

ORDINANCE NO. 20-6

AN ORDINANCE OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO TITLE 5, HEALTH AND SANITATION, AMENDING ORDINANCE NO. 07-3 §§4, 8, 17 AND 20 (2007); AND PULLMAN CITY CODE CHAPTERS 5.01 AND 5.05; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, on January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in the State of Washington; and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) identifies the potential public health threat posed by COVID-19 both globally and in the United States as "very high," and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States and the City of Pullman; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services secretary Alex Azar declared a national public health emergency arising from COVID-19; and

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee proclaimed a state-wide public health emergency for COVID-19, beginning February 29, 2020; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 virus a pandemic with global spread, impacts and health risks; and

WHEREAS, in March 2020, Washington State University (WSU) implemented online only classes for the remainder of the Spring 2020 semester to minimize the potential spread of COVID-19 following the return of students to campus after spring break travel and potential exposure; and

WHEREAS, in order to minimize the potential spread of COVID-19 on campus and in Pullman by the return of students to campus for the Fall 2020 semester, WSU continued the implementation of online only classes for the Pullman campus; and

WHEREAS, WSU and the City estimate that approximately eighty to ninety percent of WSU undergraduate and graduate students returned to Pullman for the Fall 2020 semester despite the implementation of online only classes; and

WHEREAS, on August 1, 2020, the Whitman County Department of Health (WCDOH) reported a total of ninety (90) positive COVID-19 test results; on August 20, 2020, WCDOH reported a total of one hundred thirty-eight (138) positive COVID-19 test results; on September 1, 2020, WCDOH reported a total of five hundred fifty-nine (559) positive COVID-19 test results; and on September 9, 2020, WCDOH reported a total of eight hundred seventy (870) positive COVID-19 test results; and

WHEREAS, as of September 9, 2020, WCDOH reports four (4) outbreaks in congregate settings, including WSU Greek housing and WSU dorms; and

WHEREAS, WCDOH also reports the existence of COVID-19 outbreaks in non-student congregate settings such as long-term care facilities housing senior citizens and others with compromised health and high mortality risks when infected with COVID-19; and

WHEREAS, the Pullman Police Department reports continued violations of the mandatory mask, social distancing and gathering size limitations set forth in the orders and proclamations of Governor Inslee and the Washington State Department of Health; and

WHEREAS, the City Council deems it in the best interests of the health, safety and welfare of all citizens, residents and visitors to the City to reinforce the personal responsibility of individuals who put others in the community at risk by violating the public health orders and proclamations in effect during the global, national and state declared COVID-19 public health emergency by imposing personal penalties and liability on such persons for the creation of a public health risk and public nuisance; now therefore,

THE CITY COUNCIL OF THE CITY OF PULLMAN, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1: Pullman City Code 5.01.030 and Pullman Ordinance No. 07-3 §4(2007) are each hereby amended to read as follows:

5.01.030 Definitions. The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- (1) "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.
- (2) "Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.
- (3) "Enforcement officer" means the Mayor or any designee~~alternate designated by him~~.
- (4) "Junk" includes all appliances or parts thereof, all parts of motor vehicles, tires, all iron or other metal, plastics, glass, paper, cardboard, rubber, lumber, wood, mattresses, disabled trailers or parts thereof, all of which meet one of the following requirements:
 - (a) Are discarded;
 - (b) Are unusable;
 - (c) Are broken; or
 - (d) Have not been used for their primary and original purpose for a period of six months and have no value other than scrap value.
- (5) "Nuisance Party" means a social gathering or party which is conducted on premises within the City and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public or private property: disorderly conduct; illegal open container; outdoor urination or defecation in a public place; unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating liquor to an underage person; possession

or consumption of beer or intoxicating liquor by an underage person; illegal use or sale of a controlled substance; public indecency; unlawful deposit of litter or refuse; the damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic; standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise; violation of a public health order or proclamation issued by the Governor of Washington State or any state, federal, or local public health official; or any other conduct or condition that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.

(6) "Premises" means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

(7) "Public Nuisance" means:

(a) ~~A~~The violation of any City of Pullman Health and Sanitation ordinance chapter or section of Title 5 of the Pullman City Code or of any public health order or proclamation issued by the Governor of the State of Washington or any state, federal, or local public health official with jurisdiction within the City limits; or

(b) Doing an act; omitting to perform any act or duty; or permitting or allowing any act or omission which annoys, injures, or endangers the comfort, repose, health, or safety of others; is unreasonably offensive to the senses; or which obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant; or

(c) Other nuisances as expressly defined in this chapter; or

(d) A nuisance party as defined in this chapter; or

(e) Conditions which are determined by the department director or department head responsible for enforcing an ordinance or chapter of the Pullman City Code to be violations of the standards and requirements of the ordinance or code and unreasonably detrimental to the public health and safety, or welfare, so as to constitute a public nuisance. The criteria for determining whether a nuisance exists shall be based on the criteria in subsection (b) of this section and Chapter 7.48 RCW.

(8) "Responsible Person" means any agent, lessor, lessee or other person occupying or having charge or control of any premises, except the owner.

(9) "Owner" means any person owning property, as shown on the real property records of Whitman County or on the last assessment roll for taxes, and shall also mean any lessee, tenant, occupant or other person having control or possession of the property. (Ord. 07-3 §4, 2007).

Section 2: Pullman City Code 5.01.070 and Pullman Ordinance No. 07-3 §8(2007) are each hereby amended to read as follows:

5.01.070 Violation a Civil Infraction. Upon determination by a code enforcement officer or other responsible official of the City that a nuisance exists, a Notice of Civil Infraction shall be issued to any person, a Responsible Person or Owner in accordance with the procedures set forth in Chapter 1.02 of the Pullman City Code. Any person violating any of the provisions of this chapter is guilty of a Class Two (2) civil infraction. A person cited for violation of this chapter for a second or subsequent incident is guilty of a Class One (1) civil infraction.

If the code enforcement officer has been previously notified that a property at which a nuisance exists is managed by a property manager or a property management company, the code enforcement officer will attempt to also provide a copy of the notice to such property manager or property management company via United States mail. Notification to a property manager or property management company will not excuse the cited person from his or her obligation to immediately abate or to appear in court. The lack of courtesy notice to a property manager or property management company shall

not prevent the issuance of an infraction to any person for any continuing or subsequent nuisance at said property.

Section 3: Pullman City Code 5.05.010 and Pullman Ordinance No. 07-3 §17(2007) are each hereby amended to read as follows:

5.05.010 Nuisance Party Defined. "Nuisance Party" means a social gathering or party which is conducted on premises within the City and which, by reason of the conduct of the persons in attendance, results in any one or more of the following conditions or events occurring at the site of the said party or social gathering, or on neighboring public or private property: disorderly conduct; illegal open container; outdoor urination or defecation in a public place; unlawful sale, furnishing, dispensing or consumption of beer or intoxicating liquor; sale or furnishing of beer or intoxicating liquor to an underage person; possession or consumption of beer or intoxicating liquor by an underage person; illegal use or sale of a controlled substance; public indecency; unlawful deposit of litter or refuse; the damage or destruction of property without the consent of the property owner; unlawful pedestrian or vehicular traffic; standing or parking of vehicles that obstructs the free flow of traffic on the public streets and sidewalks or that impedes the ability to render emergency services; unlawfully loud noise; violation of any public health order or proclamation issued by the Governor of the State of Washington or any state, federal, or local public health official with jurisdiction within City limits; or any other conduct or condition that threatens injury, inconvenience, or alarm to persons or damage to property which is hereby declared to be an unlawful public nuisance.

Section 4: Pullman City Code 5.05.040 and Pullman Ordinance No. 07-3 §20(2007) are each hereby amended to read as follows:

5.05.040 Penalty. Any person violating any of the provisions of this chapter is guilty of ~~Violation of this Chapter shall be a~~ Class Two (2) civil infraction punishable by a penalty not less than ~~\$150~~250.00 for a first offense. For each repeat violation of this Chapter, the enforcement officer shall require a mandatory Court appearance. For each repeat violation of this Chapter, the Court shall impose a minimum fine of \$500.00.

Section 5: This ordinance, or a summary thereof, shall be published in the official newspaper of the city of Pullman. This

ordinance shall be in full force and take effect five (5) days after publication.

PASSED by the City Council of the city of Pullman at a regular meeting held on the _____ day of _____, 2020.

SIGNED by the Mayor in Authentication and Approval Thereof on the _____ day of _____, 2020.

Mayor Glenn A. Johnson

ATTEST:

City Clerk Dee Stiles-Elliott

Approved as to Form:

City Attorney Laura D. McAloon

Summary Published:_____