

CITY OF OLIVIA, MINNESOTA

ORDINANCE 2020-06

**AN EMERGENCY ORDINANCE TEMPORARILY AMENDING
THE OLIVIA CITY CODE TO ALLOW OUTDOOR SERVICE AT BARS AND
RESTAURANTS BY PERMIT**

WHEREAS, the City of Olivia adopted ordinances which recognize the State laws and regulations pertaining to the licensure of establishments serving or selling beer and intoxicating liquors, as well as establishing local codes related to such regulatory authority; and

WHEREAS, City Code Chapter 116.26 establishes a requirement that liquor license applications must describe “the compact and contiguous premises within which liquor may be dispensed and consumed” and that “The description may not include any parking lot or sidewalk”; and

WHEREAS, the Executive Orders issued by Governor Tim Walz and the Peacetime State of Emergency declarations issued in response to the COVID-19 pandemic have created extreme hardships for some local bars and restaurants requiring them to relocate food service areas to exterior locations if sit-down service is to be provided to the public; and

WHEREAS, the Council of the City of Olivia has determined that the above City Code section combined with the Governor’s orders and declarations makes it difficult or impossible for some local bars and restaurants to partially reopen, and it is in the best interests of the City to relax this section of the City Code on a temporary basis to allow outdoor service at bars and restaurants to include private parking lots, sidewalks and adjacent green spaces within limited and defined areas; and

WHEREAS, due to the urgent nature of the changes needed to the City Code, the City Council has determined that the usual process for approving an ordinance under Minnesota Statutes section 415.19, and City Code should be waived, and this ordinance shall be passed as an emergency temporary ordinance under Minn. Stat. section 462.355.

NOW, THEREFORE, the City Council of the City of Olivia, Renville County, State of Minnesota, hereby ordains as follows:

1. Chapter 116 and any other prohibitive sections of the Olivia Code of Ordinances shall be and hereby are amended effective immediately and continuing for a period of 180 days from adoption, to allow for previously established liquor licenses to be amended to include temporary outdoor seating areas which may include private parking lots, sidewalks and/or green spaces adjacent to the primary licensed premise.
2. A licensee who wishes to serve beverages containing alcohol in additional exterior areas adjacent to their primary licensed facility shall submit an application to the City Clerk for approval. The application shall define and include a sketch showing the area where the applicant would like to serve beverages containing alcohol. The applicant must also provide the City with proof that

their liquor liability insurance covers alcohol sales in any expanded outdoor spaces which, under Minnesota law, must be “compact and contiguous” to the main structure.

3. The application shall also include a summary of the licensee’s plan for ensuring that State and local liquor laws will be maintained in any expanded outdoor service areas including (but not limited to) restricting access to alcoholic beverages from minors and limiting consumption of such beverages only to the defined, added service locations.

4. The City Clerk may administratively approve such an application upon receipt of all required documentation and after being reviewed by the Chief of Police or their designate. In the event that any application is denied by the Clerk, the applicant may appeal the decision to the City Council.

5. This ordinance shall be given prompt and general publicity and that it be filed promptly by the City Clerk.


Approved and passed on this 4th day of June, 2020

Attest:





Dan Coughlin, City Administrator



Suzanne Hilgert, Mayor