



ORDINANCE #21-05
CITY OF PINE CITY
COUNTY OF PINE
STATE OF MINNESOTA

***AN ORDINANCE AMENDMENT FOR THE REVISION OF CHAPTER 8 AND
CHAPTER 6 TEXT AMENDMENT TO EXPAND OUTDOOR SEATING
REQUIREMENTS FOR AL FRESCO DINING, LIQUOR AND BEER LICENSES***

SECTION 820: STREET AND SIDEWALK OBSTRUCTIONS

Subd. 6 Al Fresco Dining. Use of public sidewalk in a CBD Zoning District.

- A. Intent. The City may issue a business license to a restaurant or other food service business located in the Central Business District to allow the placement of tables and/or chairs on the public sidewalk, public right-of-way or parking spaces ~~or extension~~ where approved.
- B. Eligible Businesses. This business license shall only be available to restaurants and/or food serving businesses located within the Central Business Districts, as delineated on the Official Pine City Zoning Map.
- C. 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 and approved prior to placement of any furniture on the public sidewalk, public right-of-way or parking spaces. City staff can review and approve applications for Al Fresco Dining, so long as the application meets ~~sings~~ all the performance standards as referenced within this Ordinance.
- D. Performance Standards. The license applicant shall provide a site plan (scale drawing) and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations and ~~information/plans (including a scale drawing) that demonstrates~~ compliance with the following standards:
1. All outdoor furniture shall be in good condition, movable, and shall not be affixed to the public sidewalk, public right-of-way or parking spaces. Furniture in disrepair shall be removed ~~from the public sidewalk~~.
 2. The area for the placement of furniture will be clearly marked by a physical barrier:

a. ~~On~~ On the public sidewalk it 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.

b. Beyond the length of the building façade of the business applying for the permit, with written support by the adjacent property/business owners, as long as it does not impede safe ingress or egress into the business or adjoining businesses. The area will be clearly marked by a physical barrier.

2.c. Into parking spaces adjacent to the sidewalk, which may be on-street parking spaces or private parking lot spaces

3. The dining area should be located in a manner that maximizes screening from view of adjacent residential uses.

4. The dining area is surfaced with a hard surface that provides a clean and non-slip surface.

3-5. All outdoor furniture shall provide a minimum of a three (3) 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. Umbrellas or other structures (tents and overhead items) extending into the pedestrian clear passage zone shall have a minimum clearance of seven (7) feet above sidewalk.

4.6. 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

5.7. Placement of furniture shall only be allowed on a public sidewalk between April~~May~~ 1st and November~~October~~ 30th~~1st~~ of a calendar year. Businesses must provide a plan for the removal and storage of sidewalk furniture between December~~November~~ 1st and March~~April~~ 31st~~0th~~.

6.8. 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 the basis~~be basis~~ for revoking the license and removal of the furniture.

7.9. The serving or consumption of alcoholic beverages on the public sidewalk is prohibited except as licensed (with a Al Fresco Liquor and/or Beer License) and within a defined serving area.

8.10. Service and food consumption within the public sidewalk shall be limited to the hours of 8:00 AM to 10:00 PM.

Subd. 7. Insurance. The City shall not be responsible for injury or property damage attributed to the placement of privately owned furniture on the public sidewalk, right-of-way or parking spaces. 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, right-of-way or parking spaces. The insurance policy provided by the applicant shall list the City of Pine City as additional insured and have a coverage level of \$2,000,000.00. (Ord #18-04 adopt 5-31-18 pub 6-14-18)

Subd. 8. Responsibility of Owner and Licensee. The property owner and/or licensee shall be responsible to ensure that the activities and participants within the public sidewalk, right-of-way or parking stalls shall not violate the terms of the license or violate the City of Pine City - City Code. (Ord #18-04 adopt 5-31-18 pub 6-14-18)

Subd. 9. Violations or Complaints. License violations, nuisance complaints, or code enforcement issues attributed to an outdoor furniture area on the public sidewalk, right-of-way or parking stalls may be grounds for denial or revocation of the license. (Ord #18-04 adopt 5-31-18 pub 6-14-18)

Subd. 10. Enforcement. Any violation of this ordinance, or of a license issued pursuant to this ordinance, is subject to enforcement, as follows: (Ord #18-04 adopt 5-31-18 pub 6-14-18)

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.

A. Any violation is grounds for revoking the license or not renewing the license.

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

SECTION 600: INTOXICATING LIQUOR LICENSING

Subd. 8 Al Fresco Liquor License. A special license authorizing the sale and consumption of intoxicating liquors within the described premise (as amended) of an on-sale licensed operation, for the purpose of service and consumption in an adjacent outdoor serving area located on publicity sidewalk, right-of-way or within an on-street parking stalls that may be issued to a restaurant or bar. Such licenses must comply with the Pine City sidewalk obstruction ordinance requirements. Outdoor sales and consumption shall be limited to the approved described outdoor serving area. The outdoor serving area must be physically separated from non-serving areas in a manner that clearly defines the boundaries of the outdoor serving area. Service and consumption under this license shall not occur between the hours of 10:00pm and 8:00am. If an Al Fresco Liquor License holder has their license to serve intoxicating liquor revoked or suspended, then their Al Fresco Liquor License shall also be revoked

or suspended. (~~Ord #18-07 adopt 5-31-18 pub 6-14-18~~)

600.03 Application and Requirements for License.

Subd. 4 Description of Premises. The application shall specifically describe the compact and contiguous premises within which liquor may be dispensed and consumed. The description may not include any parking lot or sidewalk. However, consumption on City-approved designated publicity sidewalk, right-of-way or on-street parking stalls is allowed as part of an approved AI Fresco Liquor License. The license is only effective for the licensed premises specified in the approved license application. (~~Ord #18-07 adopt 5-31-18 pub 6-14-18~~)

600.08 Conditions of License. As part of the licensing requirements, the business will be inspected by the City for fire and safety issues at least annually, or on an as-needed basis.

Subd. 2 Insurance. Compliance with financial responsibility requirements of State law and of this section is a continuing condition of any license granted pursuant to this section. AI Fresco Liquor License holders shall list the City of Pine City as additional insured on its insurance policy with a coverage level of \$2,000,000.00. (~~Ord #18-07 adopt 5-31-18 pub 6-14-18~~)

SECTION 605: BEER LICENSING

Subd. 4 AI Fresco Beer License. A special license authorizing the sale and consumption of beer and/or 3.2% malt liquor within the described premise (as amended) of an on-sale licensed operation, for the purpose of service and consumption in an adjacent outdoor serving area located on publicity sidewalk, right-of-way or within ~~an~~ on-street parking stalls that may be issued to a restaurant, bar, or brewery tap room. Such licenses must comply with the Pine City sidewalk obstruction ordinance requirements. Outdoor sales and consumption shall be limited to the approved described outdoor serving area. The outdoor serving area must be physically separated from non-serving areas in a manner that clearly defines the boundaries of the outdoor serving area. Service and consumption under this license shall not occur between the hours of 10:00pm and 8:00am. If an AI Fresco Beer License holder has their license to serve beer and/or 3.2% malt liquor revoked or suspended, then their AI Fresco Beer License shall also be revoked or suspended. (~~Ord #18-07 adopt 5-31-18 pub 6-14-18~~)

605.03 License Applications and Requirements.

Subd. 4 Description of Premises. The application shall specifically describe the compact and contiguous premises within which the 3.2% malt liquor may be dispensed

and consumed. The description may not include any parking lot or sidewalk. However, consumption on City-approved designated ~~publicity~~ sidewalk, right-of-way or on-street parking stalls is allowed as part of an approved AI Fresco Beer License. The license is only effective for the licensed premises specified in the approved license application. ~~(Ord #18-07 adopt 5-31-18 pub 6-14-18)~~

605.08 Conditions of License.

Subd. 2 Insurance. Compliance with financial responsibility requirements of State law and of this section is a continuing condition of any license granted pursuant to this section. AI Fresco Beer License holders shall list the City of Pine City as additional insured on its insurance policy with a coverage level of \$2,000,000.00. ~~(Ord #18-07 adopt 5-31-18 pub 6-14-18)~~

605.13 Brew Pubs, Brewer Taprooms, and Off-Sale Malt Liquor (Growlers), Cocktail Rooms, Distilleries and Wineries. ~~(Adopted 9-7-16)~~

Subd. 3. Brewer taprooms.

- (e) Brewery tap rooms are eligible to obtain an AI Fresco Beer License under Section 605.02 Subd. 4 of this code. ~~(Ord #18-07 adopt 5-31-18 pub 6-14-18)~~

Passed and adopted by the City Council of the City of Pine City this 5th day of May, 2021.

By:

Carl Pederson, Mayor

ATTEST:

Lezlie Sauter, Interim City Administrator

This ordinance shall be effective upon publication in the Pine City Pioneer on: