize Apache Junction's economy and to prevent, respond to, and mitigate other impacts of COVID-19 on the City, its residents, and its businesses, the City Council has determined it is in the best interest of the City to allow flexibility in certain provisions of the Apache Junction City Code; and

WHEREAS, the City Council grants the City Manager or City Manager's designees, which may include, the Zoning Administrator, Building Official, City Engineer, or other Department official ("Designee") the authority to suspend enforcement, temporarily modify, or allow alternatives to certain requirements and specifications in the Apache Junction City Code ("Authority") on a temporary basis during the COVID-19 Emergency; and

WHEREAS, the Authority of the City Manager or Designee only extends to those requirements and specifications in the Apache Junction City Code that relates to outdoor seating and services for eating and drinking establishments and to temporary signage for businesses and organizations including temporarily suspending enforcement, modifying, or allowing alternatives to the Apache Junction City Code to allow for additional temporary signage for businesses, to allow eating and drinking establishments to have temporary outdoor seating areas or to temporarily extend existing outdoor seating areas, and to allow a streamlined process to approve such requests; and

WHEREAS, the City Manager or Designee must continue to impose all necessary regulations to preserve the public peace, health, or safety of the City and its residents; and

WHEREAS, all other provisions and requirements of the Apache Junction City Code that are not specifically suspended, modified, or authorized through an alternative by the City Manager or the Designee remain in effect; and

WHEREAS, any suspension, modification, or alternative authorized by the City Manager or Designee pursuant to this Resolution is of limited duration and shall only apply until the City of Apache Junction's Mayor's Proclamation of Emergency is terminated.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:


Section 1: That due to the COVID-19 Emergency, the City Manager or Designee is authorized, while the Mayor's Proclamation of Emergency is in effect, to temporarily suspend enforcement, modify, or approve alternatives to requirements or specifications in the Apache Junction City Code related to outdoor seating and services for eating and drinking establishments as well as relaxing parking requirements and temporary signage for all businesses and organizations affected by the COVID-19 Emergency.

Section 2: That any suspension, modification, or alternative authorized by the City Manager or Designee pursuant to this Resolution is of limited duration and shall only apply until the Mayor's Proclamation of Emergency is terminated, or earlier discontinuation of the suspension, modification or alternative by the City Manager or Designee, and that all other provisions and requirements of the Apache Junction City Code that are not specifically suspended, modified, or authorized through an alternative by the City Manager or Designee remain in effect.

Section 3: That all such eating and drinking establishments, businesses and organizations affected by the COVID-19 Emergency wishing to provide outdoor seating and services adhere to county health department regulations and state liquor control laws and regulations pertaining to the serving of food and beverages in locations not customarily serviced by the establishment.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL FO THE CITY OF APACHE JUNCTION, ARIZONA, THIS 16<sup>TH</sup> DAY OF JUNE, 2020.


SIGNED AND ATTESTED TO THIS 16<sup>th</sup> DAY OF June , 2020.

  
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JEFF SERDY  
Mayor

ATTEST:

  
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JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

 6-15-20  
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RICHARD J. STERN  
City Attorney