



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2021-075

File ID:	AB2021-075	Version:	1	Status:	Adopted
File Created:	01/20/2021	Entered by:			
Department:		File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:	02/09/2021		
Agenda Date:	02/09/2021	Enactment #:	ORD 2021-005		

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TITLE FOR AGENDA ITEM:

Ordinance authorizing the closure of a portion of 4th Street in Custer, Washington, related to COVID-19 economic relief

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This proposed ordinance would temporarily close a portion of 4th Street in Custer, Washington, to allow Tony's Tavern to establish an outdoor seating area to be utilized until one week (seven days) after the last state or local mandate is lifted that limits the business to less than 100 percent capacity for indoor services.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/26/2021	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 7 Browne, Buchanan, Byrd, Frazey, Elenbaas, Kershner, and Donovan	
		Nay: 0	
		Absent: 0	
02/09/2021	Council	ADOPTED	
		Aye: 7 Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner	
		Nay: 0	
		Absent: 0	

Attachments: Proposed Ordinance

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PROPOSED BY: ELENBAAS, BUCHANAN
INTRODUCTION DATE: JANUARY 26, 2021

ORDINANCE NO. 2021-005

**AUTHORIZING CLOSURE OF A PORTION OF 4TH STREET IN CUSTER, WASHINGTON,
RELATED TO COVID-19 ECONOMIC RELIEF**

WHEREAS, the Governor has issued many emergency proclamations and mandates to stop the spread of the COVID-19 virus; and

WHEREAS, the County Executive has issued a Proclamation of Emergency to stop the spread of the COVID-19 virus; and

WHEREAS, these mandates have effectively closed many businesses, while not defined as essential, are essential to the families they support; and

WHEREAS, restaurants, bars, and taverns have been able to serve customers as long as they can provide outdoor seating; and

WHEREAS, some restaurants are not able to accommodate the outdoor space needed without using the public right of way or public road; and

WHEREAS, Whatcom County's financial resources are limited; and

WHEREAS, business assistance can come in the form of non-monetary solutions; and

WHEREAS, Chapter 12.06.010 of the Whatcom County Code, by referring to Chapter 46.44.080 of the Revised Code of Washington, requires that each temporary road closure or restriction be authorized by the County Council through ordinance; and

WHEREAS, the Whatcom County Council is authorized to close the road according to the provisions of RCW 36.32.120 Section 2; and

WHEREAS, Tony's Tavern in Custer, Washington, has requested the County temporarily close a section of road in order to facilitate their ability to run their multigenerational family owned business; and

WHEREAS, Tony's Tavern will set up weather appropriate outdoor seating in the section of roadway being closed to operate their business.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Public Works Department is hereby directed, subject to further consideration for re-establishing access for adjoining property owners and the public, to close the section of 4th Street that is adjacent to Tony's Tavern with the southern boundary being the intersection of 4th and Main and extending to the end of Tony's Tavern's property line as the northern boundary or less.

BE IT FURTHER ORDAINED that the duration of closure will conclude one week (seven days) after the last state or local mandate has been lifted that limits Tony's business to less than 100 percent capacity for indoor services.

1 **BE IT FURTHER ORDAINED** that as a condition of road closure, Tony's Tavern will
2 install proper signs and barriers approved by Whatcom County Public Works at the approved
3 locations, allowing pedestrian and non-motorized vehicles access along said portions of
4 closed roads.

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6 **BE IT FINALLY ORDAINED** that, if available, signage and barriers may be provided
7 by Whatcom County Public Works at no cost.

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9 **ADOPTED** this 9th day of February, 2021.

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13 **ATTEST:**

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17 Dana Brown-Davis, Clerk of the Council

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20 **APPROVED AS TO FORM:**

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23 Approved via email by Karen Frakes/lb
24 _____
25 Civil Deputy Prosecutor

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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Satpal Sidhu, County Executive

Approved () Denied

Date Signed: 2/22/2021