

City of New Ulm
Request for Council Action

Meeting Date:	November 6, 2007	Agenda Item Number:	
Agenda Section:	Old Business	Originating Department:	Administration
Resolution:	NO	Prepared By:	City Manager
Ordinance:	NO		
Number of Attachments:	ONE	Presented By:	City Manager
Item:	Consider rules regarding the placement of tables and chairs into the city right-of-way and to also consider the extension of a liquor license from a liquor establishment into the same seating area.		

City Manager’s Proposed Action:

Motion by _____ and Second by _____ to adopt the rules that regulate the placement of tables, chairs, and fences in the city right-of-way (sidewalk) area in front of an establishment that serves non-alcoholic beverages, food, and/or alcoholic beverages.

Board/Commission Recommendation:

Overview:

The issue of creating an out door seating area in the city right-of-way (sidewalk), in front a business is driven by the recent State laws regarding smoking. There are no regulations restricting a patron’s use of the side walk area for public smoking purposes. The two issues where City Council permission is needed are: A. when an establishment wants to place a structure (table-chair) in the right-of-way; and B. when the establishment wishes to extend their liquor license out on City right-of-way (this is slightly different from extending the liquor license out onto property the establishment owns). Councilor Rockvam and Councilor Weinkauff and I, with written input from Police Chief Weinkauff have prepared the following rules pertaining to structures and liquor license extensions for City Council consideration. I have also identified options for consideration.

Smoking/Eating Sidewalk Cafe

1. Tables and chairs may not extend any further out into the right-of-way farther than 48 inches.
 This allows a 5-foot walkway for pedestrian use and complies with the Americans with Disabilities Act (ADA).
2. A map of proposed seating plan is to be submitted when request for sidewalk café area is considered.
3. A General Liability Insurance policy declarations page shall be filed with the City in an amount specified by the City (currently it is \$300,000 combined single limits for bodily injury or damage to property).
4. All tables and chairs are to be removed from the sidewalk cafe area at the close of each business day.

5. Cleaning of the sidewalk cafe area is the responsibility of the adjacent business. Ash/butt containers are required, as well as trash containers if determined necessary.

Smoking/Eating and Liquor License extension to a Sidewalk Cafe

1. Tables and chairs are limited to 24 inches out onto the right-of-way.
2. A light 30-36 inch high fence delineating the area alcohol can be consumed in may not extend further than 48 inches out onto the right-of-way, at the side property lines it must return to the building, and must have an opening to allow for access from the sidewalk into the building. This allows a 5-foot walkway for pedestrian use and complies with the Americans with Disabilities Act (ADA).
3. A map of proposed seating plan is to be submitted when request for liquor license extension is considered.
4. Glass containers (are/are not) allowed in the sidewalk area.
6. Waiter/Waitress service (is/is not) allowed in the sidewalk area.
7. A General Liability Insurance policy declarations page shall be filed with the City in an amount specified by the City (currently it is \$300,000 combined single limits for bodily injury or damage to property).
8. All tables, chairs and fencing is to be removed from the sidewalk area by the close of each business day.
9. Cleaning of the smoking/drinking/eating area is the responsibility of the adjacent business. Ash/butt containers are required, as well as trash containers if food is served.

Primary Issues/Alternatives to

Consider:

- Glass containers are allowed until 10 PM or 11 PM on the Nicollet Mall.
- In some cases where a fence is impractical (10-12 ft wide sidewalk), a painted line is allowed in some commercial areas to outline a sidewalk cafe, NOTE: painted lines are not allowed on the Nicollet Mall.
- Fence materials: plastic, metal, wood
- Fence style: post and chain/rope, picket, collapsible, rigid (non-attached to bldg or sidewalk)
- Rather than a blanket approval, it is recommended that these requests be addressed by resolution on an individual business basis.

Budgetary/Fiscal Issues:

None

Attachments:

1. Sample map of Le' Café showing placement of what spacing is acceptable in Minneapolis.