

Dec 12, 2020

SALT LAKE CITY
EMERGENCY PROCLAMATION
No. 17 of 2020

MAYOR'S EXERCISE OF
EMERGENCY POWERS RELATED
TO
SALT LAKE CITY EMERGENCY PROCLAMATION
NO. 17 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 Section 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, 2020 and June 11, 2020, the Mayor of Salt Lake City exercised emergency powers pursuant to Proclamation Numbers 2, 4, 5, 6, 7, 8, and 11 to address the local emergency related to the spread of COVID-19 in Salt Lake City. Salt Lake City Emergency Proclamation Number 3 of 2020 addressed a different local emergency related to the 5.7 magnitude earthquake that occurred in Salt Lake City on March 18, 2020. Similarly, Salt Lake City Emergency Proclamations 9 and 10 addressed a different local emergency related to civil disturbance that occurred in Salt Lake City on May 30, 2020. Salt Lake City Emergency Proclamation Number 12 repealed sections of previous emergency proclamations.

In order to continue protect the citizens of Salt Lake City from the spread of COVID-19 while maintaining a safe environment conducive to safe business and commercial activity in the winter months, the Mayor of Salt Lake City now desires to exercise her emergency powers to enact this Proclamation Number 17. This Proclamation does not repeal or replace Proclamation Number 11 (which also addressed similar outdoor business activities). Rather, this Proclamation Number 17 provides additional tools for outdoor business activities to utilize temporary structures to continue to safely operate in the winter months:

- 1. Definition of Outdoor Business Activities.** "Outdoor business activities" has the same meaning as was used in Emergency Proclamation Number 11, which defined outdoor business activities as including: any retail, or restaurant activity, including retail sales, retail services, or outdoor dining, that would typically occur inside a building or structure but is operating outside and adjacent to the existing anchor business.
- 2. Definition of Temporary Structures.** "Temporary structures" are partially walled (no more than two non-adjacent walls) or roofed structures, which are intended to be used for a limited duration for outdoor business activities. Temporary structures include freestanding canopies, patio coverings, and other similar structures.
- 3. Use of Temporary Structures on Private Property.** This proclamation intends to expand on Emergency Proclamation Number 11's encouragement of safely operating outdoor business activities and allow temporary structures to facilitate the continued operation of outdoor business activities on private property, adjacent to existing businesses in accordance with the Centers for Disease Control and Prevention guidelines. As such, during the Term of this Proclamation and in order to encourage

safe economic activity and social distancing during the winter months, the Mayor hereby waives the following ordinances and regulations:

- a. Salt Lake City Code Subsections 21A.42.090.D.1.a.1 and 21A.42.090.D.1.b.1, which prohibit temporary structures remaining on the property for more than 45 consecutive days and no longer than 45 days in a calendar year.
- b. Salt Lake City Code Subsections 21A.42.090.D.1.a.2 and 21A.42.090.D.1.b.2, which prohibit the use and location of temporary structures in required parking stalls on private property.
- c. Any ordinance or regulation that prohibits the use and location of temporary structures adjacent to an existing business in a required front or corner side yard. Those regulations are replaced with authorization allowing temporary structures in a rear or interior side yard of the anchor business, provided that the temporary structure is not within 10 feet of the property line from a residential zoning district unless that zoning district allows for the same type of use as the subject property, as permitted pursuant to Emergency Proclamation Number 11, paragraph 2(c).

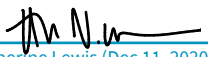
4. **Use of Temporary Structures on City Right-of-Way.** To encourage economic activity in accordance with social distancing guidelines during the winter months, the Mayor hereby waives the ordinances and regulations that prohibit the location of a temporary structure in the right of way, including in a parking stall, adjacent to the anchor business. This waiver in no way relieves the existing anchor business from its obligation to obtain a temporary outdoor permit, outdoor dining permit, or encroachment permit from the City. If a business places a temporary structure in a parking stall or any other part of the right of way pursuant to this Proclamation, the temporary structure must be removed at the close of business each day.
5. **Waiver of Temporary Use Permit for Certain Temporary Structures.** To further encourage economic activity, the Mayor hereby waives the ordinances and regulations under Salt Lake City Code 21A.42 requiring a temporary use permit for temporary structures that are under 200 square feet.
6. **Nuisance.** Notwithstanding anything else contained herein, if the temporary structure becomes a public nuisance under Utah Code or Salt Lake City Code, the City shall have the right to prohibit the temporary structure.
7. **Term.** This Proclamation shall take effect on that date it is signed 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.
8. **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 11 day of December, 2020.


Erin Mendenhall (Dec 11, 2020 22:05 MST)

Erin Mendenhall
Mayor

Approved as to Form:


Katherine Lewis (Dec 11, 2020 16:39 MST)

Katherine Lewis
Salt Lake City Attorney

Attest:


Cindy Trishman (Dec 12, 2020 13:30 MST)

Cindy Lou Trishman
City Recorder