

**RESOLUTION NO. 11627**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE, DURING THE DECLARATION OF AN EMERGENCY, TO TEMPORARILY SUSPEND ENFORCEMENT OR MODIFY CERTAIN REQUIREMENTS AND SPECIFICATIONS IN THE MESA CITY CODE TO MITIGATE THE HEALTH AND ECONOMIC EFFECTS OF THE COVID-19 PANDEMIC.

WHEREAS, on March 13, 2020, the President of the United States of America, Donald J. Trump, declared a National Emergency concerning the COVID-19 outbreak ("National Emergency"); and

WHEREAS, the Governor of the State of Arizona, Douglas A. Ducey, on March 11, 2020, declared that a State of Emergency exists in Arizona due to the COVID-19 outbreak ("State of Emergency") and determined that the COVID-19 outbreak presents conditions that are, or are likely to be, beyond the control of services, personnel, equipment, and facilities of any single county, city, or town, and which requires the combined efforts of the State of Arizona and the political subdivisions; and

WHEREAS, on March 17, 2020, the Mayor of the City of Mesa, John C. Giles, by proclamation declared a State of Emergency for the City of Mesa related to the spread of COVID-19 to protect the health, safety, and welfare of the City and its residents ("Proclamation of Emergency") (National Emergency, State of Emergency and Proclamation of Emergency are collectively referred to as "COVID-19 Emergency"); and

WHEREAS, many Mesa businesses have been, and continue to be, economically impacted by the COVID-19 Emergency especially local businesses forced to operate at reduced capacity in order to maintain social distancing; and

WHEREAS, to reenergize Mesa's economy and to prevent, respond to, and mitigate other impacts of COVID-19 on the City, its residents, and its businesses, the City Council has determined it is in the best interest of the City to allow flexibility in certain provisions of the Mesa City Code; and

WHEREAS, the City Council grants the City Manager or City Manager's designees, which may include, the Zoning Administrator, Building Official, Fire Marshall, City Engineer, or other Department official ("Designee") the authority to suspend enforcement, temporarily modify, or allow alternatives to certain requirements and specifications in the Mesa City Code ("Authority") on a temporary basis during the COVID-19 Emergency; and

WHEREAS, the Authority of the City Manager or Designee only extends to those requirements and specifications in the Mesa City Code that prevent or limit the temporary expansion or operation of a business or organization to an outdoor area, including temporarily suspending enforcement, modifying or allowing alternatives to the Mesa City Code, and allowing a streamlined process to approve such requests; and

WHEREAS, the City Manager or Designee must continue to impose all necessary regulations to preserve the public peace, health, or safety of the City and its residents; and

WHEREAS, all other provisions and requirements of the Mesa City Code that are not specifically suspended, modified, or authorized through an alternative by the City Manager or the Designee remain in effect; and

WHEREAS, any suspension, modification, or alternative authorized by the City Manager or Designee pursuant to this Resolution is of limited duration and shall only apply until the City of Mesa's Mayor's Proclamation of Emergency is terminated.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, AS FOLLOWS:

Section 1: That due to the COVID-19 Emergency, the City Manager or Designee is authorized, while the Mayor's Proclamation of Emergency is in effect, to temporarily suspend enforcement, modify, or approve alternatives to requirements or specifications in the Mesa City Code to allow businesses and organizations affected by the COVID-19 Emergency, such as retail stores and gyms, to temporarily expand and operate their existing business and related services, activities, or both (i.e., sales, services, and activities currently conducted on the property or permitted on the property by Mesa's Zoning Ordinance) to an outdoor area that is in close proximity to the existing business or organization.

Section 2: That any suspension, modification, or alternative authorized by the City Manager or Designee pursuant to this Resolution is of limited duration and shall only apply until the Mayor's Proclamation of Emergency is terminated, or earlier discontinuation of the suspension, modification or alternative by the City Manager or Designee, and that all other provisions and requirements of the Mesa City Code that are not specifically suspended, modified, or authorized through an alternative by the City Manager or Designee remain in effect.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 8th day of February 2021.



APPROVED:

  
Mayor

ATTEST:

  
City Clerk