

**ORDINANCE NO. 20-03**  
**CITY OF PINE CITY**  
**PINE COUNTY, MINNESOTA**

**AN INTERIM ORDINANCE TEMPORARILY  
ALLOWING EXPANDED OUTDOOR SEATING**

**WHEREAS**, 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 and 20-53; and

**WHEREAS**, the Pine City City Council declared an emergency by Resolution #20-29 on March 20, 2020; and

**WHEREAS**, the Governor's Executive Orders have prohibited sit-down, dine-in service at restaurants, which has threatened the existence of many businesses and the vitality of downtown Pine City; and

**WHEREAS**, the City of Pine City (the "City"), prior to the pandemic, has invested significant time and resources in fostering a business environment that is friendly to and supportive of small businesses, including food establishments, particularly in downtown Pine City; and

**WHEREAS**, small businesses, especially food establishments are an essential component of the economy within the City and have suffered greatly as a result of the closure order; and

**WHEREAS**, the City is greatly concerned about the long-term damage that the closure is causing on food establishments and the likelihood that it will undo decades of progress that Pine City has worked hard to achieve; and

**WHEREAS**, Minnesota Statute § 462.355, Subd. 4, provides the City with authority to adopt an interim ordinance to temporarily regulate activity; and

**WHEREAS**, in light of the COVID-19 pandemic, the CDC recommends enhanced spacing and reduced capacity in food establishments; and

**WHEREAS**, when food establishments are permitted to resume sit-down, dine-in service in Minnesota, it is likely that reduced occupancy levels will be experienced within restaurants; and

**WHEREAS**, the City is concerned about economic suffering of reduced occupancy and wishes to provide food establishments with added flexibility to establish temporary outside seating in parking areas; and

**WHEREAS**, the City currently permits alfresco dining and special events by permit, anticipates increased demand for alfresco dining and special events, and wishes to expedite and streamline the approval process; and

**WHEREAS**, the temporary nature of these measures and the urgency of the needs of

affected businesses necessitates use of an interim ordinance and foregoing typical City Council review; and

**WHEREAS**, the City will study evolving public health concerns related to COVID-19, business needs, and public input during the interim ordinance and adjust the City's permanent ordinances accordingly and refine the interim ordinance as necessary.

**NOW, THEREFORE**, the Pine City City Council adopts the following findings:

1. The recitals above are incorporated into the findings.
2. The City desires to provide flexibility and accommodations for food establishments in a manner that protects public health and safety.
3. Alfresco dining, outdoor seating and temporary use of public right-of ways are currently permitted by the Pine City City Code, and making it easier for food establishments to implement outdoor seating is critical for supporting the local economy and protecting public health.
4. Temporary use of public parking spaces for alfresco dining is appropriate due to reduced demand that is a direct result of COVID-19 pandemic.
5. Due to social distancing requirements the ability for the City to quickly study, prepare, and implement ordinary ordinance revisions is hindered.
6. The issue is time sensitive due to the potential re-opening of businesses.
7. An interim ordinance, pursuant to Minnesota Statutes § 462.355, is necessary to allow the City to quickly implement temporary revisions to accommodate the re-opening of food establishments.

**NOW, THEREFORE**, pursuant to Minnesota Statutes § 462.355, the Pine City City Council hereby ordains:

**Section 1. Interim Ordinance.**

1. **Temporary Ordinance.** A temporary ordinance providing flexibility for outdoor seating for food service establishments within the City of Pine City is hereby established.
2. **Restricted Business.** For purposes of the interim ordinance, "Restricted Business" means any restaurant, bar, club, coffee shop, delicatessen, candy shop, or bakery with sit-down, dine-in service that have occupancy limitations imposed by the State of Minnesota due to the COVID-19 pandemic.
3. **Temporary Changes to additional restrictions in City Ordinance.** Notwithstanding requirements to the contrary in chapter 6 of the City Code, changes to premises descriptions under this Temporary Ordinance do not require a public hearing, and may include, with City permission, portions of public sidewalk, parking area, and street.

4. **Temporary Changes to Alfresco Dining Ordinance.** An interim ordinance.
  - a. Expansion of the use to include all business districts where Restricted Businesses are already permitted uses.
  - b. Waiving of permit fees.
  - c. Expansion of area to allow the use:
    - i. Into parking spaces adjacent to the sidewalk, which may be on-street parking spaces or private parking lot spaces;
    - ii. To go 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.
  - d. City staff can review and approve applications for alfresco dining, so long as the application meets all the performance standards as referenced within this Ordinance.
  - e. Temporary Alfresco Dining Permits shall terminate with this interim ordinance and create no vested rights for Restricted Businesses.
  - f. Temporary Alfresco Dining Permits may be revoked by the City Council.
  
5. **Temporary Alfresco Dining Permit.** In order to utilize alfresco dining under the provisions of this Ordinance, a Restricted Businesses shall obtain a Temporary Alfresco Dining Permit as follows:
  - a. **COVID-19 Preparedness Plan.** The Restricted Business shall submit with all other required documentation a copy of their COVID-19 Preparedness Plan as required by state guidelines.
  - b. **Site Plan.** The Restricted Business submits a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations. The site plan is not required to be prepared by a civil engineer.
  - c. **Screening from Residential.** The dining area should be located in a manner that maximizes screening from view from adjacent residential uses.
  - d. **Pedestrian Safety.** The Restricted Business shall minimize pedestrian circulation disruption as a result of the outdoor dining area by providing physical or signed separation and a clear passage zone for pedestrians; umbrellas or other structures extending in to the pedestrian clear passage zone shall have a minimum clearance of seven (7) feet above sidewalk.
  - e. **Surface.** The dining area is surfaced with a hard surface that provides a clean and non-slip surface.
  - f. **Garbage.** Refuse containers, designed to prevent spillage and blowing litter, are provided for self-service outdoor dining areas.
  
6. **Liquor License.** All Restricted Businesses are required to comply with liquor licensing requirements when utilizing a Temporary Alfresco Dining Permit, including obtaining an Alfresco Liquor License and the other provisions of Chapter 600.02, Subd. 8.

7. **Duration.** This temporary ordinance shall be in effect for a period of one year, or until such earlier time as the Pine City City Council determines the interim ordinance is no longer necessary.
8. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.
9. **Validity.** Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Interim Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

**Section 2. Summary Publication.**

At least four-fifths of the City Council's members direct the Administrator to publish only the title and a summary of this Ordinance as follows:

"AN INTERIM ORDINANCE TEMPORARILY ALLOWING EXPANDED OUTDOOR SEATING FOR RESTAURANTS WITHIN THE CITY OF PINE CITY. It is the intent and effect of this Ordinance to temporarily allow expanded outdoor seating in order to accommodate restaurants affected by the COVID-19 pandemic."

A printed copy of the ordinance is available for inspection by any person during regular office hours at City Hall.

Adopted this 28th day of May, 2020.



---

Carl Pederson, Mayor

ATTEST:



---

Matthew Van Steenwyk, Administrator