

SALT LAKE CITY EMERGENCY PROCLAMATION
No. 11 of 2020

MAYOR'S EXERCISE OF EMERGENCY POWERS
RELATED TO
SALT LAKE CITY EMERGENCY PROCLAMATION NO. 1 OF 2020

On March 10, 2020, pursuant to her authority under Utah Code Sections 53-2a-208(1)(a) and 53-2a-209(1) and Salt Lake City Code Chapter 22.03, the Mayor of Salt Lake City declared a local emergency due to the global outbreak of COVID-19.

Under City Code 22.03.030, while the proclamation of local emergency is in effect, the Mayor of Salt Lake City may exercise certain emergency powers by proclamation. Between March 12 and April 30, the Mayor of Salt Lake City exercised emergency powers pursuant to Proclamation Numbers 2, 4, 5, 6, 7 and 8 to address the local emergency related to the spread of COVID-19 in Salt Lake City (Proclamation No. 3 addressed a different local emergency related to the 5.7 magnitude earthquake that occurred on March 18; and Proclamations 9 and 10 addressed a different local emergency related to civil unrest following George Floyd's death).

In order to protect the citizens of Salt Lake City from the spread of COVID-19 and allow businesses within the City to operate safely in the summer months, the Mayor of Salt Lake City now desires to exercise her emergency powers to enact this Proclamation No. 11. To address the COVID-19 pandemic, Proclamation No. 11 does the following:

1. **Definition of Outdoor Business Activities.** "Outdoor business activities" is defined as any retail, or restaurant activity, include retail sales, retail services, or outdoor dining, that would typically occur inside a building or structure but is operating outside and adjacent to the anchor business.
2. **Outdoor Business Activities on Private Property.** During the Term and in order to encourage economic activity and social distancing, the Mayor hereby waives any ordinance or regulation that impedes outdoor business activities on private property, adjacent to the existing business. Specifically, this Proclamation intends to allow outdoor business activities on privately owned property within the City on off street parking areas and normally required yards. To effectuate this, the following regulations are waived:
 - a. Any regulations that prohibit the use of existing parking stalls for outdoor business activities, including provisions that prohibit a reduction in existing parking stalls or that require an increase in the number of off-street parking spaces required.
 - b. Any regulations that prohibit outdoor business activities adjacent to existing businesses. Those regulations are replaced with authorization to operate outdoor business activities adjacent to the business.
 - c. Any regulation that prohibits outdoor business activities adjacent to an existing business in a required front or corner side yards. Those regulations are replaced with authorization allowing outdoor business activities in a rear or interior side yard of the anchor business, provided the outdoor business activity is not within ten (10) feet of the property line in a residential zoning district unless that zoning district allows the same type of use as the subject property.
 - d. An outdoor business activity operating as outdoor dining will not be required to obtain a special exception or zoning variance, provided that the business complies with all other outdoor dining regulations.

3. **Nuisance.** Notwithstanding the forgoing, if the outdoor business activity becomes a public nuisance under Utah Code or Salt Lake City Code, the City shall have the right to prohibit the outdoor business activity.

4. **Outdoor Business Activity on City Right-of-Way.** During the Term and in order to encourage economic activity and social distancing, the Mayor hereby expands the City's outdoor dining permit to allow additional outdoor business activities adjacent to existing businesses, including restaurants. Specific, the Mayor authorizes the following:
 - a. An existing business may apply for a temporary outdoor permit to conduct outdoor business activities and the fee for such permit will be a prorated fee based on the number of months of the term of the permit.
 - b. The terms of any outdoor permit will include the following:
 - i. The use of the right of way will be non-exclusive and there shall be a minimum six feet (6') wide unobstructed passageway for pedestrians on the sidewalk.
 - ii. A restaurant that serves alcohol must comply with all requirements of the Utah Department of Alcoholic Beverage Control. Any fencing under this permit shall be removable from the City right of way.
 - iii. No outdoor business activities shall encroach upon any part of the sidewalk frontage of any adjacent property without written permission from the adjacent property's owners and tenants, if any.
 - iv. A permit holder shall indemnify and hold harmless Salt Lake City from and against all damages, claims or demands that may, during use of the right of way, arise by the negligent or intentional acts or omissions of applicant or applicants' employees.
 - v. All customers and staff must adhere to all mandatory Utah Department of Health standards and all other applicable laws, rules, and regulations.
 - vi. Anything placed in the right of way must be removed at the close of business each day.
 - vii. All other existing outdoor dining permit requirements shall be met, including the provision of insurance.

5. **Term.** This Proclamation shall take effect on June 11, 2020 and will be ongoing for as long as Proclamation No. 1 of 2020 is in effect, unless this Proclamation is amended or rescinded by the Mayor.

6. **Filing and Dissemination.** This proclamation will be filed with the Salt Lake City Recorder and will be delivered to the State of Utah and Salt Lake County and will be disseminated to local media.


Dated this 11th day of June, 2020.


 erin.mendenhall (Jun 11, 2020 12:39 MDT)

Erin Mendenhall
 Mayor



Approved as to Form:


 Katherine Lewis (Jun 11, 2020 12:28 MDT)

Katherine Lewis
 Salt Lake City Attorney

ATTEST:


 Cindy Lou Trishman (Jun 11, 2020 13:19 MDT)

Cindy Lou Trishman
 City Recorder