

ORDINANCE NO. 08-2020

AN ORDINANCE TO CREATE SECTION 110.21 OF THE MUNICIPAL CODE OF THE CITY OF MINERAL POINT, IOWA COUNTY, WISCONSIN, RELATED TO PARKLETS

The Common Council of the City of Mineral Point, Iowa County, Wisconsin, do ordain as follows:

Section I: Section 110.21 of the Municipal Code of the City of Mineral Point shall be and hereby is created to read as follows:

110.21 PARKLET PERMIT.

(A) DEFINITIONS.

(1) Parklet. A temporary extension of the terrace area into the parking lane of a public street which provides additional space for amenities, including, but not limited to, seating, dining, bike racks, and/or landscaping. A Parklet may occupy up to two (2) parking spaces or parking space equivalent units.

(2) Parking Space. A designated area between the travel lane of a street and the face of curb, marked by the City and dedicated solely for use as automobile parking.

(3) Parking Space Equivalent Unit. An unmarked area located between the travel lane of a street and the face of curb, measuring eight (8) feet perpendicular from the curb face by twenty (20) feet parallel to the curb face.

(B) PERMIT REQUIRED. No person shall operate a Parklet without first obtaining a permit under this section. The Parklet permit shall be effective annually and expire March 31st of each year but may only be utilized between April 1 and October 31 of each year unless approval for extended dates is obtained from the Common Council.

(C) TECHNICAL STANDARDS. Parklets shall conform to the following technical standards:

(1) The Parklet shall provide for unimpeded and ADA-complaint pedestrian access to the sidewalk.

(2) The Parklet shall maintain drainage of storm water in curb line without impediment.

(3) The finished surface of the Parklet shall be flush with the top of curb within one-half (1/2) inch in vertical difference.

(4) The Parklet shall not prohibit access to utilities located within the public right-of-way, and must be able to be removed upon 72-hour notice to provide access to utilities, if requested.

(5) The Parklet owner shall be responsible for maintenance within the Parklet area, including garbage collection.

(6) Reflective soft-hit posts shall be installed on each corner of the Parklet.

(7) The outside, traffic-facing edge of the Parklet shall be protected by Manual of Uniform Traffic Control Devices-compliant object markers.

(8) Equipment and fixtures in Parklets:

(a) Shall not be placed within five (5) feet of fire hydrants, alleys, or bike racks. Shall not be placed within five (5) feet of a pedestrian crosswalk.

(b) Shall not block designated ingress, egress, or fire exits from or to the restaurant, or any other structures.

(c) Shall not be physically attached, chained or in any manner affixed to any structure, tree, signpost, or light pole.

(d) May be removed by the City at the owner's expense.

(e) Shall be maintained in a clean, sanitary and safe manner.

(f) Shall not be placed outside or hang over the designated Parklet area.

(9) Parklets shall not be placed in designated handicapped parking spaces.

(10) Parklets may not be located in residential zoning districts.

(11) Parklets may need to be removed for special events including but not limited to the 4th of July Parade.

(12) All Parklets must obtain a Sidewalk Store Permit and may remain open only during the hours the Sidewalk Store is open.

(D) Alcohol in Parklets. A permittee may sell and serve alcohol beverages in a Parklet only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the Parklet is listed on the alcohol beverage license

application as being a part of the licensed premises.

(1) Alcohol may be served at Parklets under the following conditions:

(a) The permittee has a valid and appropriate retail alcohol beverage license for the principal premises.

(b) The retail alcohol beverage license premises description includes the Parklet in the description of the licensed premises as an extended area.

(c) The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the Parklet.

(d) Alcohol beverages are sold and served by the licensee or licensee's qualified employees and sold or served only to patrons seated at tables in the Parklet.

(e) Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations.

(f) The permittee shall be responsible for policing the Parklet area to prevent underage persons from entering or remaining in the Parklet, except when underage persons are allowed to be present on the licensed premises under applicable laws.

(g) The permittee shall not allow patrons of the Parklet to bring alcohol beverages into the Parklet from another location, nor to carry open containers of alcohol beverages about in the Parklet area, nor to carry open containers of alcohol beverages served in the Parklet outside the Parklet area.

(h) The area of the licensed premises from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the Parklet area.

(j) At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the Parklet area all containers used for or containing alcohol beverages.

(E) Application.

(1) Applications for a Parklet under this section shall be made to the Clerk on a form provided by the Clerk. Applications shall be reviewed by the Police Department and Fire Department for compliance. These

departments shall establish minimum standards as they determine necessary to protect the public safety. The conditions of this section shall also be met.

(2) A copy of a site plan which depicts the dimensions of the proposed Parklet, size and number of tables, chairs, planters, umbrellas, trees, location of doorways, benches, bike racks, trash receptacles, or other materials either existing or proposed within the Parklet area.

(3) Evidence that the applicant's premises liability insurance includes coverage for the applicant's activities in the Parklet. No permit will be issued in the absence of proof of premises liability insurance.

(F) FEE. The application fee for a Parklet permit shall be \$10 per application and shall be non-refundable.

(G) INTENT.

(1) The purpose of this section is to accommodate the needs of local businesses for additional space due to the COVID-19 epidemic, social distancing and personal safety requirements. To the extent needed to give effect to these public health needs, this ordinance shall supersede any other provision of this Code which conflicts with the provisions herein.

(2) Parklets are permitted for the primary purpose of accommodating the business needs of adjoining property owners and applicants shall provide a rationale for the installation of the Parklet. Parklet permits are awarded on a first come first serve basis. In the event of multiple requests for the same parking space(s) or parking space equivalent unit(s), permits may be issued to the applicant who, in the City's exclusive discretion, demonstrates the more persuasive rationale or need for the permit. Such decisions are final for the term of the permit.

(H) REVOCATION OR SUSPENSION OF PERMIT. The Chief of Police may suspend and the Common Council may revoke a Parklet permit if they determine that the permittee has violated the provisions contained herein; if they determine that occupancy of the Parklet is detrimental to the public health, safety, or welfare; or if the right-of-way subject to such permit is required for some other public purpose. The Parklet permit may also be revoked if the applicant has misrepresented or provided false information in the application. Permits issued under this section confer privileges and no continuing rights are conferred by the issuance of a permit.

Section II: This ordinance shall become effective upon its passage and publication as required by law.

Adopted and approved this _____ day of _____ 2020.

Jason Basting, Mayor

ATTEST:

Candice Coughlin, City Clerk

Date Adopted: _____
Date Published: _____
Effective Date: _____