

MAYORAL PROCLAMATION-OUTDOOR SEATING

A PROCLAMATION BY THE MAYOR OF THE TOWN OF TUSAYAN, ARIZONA STATING THAT THE SEVERAL PROHIBITIONS IN THE ZONING CODE, AGAINST OUTDOOR SEATING AND OTHER USES BY COMMERCIAL AND RETAIL ESTABLISHMENTS, SHALL BE TEMPORARILY WAIVED OR MODIFIED AS FOLLOWS IN ORDER TO SUPPORT THE BUSINESSES OF TUSAYAN REGARDING THE COVID-19 PANDEMIC AND ECONOMIC DEVELOPEMNT

WHEREAS, on March 13, 2020, President Trump declared a National Emergency concerning the Novel Coronavirus Disease (COVID-19) outbreak; and

WHEREAS, on March 11, 2020, Governor Doug Ducey declared a Public Health Emergency in the State of Arizona related to COVID-19; and

WHEREAS, the Town of Tusayan, Arizona has declared a State of Emergency related to COVID-19; and

WHEREAS, the Mayor of the Town of Tusayan, Arizona hereby finds it necessary to proclaim that the prohibition of outdoor seating and other uses (such as outdoor cooking and barbeques) by commercial and retail establishments shall be waived or modified as stated below to provide a temporary expansion of useable area for social distancing in the Town of Tusayan citing extreme financial hardships caused by the COVID-19 emergency; and

WHEREAS, it has been determined that this proclamation is necessary for the immediate preservation of the public health, peace, property, and safety.

THE MAYOR OF THE TOWN OF TUSAYAN, ARIZONA DOES HEREBY PROCLAIM AS FOLLOWS:

SECTION I: Because of extreme financial hardships created by the COVID-19 pandemic emergency, the following shall apply:

A. The Town shall permit each business, with permission of the property owner, in the Town to increase its seating capacity for restaurants by up to 50% of floor area, for all other businesses up to, but no more than 25%, into and onto the immediately adjacent sidewalk, patio, or roadway, so as not to block the reasonable movement of people or violate the American's with Disability Act (ADA) normal business access. On streets, a minimum of twenty feet shall be preserved for the movement of two-way traffic. In no way shall ADOT right-of-way be utilized. All seating and other use area shall be roped off or otherwise segregated from pedestrians and vehicles, along with queuing areas.

B. This proclamation shall be in effect from June 11, 2020 until April 30, 2021, unless earlier terminated due to public health, safety, and welfare requirements. Upon expiration of this proclamation, businesses shall have ten business days to become compliant with the existing zoning code for outdoor seating and uses allowed under this proclamation and revert to normal allowable operation under the Town zoning and other codes. Businesses operating under this proclamation shall comply with all health, safety, and other regulations applicable to business operations.

C. Approvals for the waiver to outdoor seating and other uses shall be revoked, in writing and stating the reason, if the seating or use becomes a public nuisance or eyesore, or noncompliance with applicable health, safety, and other regulations, as determined by the Town Manager or designee.

PROCLAIMED THIS 22nd Day of July, 2020.

TOWN OF TUSAYAN:



Mayor

REVIEWED BY:



Town Manager

ATTESTED TO:



Town Clerk

APPROVED AS TO FORM:



Town Attorney