



City of Mora  
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Mora, MN 55051-1588

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## COVID-19 PANDEMIC TEMPORARY OUTDOOR SEATING PERMIT

### Business/Establishment

Legal Name \_\_\_\_\_

Trade Name (DBA) \_\_\_\_\_

Establishment Address \_\_\_\_\_

Establishment Phone \_\_\_\_\_

Federal Tax ID or SSN \_\_\_\_\_

Minnesota Tax ID \_\_\_\_\_

### Owner/Manager

Name \_\_\_\_\_

Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Driver's License No. \_\_\_\_\_

Date of Birth \_\_\_\_\_

### Current License(s)

☐ Liquor On-Sale

☐ 3.2 Beer On-Sale

☐ Brew Pub On-Sale

☐ Liquor Sunday On-Sale

☐ Wine On-Sale

☐ Brewer Tap Room

**There are no costs/fees associated with this temporary permit application if state building code permits are not required. If state building, electrical or plumbing code permits are required for the business in order to provide the outdoor seating, standard permit charges will be required.**

This Temporary Outdoor Seating Permit is valid until Midnight on the day of December 2, 2020, or until repealed by subsequent City Council action or termination of the Local Peace Time Emergency.

The applicant hereby makes application for the above indicated permit for the stated term. Further, the applicant agrees to comply with all ordinances and regulations of the City of Mora with the conditions of the license(s); understands that licenses are non-transferable and the issuance of the license creates no legal liability, express or implied, on the municipality; and certifies that the information contained herein is true and correct to the best of the applicant's knowledge.

### ITEMS TO INCLUDE WITH COMPLETED APPLICATION (incomplete applications will be denied)

☐ Updated Certificate of Liquor Liability Insurance covering temporary expanded outdoor seating area

☐ The Site Plan for business operations during

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

### ***(OFFICE USE ONLY)***

Date Filed	License Number(s)
Council/Administration Disposition: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	
Date	
Comments:	



## **ORDINANCE NO. 469**

### **AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORA, MN 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 Mora City Council declared an emergency on March 27, 2020;  
and

**WHEREAS**, the Governor's Executive Orders have prohibited sit-down, dine-in service at restaurants, which has threatened the existence of many businesses and the vitality of Mora; and

**WHEREAS**, the City of Mora (the "City"), prior to the pandemic, has invested significant time and resources in fostering a business environment that is friendly to and supportive of small businesses, including food establishments; 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 the likelihood that it will undue decades of progress that Mora has worked hard to achieve; and

**WHEREAS**, the Mora City Council administers zoning within the City and may regulate land use as part of the City's zoning authority; and

**WHEREAS**, Minnesota Statute § 462.355, Subd. 4, provides the City with authority to adopt an interim ordinance to temporarily regulate activity; and

**WHEREAS**, under the current Mora zoning ordinance, parking standards are imposed based upon size and/or occupancy of the building; 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, it is likely that reduced occupancy levels will be required within restaurants; and

**WHEREAS**, reduced occupancy will result in excess parking under the Mora zoning ordinance; 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 in unnecessary parking areas; and

**WHEREAS**, the City anticipates increased demand for sidewalk cafés; 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 the typical approval process; 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 Mora 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 cafés and outdoor seating are currently permitted on private property by the Mora City Code, and making it easier for food establishments to implement outdoor seating by utilizing certain public and private properties is critical for supporting the local economy and protecting public health.
4. Temporary use of public parking areas and sidewalks for outdoor seating is appropriate due to reduced demand that is a direct result of COVID-19 pandemic.
5. Due to social distancing requirements the ability for the City to quickly study, prepare, and implement ordinary ordinance revisions is hindered.
6. The issue is time sensitive due to the potential re-opening of businesses.
7. 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 Mora 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 Mora is hereby established.
2. **Restricted Business.** For purposes of the interim ordinance, "Restricted Business" means any restaurant, bar, club, coffee shop, delicatessen, candy shop, or bakery with sit-down, dine-in service that have occupancy limitations imposed by the State of Minnesota due to the COVID-19 pandemic.
3. **Temporary Changes to Zoning Ordinance for Use of Private Parking Areas.** Parking standards required by Section 150.503 for Restricted Businesses in the B-1 Central Business District and B-2 General Business shall temporarily and proportionately be reduced by any temporary reduction in occupancy ordered by the State of Minnesota. Restricted Businesses wishing to add onsite temporary outdoor seating may utilize temporarily unnecessary privately owned parking spaces.
4. **Temporary Outdoor Seating Permit for Use of Public Property.** In order to utilize public property for temporary outdoor seating, a Restricted Business shall obtain a Temporary Outdoor Seating Permit as follows:
  - a. **Site Plan.** The Restricted Business submits a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations. The site plan is not required to be prepared by a civil engineer.

- b. Access. Access to the outdoor dining area, to the extent possible, is limited to access from the principal building.
  - c. Screening from Residential. The dining area should be located in a manner that maximizes screening from view from adjacent residential uses.
  - d. Pedestrian Safety. The Restricted Business shall minimize pedestrian circulation disruption as a result of the outdoor dining area by providing physical or signed separation and a clear passage zone for pedestrians; umbrellas or other structures extending in to the pedestrian clear passage zone shall have a minimum clearance of seven (7) feet above sidewalk.
  - e. Surface. The dining area is surfaced with a hard surface that provides a clean and non-slip surface.
  - f. Refuse. Refuse containers, designed to prevent spillage and blowing litter, are provided for outdoor dining areas.
  - g. No Permanence. No alteration of public right of way or installation of permanent improvements is permitted. Temporary Outdoor Seating Permits shall terminate with this interim ordinance and create no vested rights for Restricted Businesses.
  - h. Approval. Temporary Outdoor Seating Permits shall be issued administratively by the City Administrator.
  - i. Suspension and Revocation. The City Administrator may suspend a Temporary Outdoor Seating Permit if violations occur or safety issues arise.
  - j. No Fee. No fee is required for a Temporary Outdoor Seating Permit while this interim ordinance is in effect. Fees will be imposed as required for any permits under the state building codes.
5. **Liquor License**. All Restricted Businesses are required to comply with liquor licensing requirements when utilizing a Temporary Outdoor Seating Permit, including providing an updated Certificate of Liquor Liability Insurance for the new expanded seating area which must be a compact and contiguous space for the licensed premises as specified in the approved license application according to MN §340A.410, sub 7.
6. **Duration**. This temporary ordinance shall be in effect for a period of six (6) months, or until such earlier time as the Mora City Council determines the interim ordinance is no longer necessary.
7. **Effective Date**. This Ordinance shall be effective immediately upon its adoption.
8. **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 EXPANDED OUTDOOR SEATING FOR RESTAURANTS WITHIN THE CITY OF MORA. It is the intent and effect of this Ordinance to temporarily allow expanded outdoor seating in order to accommodate restaurants 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.


Section 3. That this ordinance shall become effective upon its passage and publication.

The foregoing ordinance was introduced and moved for adoption by councilmember

Pioske, and seconded by councilmember Anderson.

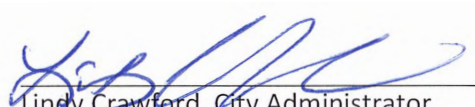
Voting for the Ordinance..... Mayor Skramstad, Anderson, Mathison, Pioske, & Treiber  
Voting Against the Ordinance... none  
Abstained from Voting..... none  
Absent..... none

Motion carried and ordinance adopted by the City Council of Mora, Minnesota this 2<sup>nd</sup> day of June, 2020.



Alan Skramstad, Mayor

ATTEST:



Lindy Crawford, City Administrator