

**MAYORAL PROCLAMATION AMENDING PROCLAMATION OF CIVIL EMERGENCY
AND ORDER**

**Proclamation No. 2020-05
Parking Violations Regarding Unlicensed Vehicles and 24-Hour Parking**

**City of Yakima, Washington
May 31, 2020**

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the novel coronavirus which has been named “coronavirus disease 2019” (abbreviated “COVID-19”); and

WHEREAS, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the State of Washington as a result of the COVID-19 outbreak in the United States and the confirmed person-to-person spread of COVID-19 in Washington State and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, Governor Jay Inslee signed subsequent amendatory Proclamation 20-06 on March 9, 2020, Proclamation 20-07 on March 11, 2020; and subsequent amendatory Proclamations 20-08 through 20-53 and 20-55; and

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, the Yakima County Commissioners signed an Emergency Declaration due to the number of confirmed cases of COVID-19 in Yakima County, thus enabling Yakima County government to take extraordinary measures; and

WHEREAS, the Executive Director of the Yakima County Department of Health for Yakima County has reported to the Mayor and/or the City Manager and the public that there are a number of confirmed cases of COVID-19 in Yakima County and the City of Yakima and that that number will likely increase; and

WHEREAS, the City of Yakima believes that the significant likelihood of additional confirmed cases of COVID-19 constitutes a civil emergency as defined in Yakima Municipal Code Chapter 6.06 entitled “Emergency Powers of Mayor, City Council and City Manager” and necessitates the utilization of emergency powers granted under RCW 38.52.070; and

WHEREAS, the Proclamation and Order by the Mayor of the City of Yakima dated March 12, 2020 (here referred to as Proclamation No. 2020-01) declared a state of emergency in the City of Yakima (the “City”) due to the novel coronavirus (COVID-19) in the City of Yakima in Yakima County, Washington, establishes and orders measures to protect public health and safety, and the numbers of COVID-19 cases have increased since that time and the proclamation of a state of emergency needs to continue; and

WHEREAS, the novel coronavirus (COVID-19) is occurring in Yakima County and is having an impact within the city limits of the City of Yakima, Washington; and

WHEREAS, since the Mayoral Proclamation of Civil Emergency and Order was issued on March 12, 2020 and ratified and confirmed by the City Council on March 13, 2020, there have been a number of Proclamations and Orders issued by federal, state and local authorities regarding COVID-19, and the number of COVID-19 cases has continued to increase in the United States, the State of Washington and in Yakima County, including in the City of Yakima; and

WHEREAS, some of the of the Orders and Proclamations that have been issued since March 12, 2020 because of the COVID-19 pandemic include but are not limited to the following: on March 23 2020, the President of the United States declared a national emergency; on March 23, 2020, State of Washington Governor Jay Inslee issued Proclamation 20-25 entitled “Stay Home, Stay Healthy” directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and as additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Washingtonians, and the Governor subsequently has issued extensions and modifications of Proclamation 20-25 regarding COVID-19; and on March 23, 2020, the Yakima Health District Health Officer issued a Stay at Home Order for Yakima County residents; and

WHEREAS, on April 7, 2020, a Mayoral Proclamation of Extension of Civil Emergency and Order was issued by the Mayor of the City of Yakima (here referred to as Proclamation No. 2020-02), which was ratified and confirmed by the City of Yakima City Council at the City Council regular meeting on April 7, 2020, and on May 5, 2020, the Mayoral Proclamation of Extension of Civil Emergency and Order (Proclamation No. 2020-03) was issued by the Mayor of the City of Yakima, which was ratified and confirmed by the City of Yakima City Council at the City Council regular meeting on May 5, 2020, which has remained in effect; and

WHEREAS, the coronavirus (COVID-19) continues to threaten the health and safety of persons and property within Yakima; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, and an economic downturn throughout Washington State with unprecedented numbers of layoffs and reduced work hours for a significant percentage of the workforce due to substantial reductions in business activity impacting our commercial sectors that support our state’s economic vitality, including severe impacts to the large number of small businesses that make the economy of Washington State, Yakima County and the City of Yakima thrive; and

WHEREAS, many of our workforce who have been impacted by these layoffs and substantially reduced work hours are suffering economic hardship that disproportionately affects low and moderate income workers resulting in lost wages that reduces their ability to pay for basic household expenses, including groceries and rent; and

WHEREAS, enforcement of certain parking regulations in the Yakima Municipal Code at this time may further reduce the ability of people impacted by the economic downturn to pay for basic household expenses, thereby increasing life, health and safety risks to a significant percentage of our people from the COVID-19 pandemic; and

WHEREAS, a temporary moratorium on enforcement of certain parking regulations at this time will help reduce economic hardship and related life, health, and safety risks to those members of our workforce impacted by layoffs and substantially reduced work hours or who are otherwise unable to pay for basic household expenses as a result of the COVID-19 pandemic; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of the residents of the City of Yakima as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, a civil emergency exists requiring me to exercise the emergency powers vested in me as Mayor by Yakima Municipal Code ("YMC") Chapter 6.06 entitled "Emergency Powers of Mayor, City Council and City Manager"; and

WHEREAS, I have reviewed the situation, consulted with the Interim City Manager and some of the City Department Heads and verified the existence of the emergency cited below, and the necessity for me to take immediate, extraordinary action as outlined in this Proclamation and Order; and

WHEREAS, at the City Council meeting on May 19, 2020, the City Council passed a motion that the City implement a temporary moratorium on the enforcement of certain parking regulations that are contained in the Yakima Municipal Code due to the impact of the COVID-19 pandemic; and

WHEREAS, in the judgment of the Mayor, extraordinary measures are necessary to protect the public peace, safety and welfare; and

WHEREAS, the Mayor is authorized by Yakima Municipal Code ("YMC") Chapter 6.06 entitled "Emergency Powers of Mayor, City Council and City Manager" to take certain actions necessary to protect persons and property in the event of an emergency; and

WHEREAS, the area impacted or endangered by the current situation is described below; and

WHEREAS, the current situation involving COVID-19 qualifies as a civil emergency; and

WHEREAS, response to the COVID-19 emergency situation requires decisive action to protect the health and safety of persons and property; and

WHEREAS, RCW 38.52.070(2) on emergency powers and YMC 6.06.030D authorize the City to enter into contracts and incur obligations necessary to combat a civil emergency, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such civil emergency if needed; and

WHEREAS, upon the proclamation of a civil emergency by the Mayor and during the existence of such emergency, the Mayor may make and proclaim various actions and orders pursuant to YMC 6.06.030(D) in order to address an emergency situation; and

WHEREAS, pursuant to YMC 6.06.030, civil emergency orders by the Mayor “shall, at the earliest practicable time but in no event more than seventy-two (72) hours after the proclamation of the respective order(s), be presented to the City Council for ratification and confirmation, and if not so ratified and confirmed shall be void”; and

WHEREAS, pursuant to YMC 6.06.040 regarding delivery of the proclamation to the news media, the Mayor shall cause any proclamation issued pursuant to YMC Chapter 6.06 “to be delivered to all news media within the City and shall utilize such other available means, including public address systems, as shall be necessary in his or her judgment, to give notice of such proclamation to the public”; and

WHEREAS, the Mayor finds it to be in the best interest of the City of Yakima to continue and extend a proclamation of a state of emergency for the City of Yakima, to establish measures to protect public health and safety, and to define the geographical area within the City limits to which this Proclamation and Order applies; now, therefore,

IT IS HEREBY PROCLAIMED AND ORDERED:

1. Determination of Emergency. A state of emergency currently exists and continues to exist in the City of Yakima as a result of:

An outbreak and increase of the coronavirus disease (COVID-19) in the United States and confirmed person-to-person spread of COVID-19 in Washington State, including in Yakima County and in the City of Yakima.

As a result of the occurrence of this outbreak and the state of emergency that continues to exist, I declare that the Mayoral Proclamation of Civil Emergency and Order dated March 12, 2020 (Proclamation No. 2020-01) and subsequent Proclamations extending that Proclamation and Order remain in effect, and I further amend Proclamation No. 2020-01 as provided below to address the enforcement of specified parking violations, and I continue to authorize the City of Yakima to exercise all actions necessary during the state of emergency to protect the safety, health and well-being of the residents of the City, to include but not be limited to:

ordering a temporary moratorium on the enforcement by City personnel of the issuance of infractions and/or the towing of unlicensed vehicles or for 24-hour parking under the below-quoted Yakima Municipal Code (“YMC”) provisions in YMC 9.47 relating to specific parking violations for unlicensed vehicles and for 24-hour parking, beginning on the day after the signing of this Emergency Proclamation and Order and continuing until 11:59 PM on Tuesday, July 7, 2020 or until the Washington Governor’s Stay At Home Order relating to COVID-19 (Proclamation 20-25 and its extensions and modifications) is no longer in effect, whichever is later.

YMC 9.47.071 Prohibition against parking unlicensed vehicle.

No unlicensed vehicle as described in YMC 9.47.010(K) shall be permitted to park on any public street, parking lot or parking strip in the city of Yakima. (Ord. 2019-031 § 1 (part), 2019).

YMC 9.47.072 Towing and impound of unlicensed vehicle.

Any unlicensed vehicle parked on a public street or parking lot within the city of Yakima shall be towed and impounded at owner's risk and expense by a registered tow truck operator at the direction of a law enforcement officer or an authorized designee. (Ord. 2019-031 § 1 (part), 2019).

YMC 9.47.073 Civil infraction—Violation—Unlicensed vehicle.

Failure to perform any act required, or the performance of any act prohibited, by this chapter is designated as a civil infraction, and any person, firm or corporation found to have committed such a civil infraction shall be assessed a monetary penalty of fifty dollars. Each day during which a violation continues shall be deemed a separate offense. Whenever a monetary penalty is imposed by a court for violation of a city ordinance it shall be payable immediately. (Ord. 2019-031 § 1 (part), 2019).

YMC 9.47.010 Definitions

J. "Unauthorized vehicle" means a vehicle, motor home as defined in RCW 46.04.305, camper as defined in RCW 46.04.085 or trailer as defined in RCW 46.04.620 which is parked or left standing for the indicated period of time. There are two types of unauthorized vehicles, public and private.

(1) Public Locations.

* * * * *

b. After twenty-four hours on any one block face if on a highway not subject to subsection (J)(1)(a) of this section.

(Ord. 2019-031 § 1 (part), 2019).

YMC 9.47.040 Unauthorized vehicle.

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B. Public Impound After Forty-Eight Hours. Unauthorized vehicles pursuant to YMC 9.47.010(J)(1)(b) may be impounded when the vehicle has failed to move one block face for an additional forty-eight hours after notice is given by a law enforcement officer pursuant to subsections (B)(1) and (2) of this section as follows:

(1) The law enforcement officer shall securely attach to and conspicuously display on the vehicle a notification sticker. The chief of police or an authorized designee shall design the sticker in compliance with RCW 46.55.085.

(2) If the vehicle has current registration plates, the officer shall check the records to learn the identity of the last owner of record and the officer or the agency shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(Ord. 2019-031 § 1 (part), 2019.

2. Subsequent Orders. The Mayor is authorized to issue subsequent Orders which are additionally necessary to address the present situation, pursuant to and in accordance with YMC 6.06.030 and subject to approval of the City Council within seventy-two hours of their issuance.

3. Circulation. A copy of this Proclamation and Order shall be sent to the Governor of the State of Washington and to the County Commissioners of Yakima County. To the extent practicable, notices of this Proclamation and Order shall be made available to all news media within the City of Yakima pursuant to YMC 6.06.040 and to the general public.

4. Presentation, Ratification, Termination. This Proclamation and Order shall at the earliest practicable time pursuant to YMC 6.06.030 be presented to the City Council for ratification and confirmation, modification, or rejection, but in no event more than seventy-two (72) hours after the proclamation of this Order, and if rejected, shall be void. This Proclamation and Order shall remain in effect until 11:59 PM on Tuesday, July 7, 2020, or until the Washington Governor's Stay At Home Order relating to COVID-19 (Proclamation 20-25 and its extensions and modifications) is no longer in effect, whichever occurs later.

DATED this 31st day of May, 2020.

Patricia Byers, Mayor
of the City of Yakima