

ORDINANCE NO. 829
2nd SERIES

AN EMERGENCY ORDINANCE TEMPORARILY AMENDING CITY CODE SECTION 4.35.1, SUBDIVISION 2.B.5.C FOR THE PURPOSES OF ALLOWING THE USE OF VACANT RESTAURANT LOTS FOR FOOD TRUCK PLACEMENT AND OPERATION.

WHEREAS, Section 4.35.1, Subd. 2.B.5.c of the Alexandria City Code allows food trucks to operate as an accessory use on private property; and

WHEREAS, due to a fire in downtown Alexandria there is one or more vacant lots on which mobile food trucks could be operated as a temporary alternative to a “brick and mortar” restaurant; and

WHEREAS, the “accessory use” requirement of Section 4.35.1, Subd. 2.B.5.c of the Alexandria City Code prevents the placement of a mobile food truck on a vacant lot; and

WHEREAS, due to the COVID-19 pandemic, limitations have been imposed on the re-opening of restaurants in the City of Alexandria and throughout the State of Minnesota; and

WHEREAS, the City Council believes that in light of the fire and the possibility that similar disasters could occur, combined with the restrictions resulting from the pandemic, the above-noted “accessory use” requirement imposes an undue restriction during these emergency circumstances.

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

Section I. That Section 4.35.1, Subd. 2.B.5.c of the Alexandria City Code is hereby amended as follows:

- c. Subject to subpart (i) below, mobile food trucks/vendors are allowed to operate as an accessory use on private property as expressly authorized by the owner/manager/agent of the private property, and only for the length of time authorized by the Minnesota Department of Agriculture and/or Horizon Public Health.
 - (i) From the effective date of this ordinance until November 1, 2020 the requirement that a mobile truck be an “accessory use” is waived for any owner of a vacant restaurant site, provided that: (a) the vacancy is the result of fire or other disaster; (b) the site had been used as a restaurant within 120 days prior to the owner’s application for a mobile food truck license; and (c) the restaurant owner owns or operates the mobile food truck to be used on the vacant site.

Section II. In accordance with the City of Alexandria Home Rule Charter, Section 3.02 this Ordinance shall be in full force and effect from and after its initial passage. No second reading shall be required. Publication once in the City’s official newspaper is required.

ADOPTED by the City Council of the City of Alexandria this 8th day of June, 2020 by the following vote:

YES: Franzen, Thalman, Osterberg, Benson, Jensen

NO: None

ABSENT: None

ATTEST:


Martin D. Schultz City Administrator


Sara Carlson, Mayor

Affidavit of Publication
/STATE OF MINNESOTA)
County of Douglas) ss.

Diann Drew, being first duly sworn, on oath states as follows:

1. I am the publisher of the Echo Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

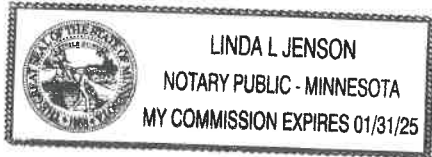
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the Ordinance 829 attached/copied below was published in the newspaper are as follows: Friday, the 12th day of June, 2020

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$28.38.

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Douglas County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.



[Handwritten Signature]

[Signature]

Subscribed and sworn to before me on
this 12th day of June, 2020, By Diann Drew

[Handwritten Signature]

Notary Public

Ordinance 829

Publish June 12, 2020

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TEMPORARILY AMENDING CITY
CODE SECTION 4.35.1,
SUBDIVISION 2.B.5.C FOR THE
PURPOSES OF ALLOWING THE
USE OF VACANT RESTAURANT
LOTS FOR FOOD TRUCK
PLACEMENT AND OPERATION.**

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Osterberg, Benson, Jensen
NO: None
ABSENT: None

Sara Carlson,
Mayor

ATTEST: Martin D. Schultz
City Administrator
2843501