

CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE 0-15-05

AN ORDINANCE AMENDING DELANO CITY CODE CHAPTER 3, SECTION 301.01, RIGHT-OF-WAY MANAGEMENT; AND CHAPTER 4, PUBLIC PROTECTION AND GENERAL LICENSING BY ADDING SECTION 423.01, LICENSE TO ALLOW OUTDOOR FURNITURE ON PUBLIC SIDEWALKS FOR RESTAURANTS AND FOOD SERVICE BUSINESSES IN A B-4, CENTRAL BUSINESS DISTRICT

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Chapter 3, Public Right-of-Way, is hereby amended to add Section 301.01, Subd. 21 as follows:

Subd. 21. Private Use of a Public Right-of-Way. Except as may be permitted under Chapter 4, Section 423.01 of the Delano City Code or Section 51.03, Subd. B.5.c of the Delano Zoning Ordinance, all private uses, placement of structures, equipment, or materials within a public right-of-way shall be prohibited.

Section 2. Chapter 4, Public Protection and General Licensing, is hereby amended to add 423.01, Use of Public Sidewalks in a B-4, Central Business District to read as follows:

SECTION 423.01 USE OF PUBLIC SIDEWALK IN A B-4 ZONING DISTRICT.

Subd. 1. Intent. The Delano City Council may issue a business license to ~~a restaurant or other food-serving~~ businesses located in the B-4, Central Business District to allow the placement of tables and/or chairs on a public sidewalk. The following criteria shall apply to the issuance of this business license.

~~**Subd. 2. Eligible Businesses.** This business license shall only be available to restaurants and/or food-serving businesses located within the B-4, Central Business District, as delineated on the Official Delano Zoning Map.~~

Subd. 2. Permit Application. Eligible persons, organizations, or businesses must submit a license application, pay a permit fee set by the City Council by ordinance, and provide information and plans that demonstrate compliance with the performance standards of this Code. The application shall be submitted thirty (30) days prior to placement of any furniture on the public sidewalk.

Subd. 3. Performance Standards. The license applicant shall provide information/plans that demonstrates compliance with the following standards:

- A. All outdoor furniture shall be in good condition, movable, and shall not be affixed to the public sidewalk. Furniture in disrepair shall be removed from the public sidewalk.

- B. The area for the placement of furniture on the public sidewalk shall be limited to the length of the building façade of the business applying for the license and shall not encroach in front of adjoining businesses.
- C. All outdoor furniture shall be set back a minimum of five (5) feet from back of street curb and shall provide a minimum of a five (5) foot unencumbered pedestrian aisle between the furniture and other sidewalk features including, but not limited to, back of curb, tree grates, planters, utility poles, traffic/street signs, street lights, and the like. All outdoor furniture shall be set back fifteen (15) feet from a street intersection as measured at the intersecting edges of the street right-of-way.
- D. No furniture shall be located so as to encroach into an area that may impede safe ingress or egress into the business or adjoining businesses.
- E. Placement of furniture shall only be allowed on a public sidewalk between May 1st and October 31st of a calendar year. Businesses must provide a plan for the removal and storage of sidewalk furniture between November 1st and April 30th.
- F. The businesses shall keep the outdoor furniture area in a clean and orderly condition. The accumulation of garbage, trash, debris, or unclean conditions may be basis for revoking the license and removal of the furniture.
- G. The serving or consumption of alcoholic beverages on the public sidewalk is prohibited.
- H. Service and food consumption within the public sidewalk shall be limited to the hours of 8:00 AM to 10:00 PM.

Subd. 4. Insurance. The City shall not be responsible for injury or property damage attributed to the placement of privately owned furniture on the public sidewalk. The license applicant shall provide insurance that will indemnify the City from any personal injury or property damage that results from issuance of the license allowing the business to use the public sidewalk. The insurance shall list the City as an insurer to be notified in the event of insurance cancellation.

Subd. 5. Responsibility of Owner and Licensee. The property owner and/or licensee shall be responsible to insure that the activities and participants within the public sidewalk shall not violate the terms of the license, or violate the Delano City Code.

Subd. 6. Violations or Complaints. License violations, nuisance complaints, or code enforcement issues attributed to an outdoor furniture area on the public sidewalk may be grounds for denial of the license.

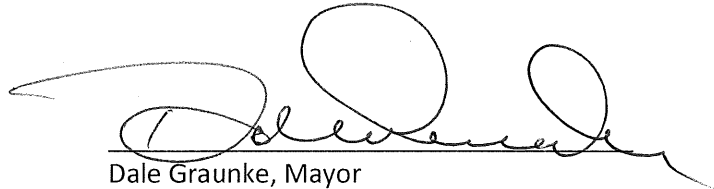
Subd. 7. Enforcement. Any violation of this ordinance, or of a license issued pursuant to this ordinance, is subject to enforcement as follows:

- A. If it is a violation that affects the public health, safety and welfare, it is hereby declared a public nuisance, and is subject to all of the enforcement provisions of Chapter 8 of the City Code.
- B. Any violation is grounds for revoking the license or not renewing the license.

C. Any violation shall constitute a misdemeanor and may be prosecuted as such.

Section 3. This ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DELANO, MINNESOTA THIS 18 DAY OF AUGUST, 2015.



Dale Graunke, Mayor

ATTEST:



Brian Bloch, Finance Director/Clerk

Motion By: Jason Franzen
Seconded By: Jack Russek
Graunke: Aye
Stolfa: Aye
Russek: Aye
Franzen: Aye
Schrupp: Aye