

CITY OF PAYNESVILLE
TEMPORARY OUTDOOR DINING APPLICATION & PERMIT

221 Washburne Ave., Paynesville, MN 56362
Phone: (320) 243-3714 Fax: (320) 243-3713

Please Print

Date: _____
Business Name: _____
Site Address: _____
Phone Number: _____
Contact/Owner Name: _____
Mailing Address: _____
Phone Number: _____
Email Address: _____

I (We) hereby agree to comply with the Governor's Orders and the Interim Ordinance No. 13, 3rd Series established to regulate outdoor dining to assist businesses that have been impacted by the temporary business closures related to the COVID-19 pandemic.

I (We) here by certify that I (we) have read and examined this application and know the same to be true and correct.

_____ Date: _____
Applicant's Signature or Authorized Representative of Business



Temporary Outdoor Dining Permit APPROVED YES NO

Temporary Outdoor Dining Permit APPROVED WITH THE FOLLOWING CONDITIONS:

Temporary Outdoor Dining Permit DENIED FOR THE FOLLOWING REASONS:

_____ Date: _____
City Administrator or Designee

CHECK LIST	
Must list here, include in Preparedness Plan and/or show on Site Layout Plan.	
Site Plan	_____
Preparedness Plan	_____
Hours of Operation	_____
Seating Capacity	_____
Structures	_____
Barrier Placement & Materials	_____
Parking Spaces	_____
Disability Parking Spaces	_____
Fire Connection	_____
Trash Handling	_____
Signage	_____
Lighting	_____
Designated Smoking Area	_____
Property owner authorization if different from business owner	_____
Comply with Governor's Orders:	_____
Business to conduct: (check all that apply)	
Outdoor Dining	_____
Curbside Pickup	_____
Delivery	_____

Ordinance & Summary Attached	_____

ORDINANCE NO. 13, 3RD SERIES

AN INTERIM ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, SUSPENDING CONFLICTING REGULATIONS OF OUTDOOR DINING AND CREATING A TEMPORARY ADMINISTRATIVE PROCESS FOR EXPANSION OF ON-SALE LIQUOR LICENSES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

THE CITY COUNCIL OF PAYNESVILLE, MINNESOTA ORDAINS:

Section 1. Any conflicting regulations of outdoor dining or outdoor liquor sales are suspended during the COVID-19 Public Health Emergency.

1. Purpose. The purpose of this Interim Ordinance is to establish the temporary suspension of applicable regulations relating to outdoor dining to assist businesses that have been impacted by the temporary business closures related to the COVID-19 pandemic. Minnesota Governor Walz issued Executive Order 20-01 declaring an emergency due to the COVID-19 pandemic, which has been extended by Executive Orders 20-35, 20-53 and 20-56. The City Council of the City of Paynesville declared a local emergency due to the COVID-19 pandemic on March 20, 2020, by adopting Resolution No. 2020-7. The Governor's Orders have prohibited sit down, dine-in services at restaurants, which has threatened the economic health of many hospitality businesses in the City of Paynesville. Executive Order 20-56 outlines plans for bars and restaurants to open on June 1, 2020, for outdoor service, so long as certain conditions, including social distancing, are maintained to prevent the spread of COVID-19. Minnesota Statute Section 462.355, Subd. 4, provides the City with authority to adopt an interim ordinance to temporarily regulate activity within the City. Reduced occupancy capacities for hospitality businesses will result in the need for additional outdoor areas for service. The City wishes to provide dining establishments with added flexibility to establish temporary outside seating in available outside areas, or adjacent open spaces. The City will examine the effects of additional outdoor dining and modify parking supplies, as may be appropriate, to meet the goals of this Interim Ordinance. The temporary expansion of outdoor dining has the potential to create impacts on circulation and traffic, firefighting, alcohol sales and consumption, and various other areas of local regulation. There is a need for an Interim Ordinance to be adopted for the purpose of protecting the planning process, and the health, safety and welfare of the citizens of the City of Paynesville, until further study of the issue has been completed.

2. Scope of Interim Ordinance. The Interim Ordinance shall be applicable to businesses that serve food or alcohol. This Interim Ordinance is intended to provide temporary outdoor dining areas, subject to the terms of this Interim Ordinance, and administrative regulations, which the City finds necessary for the protection of public health, safety and welfare.

3. Temporary Outdoor Dining Permit. Temporary outdoor dining permits ("TODP") may be granted to allow the expansion of outdoor dining onto sidewalks or other City property. Business owners and licensees holding liquor licenses shall submit an application to the City Administrator, and the application shall be accompanied by the following:

i) Site Plan showing the premises, including the location of the existing indoor facility, as well as the space proposed to be occupied by the temporary outdoor dining. The temporary outdoor dining area shall be physically enclosed with a temporary fence, or otherwise well defined. The location of the dining area shall not interfere with safe on-site traffic circulation.

ii) Site Plan shall illustrate table and seating areas, pedestrian access ways, staff access ways, wait stations, trash receptacles and other uses of the outdoor spaces. The pedestrian access ways shall be designed to be disability accessible.

iii) Operations plan that describes the means of complying with the State of Minnesota guidelines for social distancing and sanitation as set forth in Section (10), and hours of operation.

iv) Seating capacity, in numbers of patrons that the TODP will serve, not to exceed fifty (50) people.

v) Structures, temporary or otherwise, proposed as a part of the TODP operation.

vi) Barrier placement and materials, if any.

vii) Parking spaces remaining after establishment of the TODP that are typically available for use of the business.

viii) Available disability parking locations, maintaining compliance with disability parking requirements of the State.

ix) Location of building fire connection, and evidence of continued access.

x) Trash handling equipment and process.

xi) Authorization from property owner, if different from business owner.

xii) Representation that applicant intends to comply with Governor's Orders.

4. Procedure. The City Administrator, or the City Administrator's designee, shall review the application against the criteria of this Interim Ordinance. If approved, the City Administrator shall provide two (2) copies of the written TODP outlining conditions of the approval. Said TODP shall be signed by both the City Administrator, or the City Administrator's designee, and the applicant has an understanding of the approval. One (1) copy shall be given to the applicant, and one (1) copy shall be kept on record at the office of the City of Paynesville.

5. Denial. In the event the application fails to meet the purpose and intent or the performance standards of this Interim Ordinance, the City Administrator, or the City Administrator's designee, shall provide the applicant a written notice of denial. The applicant may appeal any administrative denial to the City Council or pursue other available remedies under the City Code of the City of Paynesville.

6. Expanded Liquor Service Area. The City may administratively approve a temporary expansion of a liquor license to allow for an expanded liquor service area to the on-site liquor licensee with an approved TODP consistent with the limits and terms of this Interim Ordinance.

7. Performance Standards. The City Council authorizes the City Administrator to promulgate regulations for applications for TODP and operational requirements related to the temporary outdoor dining areas authorized under this Interim Ordinance including, but not limited to:

a. The regulations shall address alterations to the use of the subject property, including the use of private parking spaces, green spaces, or other potential use areas, and the provision of support facilities that may be appropriate under the temporary conditions applying to the property.

b. The regulations shall address additional temporary signage to be allowed during the period this Interim Ordinance is in effect.

c. The regulations shall take into account other applicable codes and public health and safety considerations, including alcohol licensing, fire codes and protections, and other related building and zoning regulations.

d. The regulations may account for potential use of public spaces for TODP's, including public parking lots, rights of way, and open spaces, and how the City may accommodate and regulate the private use of those spaces, if deemed reasonable and appropriate.

e. Except where specifically noted herein, this Interim Ordinance shall not be construed to waive or suspend any portions of the applicable building, electrical, plumbing, fire, or liquor sales ordinances currently in effect.

8. Process and Standards for Review of a TODP Application.

a. The applicant's request shall be consistent with the allowances and intent of the Governor's Orders.

b. The applicant shall provide evidence of continued firefighting access, and any requirements of State or local public safety recommendations.

c. Each TODP location shall be entitled to up to two (2) additional temporary signs during the duration of the TODP, each sign to be located on the premises of the applicant, and up to 32 square feet in area.

d. Each TODP applicant shall cooperate with public safety officials in the application for said permit, and any modifications or changes recommended as a part of the permit review process.

e. If the applicant for a TODP is seeking the use of public land, the City will balance the request against other competing uses, including other applicant requests, to ensure reasonable access to public and private facilities, public safety, and other public uses, including parking, open space, or public improvements. The City reserves the right to consider requests for public property use at its sole discretion. If a TODP is granted authorizing the use of public property, the applicant shall provide a general public liability and property damage insurance policy providing liability coverage in which the limits of public liability shall be not less than the maximum liability insurance established by Minnesota Statute Section 466.04, Subd. 1. The insurance policy shall name the City as an additional person, firm or

entities designated by it, as additional insured, and shall contain a clause providing that the insurer shall not cancel or change the insurance without first giving the City at least 10 days prior notice.

f. Any TODP including authorization for the sale of liquor shall be in an area contiguous to an existing liquor license, and shall include evidence of the insurance required under Minnesota Statutes Chapter 340A.509 to cover the additional area in which sales will occur.

g. The City will expedite review and consideration of each TODP application, understanding the nature of the current emergency, and the need for local businesses to recover economically as soon as possible.

9. Compliance With all Other Applicable Laws. Any business in receipt of an approved TODP under this Interim Ordinance shall be separately responsible for obtaining any other permits or licenses necessary to legally operate said business as proposed, including liquor licensing, Health Department approvals, or any other approval.

10. Compliance with Governor's Orders. Business owners shall comply with the terms of the Governor's Orders, including, but not limited to, the following provisions:

- a. Develop and implement a COVID-19 Preparedness Plan;
- b. Open for outdoor dining or curbside pickup/delivery only.
- c. Ensure at least 6 feet of distance with maximum on-premises capacity to no more than 50 persons.
- d. Limit the table serve to 4 persons, or 6 if part of one family unit.
- e. Require reservations; do not allow walk-in customers.
- f. Require masks or face shields to be worn by workers and strongly recommend masks for customers.
- g. Establish regular disinfection routine and train workers.

11. Authority to Amend Regulations. The City Council retains the authority to modify or amend the regulations as a matter of course as they pertain to properties in general, or on a case-by-case basis to ensure equitable application of the purposes of this Interim Ordinance.

12. Authority to Amend TODP. The City Council shall have the authority to modify or amend any approved TODP to promote the public health, safety, and welfare, including termination of said TODP.

13. Authority to Terminate TODP. The City Council shall have the authority to terminate this Interim Ordinance at any time and for any purpose, including changes to the State of Minnesota's Emergency Order.

14. Duration. This Interim Ordinance shall remain in effect until the adoption of the official controls contemplated herein or until further Executive Order from the Governor which will allow bars and restaurants to re-start indoor food and beverage services, whichever occurs first, after which occurrence this Ordinance shall lapse, unless properly extended pursuant to State Law.

Section 2. Effective Date. This Interim Ordinance shall be effective upon its passage and publication.

Section 3. Summary Approved. The Council hereby determines that the text of the summary of this Ordinance marked "Official Summary of Ordinance No. 13, 3rd Series", and a copy of which is attached to this Ordinance, clearly informs the public of the intent and effect of this Ordinance. The Council further determines that publication of the title and this summary will clearly inform the public of the intent and effect of this Ordinance. The City Administrator shall file a copy of this Ordinance and the summary in the City Administrator's office, which shall be available for inspection by any person during regular office hours. A copy of this Ordinance shall be available in the community library, if there is one, or if not, in any other public locations which the Council designates.

Section 2. Effective Date. This Interim Ordinance shall be effective upon its passage and publication.

Adopted by the City Council of the City of Paynesville this 29th day of May, 2020.

**OFFICIAL SUMMARY OF ORDINANCE NO. 13, 3RD SERIES,
AN INTERIM ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, SUSPENDING
CONFLICTING REGULATIONS OF OUTDOOR DINING AND CREATING A TEMPORARY
ADMINISTRATIVE PROCESS FOR EXPANSION OF ON-SALE LIQUOR LICENSES DURING THE
COVID-19 PUBLIC HEALTH EMERGENCY**

A printed copy of this Ordinance is available for inspection by any person in the Office of the City Administrator during normal business hours, and at the community library, if there is one, or if not, in any other public locations which the Council designates.

The Interim Ordinance Suspending Conflicting Regulations of Outdoor Dining and Creating a Temporary Administrative Process for Expansion of On-Sale Liquor Licenses During the COVID-19 Public Health Emergency contains the following provisions:

- Section 1 - 1. The purpose of the Ordinance is to facilitate expansion of outdoor dining and on-sale liquor sales during the COVID-19 pandemic, and the resulting Executive Orders placing limits on capacities for hospitality businesses, including bars and restaurants.
- Section 1 - 2. The scope of the Interim Ordinance is intended to be applicable to businesses that serve food or alcohol, and to allow outdoor dining areas in areas where on-sale alcoholic beverages may be served.
- Section 1 – 3. Temporary Outdoor Dining Permits (TODP) may be obtained allowing for service of food and alcoholic beverages in outdoor areas upon completion of an application for permit containing the required information.
- Section 1 - 4. The City Administrator, or the City Administrator’s designee, is authorized by the Council to review and approve applications.
- Section 1 – 5. In the event the City Administrator denies an application, the applicant is entitled to written notice of the denial or appeal to the Council, or other remedies available under the City Code.
- Section 1 – 6. The City may administratively approve temporary expansion of a liquor license consistent with the requirements of the Ordinance.
- Section 1 – 7. Performance standards set forth certain requirements related to a TODP.
- Section 1 – 8. This section sets forth the process and standards to be applied in the review of an application for a temporary outdoor dining permit.
- Section 1 – 9. This section requires businesses receiving an approval of a TODP to comply with other requirements of City or State Law.
- Section 1 – 10. Business owners must comply with the Governor’s Orders as they now exist, which are detailed in the Ordinance.
- Section 1 – 11. The Council retains the authority to amend regulations regarding the TODP.
- Section 1 – 12. The Council retains authority to modify a TODP.
- Section 1 – 13. The Council retains authority to terminate a TODP.
- Section 1 – 14. The Interim Ordinance remains in effect until an Executive Order allows bars and restaurants to re-start indoor food service, or the City adopts a permanent Ordinance for the control of outdoor dining and on-sale liquor sales.
- Section 2 – This section sets forth the effective date.
- Section 3 – This section approves this summary of the Ordinance.

This summary was approved by the City Council of Paynesville, Minnesota, on May 29, 2020.