

ORDINANCE NO. 1364

AN ORDINANCE AMENDING CHAPTER 8, LICENSES, PERMITS AND BUSINESS REGULATIONS, ARTICLE I, IN GENERAL, SECTION 8-3, USE OF PUBLIC SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT FOR COMMERCIAL PURPOSES; AND CHAPTER 13, STREETS SIDEWALKS AND OTHER PUBLIC PROPERTY, ARTICLE I, IN GENERAL, SECTION 13-3, PLACING WASTE MATERIALS, LEAVING EQUIPMENT ON STREET, SIDEWALK OR PUBLIC GROUND; TEMPORARY PLACEMENT OF DUMPSTERS, COLLECTION BINS OR COLLECTION BOXES IN PUBLIC RIGHTS-OF-WAY

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE SECTION 8-3. Chapter 8, Article I, Section 8-3 of the Willmar Municipal Code is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 8-3. Use of public sidewalks in the central business district for commercial purposes.

- (a) *Issuance of permits.* Any business located in the central business district may apply to the city clerk for a permit to conduct business on the public sidewalk immediately adjoining the building where the business is located. The permit shall expire on December 31 of the year in which it was issued. Use of the permit shall be subject to all the terms of this section.
- (b) *Conditions on use of sidewalks.* Each permit that is issued shall be subject to the following conditions:
 - (1) Sidewalk remaining for use by pedestrians shall be a minimum of five (5) feet in width in addition to the area presently occupied by trees, transformer boxes or other permanent installations.
 - (2) The sidewalk shall be used for the permitted purpose ~~on Monday through Saturday~~ only.
 - (3) Each permittee shall ~~contain an indemnification~~ fully indemnifying the city against claims for injury to persons or damage to property.
 - (4) ~~Property placed on the sidewalk by a permit holder shall be removed from the sidewalk at the close of each business day.~~ Each permittee shall maintain general liability insurance that includes premises and operations insurance and products and completed operations insurance with minimum coverage amounts of \$50,000 per occurrence, \$10,000 per occurrence for property damage, and \$300,000 aggregate for personal injury or death, and which names the City of Willmar as an additional insured.
 - (5) Property placed on the sidewalk by a permit holder shall not obstruct or interfere with building exits; fire hydrants; standpipes or other public safety equipment.

- (6) No food or beverage shall be sold on the public sidewalk for immediate consumption except by a licensed restaurant and only in compliance with all state and local regulations for restaurants. No alcoholic beverages shall be sold or served on the public sidewalk for immediate consumption or otherwise except by an establishment holding a valid license encompassing such public sidewalk pursuant to Section 3-111, and only in compliance with all state and local regulations for the sale of alcoholic beverages. All waste liquids and foods; disposable cups, glasses, plates and utensils; and waste paper shall be placed in covered garbage receptacles.
- (7) All furniture placed on the sidewalk by a permit holder shall be suitable for and manufactured for outdoor use and shall be maintained in good condition.
- (8) No tables, chairs or other furniture intended to enable or promote public seating shall be placed or allowed to remain on the sidewalk during the months of December, January and February.
- (c) *Permit not required.* A permit shall not be required for use of the sidewalk by a business during a downtown promotion such as Crazy Days, block parties and special sales events. A permit shall also not be required to place a flower pot on the sidewalk provided it abuts the wall of the building that it is placed in front of.

Section 2. AMENDMENT OF MUNICIPAL CODE SECTION 13-3. Chapter 13, Article I, Section 13-3 of the Willmar Municipal Code is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 13-3. ~~Placing waste materials, leaving equipment on~~ Obstructions on streets, sidewalks or public grounds prohibited; temporary placement of dumpsters, collection bins or collection boxes in public rights-of-way.

- (a) No person shall encumber any street, sidewalk, alley, lane, boulevard or public ground within the limits of the city by throwing, placing or depositing thereon or therein any garbage, grass, lawn clippings, hay, leaves, brush, glass, metal, tin cans, paper or any other material whatsoever of a like nature, or by placing thereon or therein any cart, wagon, sleigh box, barrel, keg, lumber, firewood, posts, or any farm, road, agricultural or other machine, or any other material, object or equipment of a like nature unless otherwise authorized in this Code.

Section 3. EFFECTIVE DATE. This ordinance shall be effective from and after its adoption and second publication.

This Ordinance introduced by Council Member: Fagerlie
 This Ordinance introduced on: October 6, 2014
 This Ordinance published on: October 11, 2014
 This Ordinance given a hearing on: October 20, 2014
 This Ordinance adopted on: October 20, 2014
 This Ordinance published on: October 25, 2014