

**ORDINANCE NO. 556**  
**2<sup>ND</sup> SERIES**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE ALEXANDRIA CITY  
CODE BY ADDING SECTION 4.54 RELATING TO THE LICENSING OF  
SIDEWALK CAFES**

**WHEREAS**, the City of Alexandria has adopted an ordinance regulating the private use of public right-of-way, incorporated into the City Code, a subdivision of which regulates obstructions in said right-of-way, and

**WHEREAS**, the City of Alexandria wishes to allow the provision of dining services on the public sidewalk,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALEXANDRIA  
HEREBY ORDAINS:**

SECTION I. That the Alexandria City Code is hereby amended by adding the addition of the following new Section 4.54 to read as follows:

Section 4.54 **Sidewalk Café.**

Subd. 1. **Definition.** Tables, chairs, benches and appurtenant equipment located on a public sidewalk (i) for the exclusive use by patrons of an abutting food establishment, or (ii) where the service of food or beverages is offered to persons using such tables, chairs and benches.

Subd. 2. **Permitted.** Sidewalk cafés may be located on public sidewalks subject to a permit or license issued by the City. Applications for a sidewalk café permit or license shall be made on forms supplied by the City and shall include a plan drawn to scale which illustrates the exact location of the proposed sidewalk café together with distances and dimensions of the adjoining buildings, the sidewalk, the distance to and location of the traveled portion of the street and distances to all obstructions in the vicinity. The appropriate fee shall accompany the application.

A. No permit or license shall be issued or renewed for a sidewalk café unless the following requirements are met:

1. The applicant must possess a valid food establishment license.
2. A distance of at least 200 feet shall be maintained between the nearest point of the sidewalk café to the nearest point of property zoned for residential purposes.
3. The applicant must furnish to the City evidence that insurance has been procured in amounts not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate for commercial general liability coverage. The applicant shall maintain such insurance in effect at all times during the term of the sidewalk café permit or license. The City shall be named as an additional insured in the policy providing such insurance.
4. The applicant shall indemnify and hold the City and the City's officials and employees harmless from any loss, cost, damage and expenses arising out of the use, design, operation, or maintenance of the sidewalk café.
5. The area occupied by the sidewalk café shall abut and shall be operated as part of the food establishment operated by the applicant.

No part of the sidewalk café shall adjoin any premises other than the applicant's food establishment.

6. The City shall find that the sidewalk café will not unduly restrict the safe usage of the sidewalk by the public after taking into consideration the location of obstructions, vehicular traffic and other impediments to the passage of pedestrians. A minimum of 48" of clear travel space (between the sidewalk café and the curb) shall be maintained on the public sidewalk adjacent to the sidewalk café. The sidewalk café shall be located immediately adjacent to the building in which the food establishment is located. The City shall renew a permit only upon finding that the operation of the sidewalk café complies with all provisions of this Ordinance.

B. The following requirements shall apply to the operation of sidewalk cafés.

1. Only food or beverages for immediate consumption may be offered for sale.

2. Intoxicating liquors, beer or wine may not be consumed or offered for sale at a sidewalk café.

3. No expansion of the area occupied by the sidewalk café from that shown on the permit or license application shall be made.

4. No tables, chairs, furnishings, planters, railings or other obstructions associated with the sidewalk café shall be placed or remain on the sidewalk between November 1 and April 1.

5. The applicant shall maintain the sidewalk café in a clean and sanitary condition.

6. The applicant shall promptly replace or repair any damage to the sidewalk or other public property caused by the applicant's use of the sidewalk as a sidewalk café.

7. An appropriate refuse receptacle shall be readily available to the patrons of the sidewalk café.

C. Permits issued pursuant to this Ordinance shall expire on March 31 of each calendar year.

Section II: This ordinance shall be in full force and effect from and after its passage and publication.

**ADOPTED** by the City Council of the City of Alexandria, Minnesota, this 23<sup>rd</sup> day of May, 2005 by the following vote:

YES: CARLSON, WEISEL, FRANK

NO: KALPIN, BENSON

ABSENT: NONE

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/S/ H. Dan Ness, Mayor

ATTEST: \_\_\_\_\_  
/S/ Jim Taddei, City Administrator