

ORDINANCE #2020-06-012

AN EMERGENCY ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON REGARDING THE SAFE USE OF RESIDENTIAL STREETS FOR OUTDOOR RECREATION AND PHYSICAL ACTIVITY DURING THE COVID-19 HEALTH CRISIS

WHEREAS, the City is responding to the global COVID-19 pandemic and seeks to create opportunities for safe outdoor recreation and physical activity with appropriate social distancing within public rights-of-way located in residential areas; and

WHEREAS, City Council desires to provide neighbors with the ability to restrict vehicular access on their residential streets to local access only during the COVID-19 health crisis by utilizing the existing temporary right-of-way use permit process contained in Chapter 13.14 of the Bellingham Municipal Code (“BMC”); and

WHEREAS, City Council desires to adopt this ordinance to establish criteria for residential street closures permitted under BMC 13.14 to ensure appropriate access to public facilities and residential properties is maintained while, at the same time, providing a safe space for residents to exercise and recreate outside during the COVID-19 health crisis; and

WHEREAS, City Council further desires to adopt this ordinance to waive certain permit requirements for residential street closures permitted under BMC 13.14, which may not be waived administratively or by executive order under the current code provisions, including permit fees, insurance and indemnification, which are a substantial impediment to the proposed use.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

Section 1. Staff is authorized to issue a temporary right-of-way use permit under BMC 13.14 to temporarily restrict motor-vehicle access on a residential street to local access only (adjacent properties) provided all the following requirements are met:

1. The street is classified as a residential street and has an average daily traffic volume of 1,500 vehicles per day or less as determined by the City Traffic Engineer.
2. The closure must extend from one intersection to the next or from a dead end to the nearest cross street intersection.
3. The closure shall not include any street that is part of a fixed public transit route, nor shall the partial closure have the effect of inhibiting regular transit operations on a fixed public transit route.
4. Persons requesting the closure must reside on the street for which the closure is requested.

5. The local access only closure does not unduly inhibit or restrict access to the surrounding neighborhood.
6. At least one responsible adult in each place of residence along the section supports by signature the request for the local access closure. This includes each unit of multifamily housing including duplexes, triplexes, fourplexes and large multi-unit complexes.
7. The closure does not limit vehicle movement, or parking, to critical or emergency services, parks, open space, public facilities.
8. The location does not have regular commercial uses which require vehicular access.

Section 2. Staff is directed to waive the permit fee and requirement to provide indemnification and insurance for right-of-way use permits issued pursuant to BMC 13.14 in accordance with Section 1 of this ordinance.

Section 3. City Council finds that the COVID-19 pandemic threatens the public health and that the actions authorized in this ordinance are taken to preserve the public health of the Bellingham community by creating safe spaces within public rights-of-way for persons to exercise and recreate with appropriate social distancing. Therefore, this ordinance is to be adopted on an emergency basis and shall take effect immediately pursuant to Section 3.05 of the Bellingham City Charter.

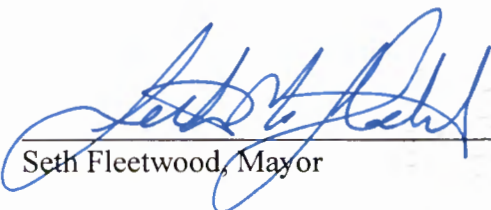
Section 4. This ordinance shall expire automatically without further action from City Council upon termination of Bellingham Mayor Seth Fleetwood's Proclamation of Emergency, dated March 12, 2020.

PASSED by City Council this 8th day of June, 2020.



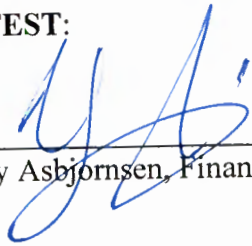
Gene Knutson, Council President

APPROVED by me this ____ day of _____, 2020.



Seth Fleetwood, Mayor

ATTEST:



Andy Ashbjornsen, Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

June 14, 2020