

ORDINANCE NO.
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 Governor's Executive Orders have prohibited sit-down, dine-in service at restaurants, which has threatened the existence and the vitality of businesses within Lucan; 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

WHEREAS, the City of Lucan currently restricts use of sidewalks as part of the city's official controls; 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, is likely that reduced occupancy levels will be required 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; 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 planning review and public hearing procedures; 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 Lucan 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. Sidewalk seating is currently prohibited, and making it easier for food establishments to implement outdoor seating is critical for supporting the local economy and protecting public health.
4. Due to social distancing requirements the ability for the City to quickly study, prepare, and implement ordinary ordinance revisions is hindered.
5. The issue is time sensitive due to the potential re-opening of businesses.
6. 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 Lucan 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 Lucan is hereby established.
2. **Temporary Changes to Streets and Sidewalks Ordinance 7.401.**

An Interim Ordinance

7.401 - a

Businesses within the City of Lucan shall be permitted to use the public sidewalks for their business until such time as the Governor's peacetime emergency expires or ceases, on the condition that they follow all other required policies and procedures established by the State or local authorities. No permit shall be required.

3. **Liquor License.** All Restricted Businesses are required to comply with liquor licensing requirements when utilizing this section.
4. **Duration.** This temporary ordinance shall be in effect for a period of one year, or until such earlier time as the peacetime emergency expires or ceases, whichever is first.
5. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.
6. **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.

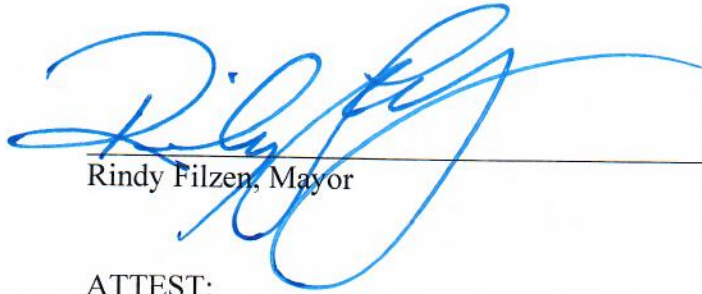
Section 2. Summary Publication.

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 USE OF SIDEWALKS FOR BUSINESS PURPOSES WITHIN THE CITY OF LUCAN. It is the intent and effect of this Ordinance to temporarily allow sidewalks to be used in order to accommodate businesses 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 First day of June 2020.



Rindy Filzen, Mayor

ATTEST:



Shawna Allan, Clerk-Administrator