

73B. SIDEWALK CAFES

73B.01. Permit Required. Any establishment in the City which is licensed by the Olmsted County Health Department to sell food for consumption on designated premises may apply to the City Council by and through the City Clerk'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 way immediately adjoining the licensed premises. Such permit shall be valid for a three year period beginning January 1, 2008, and thereafter, or a pro rated portion thereof for a permit issued after the beginning of the three year period. (3845, 12/3/07)

73B.02. Restrictions. Subdivision 1. Each permit issued pursuant to this chapter shall specify the area in which such cafe may be operated. No sale or service shall be permitted in any portion of the street designated for vehicular travel.

Subd. 2. The permit does not authorize any permanent installation to be placed on or in the way, or permit the placing or leaving on the sidewalk of any tables, chairs, furnishings, menu boards or other equipment during any periods of time such cafe is not open and being operated.

Subd. 3. 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.

Subd. 4. 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 café.

Subd. 5. Any requests for sidewalk cafe permits for establishments adjoining the downtown pedestrian plaza will be limited to placement of vending carts or tables immediately adjacent to their premises unless otherwise approved by the City provided that a minimum of five feet of sidewalk width remains for pedestrians. The placement of tables in the right-of-way adjacent to their premises beyond the width of a typical sidewalk width (10'-13') is prohibited.

Subd. 6. Except as provided herein, no permit shall authorize a sidewalk cafe at any location prohibited by State law or this Code.

Subd. 7. Except as provided herein, the ownership, operation, and maintenance of a sidewalk cafe shall be subject to all applicable laws, ordinances, and regulations.

Subd. 8. No sidewalk cafe permit shall be issued to any establishment holding an "on sale" liquor, wine, or beer license located within 200 feet of a residentially zoned district, the

measurement to be made from the nearest portion of the sidewalk cafe to the nearest boundary of the residentially zoned district.

Subd. 9. No sidewalk café permit can be transferred to new ownership without permission of the Common Council.
(3845, 12/3/07)

73B.03. Permit Procedure. Subdivision 1. An applicant for a permit under this article shall file his application therefore with the City Council on forms provided by the City Clerk.

Subd. 2. The City Clerk shall also notify the Public Services Department, the Police Department, City Administration and the County Health Department of such application and they shall each report to the City Clerk and make such recommendation as they deem appropriate.

Subd. 3. 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. (3845, 12/3/07)

73B.04. Insurance. Subdivision 1. No permit authorized by this chapter shall be effective until the applicant therefore has filed with the City Clerk 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.

Subd. 2. No permit issued pursuant to the provisions of this article shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed yearly with the City Clerk. (3845, 12/3/07)

73B.05. Permit Suspension and Revocation. (a) Any special permit authorized by this article 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 therefore shall automatically become suspended, which suspension shall continue until the Council has acted thereon.

73B.06. Permit Fees. The permit fee shall be \$100.00 for every three year period or a pro rated portion thereof should the permit be issued after January 1st of the three year period. (3845, 12/3/07)

(2635, 5/15/89; 2691, 06/05/90; 2942, 6/7/94; 3845, 12/3/07)