

93.033 PERMITTING RESTAURANTS TO OPERATE ON CITY SIDEWALKS

I. PURPOSE. This ordinance is intended to safely permit, during the Covid 19 pandemic, and consistent with social distancing and Covid 19 precautions, restaurants to serve food and if so licensed in connection therewith alcoholic beverages, on certain public sidewalks in the City of Lanesboro (the “City.”)

II. Permit required. Any establishment in the City which is licensed by the State of Minnesota to sell food for consumption on designated premises may apply to the City Council by and through the City administrator/Clerk/Administrator's office for a special permit to conduct a portion of such licensed business in a sidewalk cafe or by use of a vending cart on a part of the public sidewalk adjoining the licensed premises. Such permit shall be valid through December 31st, 2021 of each year.

IV. Restrictions. Each permit issued pursuant to this ordinance shall specify the area in which such cafe may be operated.

(a) No sale or service shall be permitted in any portion of the street designated for vehicular travel.

(b) The permit does not authorize any structure to be permanently installed or any equipment to be permanently attached to, in, or upon any public right-of-way.

(c) Sidewalks will be required to be swept and washed daily by the permit holder and trash disposal and electricity will be provided from within the establishment.

(d) A scaled diagram will be required to be submitted with information as requested on the application, including, but not limited to, the dimension of the sidewalk cafe area, position of tables, fixtures, any object to be placed on the sidewalk and the width of the sidewalk remaining for pedestrian use. In the case of establishments holding licenses for on-sale liquor, this diagram will be considered an expansion of the previously designated premises for the sale of liquor. The City will supply a base plan of the sidewalk area adjacent to the business to assist the applicant in preparing the scaled drawing for the proposed sidewalk cafe.

(e) Except as provided herein, no permit shall authorize a sidewalk cafe at any location prohibited by state law or Lanesboro City Code.

(f) Except as provided herein, the ownership, operation, and maintenance of a sidewalk cafe shall be subject to all applicable laws, ordinances, and regulations.

(g) No sidewalk cafe permit can be transferred to new ownership without permission of the City Council.

V. Permit procedure.

(a) An applicant for a permit under this chapter shall file his application therefor with the City Council on forms provided by the City Clerk/Administrator.

(b) The City Clerk/Administrator shall also notify the public works department, the police department, City administration and the county health department of such application and they shall each report to the City Clerk/Administrator and make such recommendation as they deem appropriate.

(c) The recommendation of these departments, including the recommended minimum unobstructed sidewalk width necessary for pedestrian traffic on such application, shall be reported to the City Council for its action.

VI. Insurance.

(a) No permit authorized by this chapter shall be effective until the applicant therefor has filed with the City Clerk/Administrator evidence of insurance insuring the applicant against liability imposed by law arising out of the ownership, maintenance, or operation of such sidewalk cafe in amounts established by resolution of the common Council. The City shall be named as an additional named insured in the policy providing such insurance. Such policy shall further provide that it may not be cancelled except upon ten days' written notice filed with the City Clerk/Administrator.

(b) No permit issued pursuant to the provisions of this chapter shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed yearly with the City Clerk/Administrator.

VII. Permit suspension and revocation.

(a) Any special permit authorized by this chapter may be revoked at any time by the City Council when it appears that adequate grounds exist. Any such permit may be suspended by the City Council for such period as the Council shall determine.

(b) Upon the conviction of the permittee, his agent, servant, or employee for the violation of any City ordinance or state law in connections with the ownership, maintenance, or operation of such sidewalk cafe, the permit therefor shall automatically become suspended, which suspension shall continue until the Council has acted thereon.

VIII. Permit fees.

No Permit fees.