

ORDINANCE NO. 1575

AN ORDINANCE AMENDING CHAPTER 94 ENTITLED "STREETS AND SIDEWALKS" OF TITLE IX ENTITLED "GENERAL REGULATIONS" OF THE 2015 ORDINANCE CODE OF THE CITY OF OWATONNA AMENDING § 94.095 REGULATING SIDEWALK AMENITIES AND GARBAGE STORAGE IN THE CENTRAL BUSINESS DISTRICT.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OWATONNA, MINNESOTA, DO ORDAIN:

Section 1. Chapter 94 of Title IX of the 2015 Ordinance Code of the City of Owatonna entitled "Streets and Sidewalks" is hereby amended by amending § 94.095 "Use of Sidewalks; Displaying Merchandise" to read as follows:

§ 94.095 USE OF SIDEWALKS; DISPLAYING MERCHANDISE; OTHER PERMITTED USES.

(A) Sidewalks.

- (1) *Garbage storage.* It shall be unlawful for any owner, tenant or other occupant of premises in the Central Business District to keep or store any garbage bin, garbage can, or other garbage container of any kind or description upon any public sidewalk, alley or street in the Central Business District except on designated garbage pickup days.
- (2) *Use of sidewalks.* Unless acting under a written permit of the city as hereinafter provided, it shall be unlawful for any person to store, pile, deposit, erect, keep or place, or cause, permit or suffer to be stored, piled, deposited, erected, kept or placed upon any sidewalk, street, avenue, alley or other public thoroughfare in the city any wood, coal, boxes, barrels, stone, brick, lumber, dirt, merchandise, shipping case, stand, stall, booth or show case or other obstruction of any kind, except as herein or otherwise provided by law or ordinance; provided, however, that nothing herein contained shall be construed to prohibit the placement and use of a public telephone booth or booths upon sidewalks of the city at such location or locations and upon such terms and conditions as the Council may determine to be in the interests of the public.

(B) Permitted uses of sidewalks.

- (1) *Use of sidewalks for display of merchandise.* When authorized by written permit issued from the city, it shall be lawful for the persons authorized thereby during the time his or her store or building is open for business, to place or set out for exhibition any goods, wares or merchandise directly connected with the business transacted by him or her, on the sidewalk in front of a place of business, store or building owned, controlled or occupied by him or her.

- (2) *Other sidewalk amenities allowed.* It shall be lawful for owners or tenants of premises abutting a public sidewalk in the Central Business District (B-3) to place tables and chairs, and portable planters, and one temporary portable sign upon the abutting public sidewalk during the time the permit holder's store or building is open for business, provided that the minimum sidewalk width remaining for pedestrians shall be as required by the American Disabilities Act, and provided further, that such placement does not unreasonably interfere with sidewalk maintenance and snow removal.
- (C) Receiving or delivering goods. It shall be lawful for any person to place or keep any goods, wares, merchandise, baggage or any articles of personal property which he or she may be receiving or delivering, and to unpack and remove the contents of any box, barrel or other receptacle, only on that part of any sidewalk next to the curb line not exceeding four feet in width and in front only of the store or building he or she owns, controls or occupies, but such goods, wares or merchandise shall not remain on such part of the sidewalk for a longer period than two hours or at night, on Sunday or any legal holiday.
- (D) Suspending merchandise in streets. It shall be unlawful for any person to hang out or suspend over any street any goods, wares or merchandise in front of his or her store, house or other building, except as authorized by a written permit.

Section 2. Effective date. This ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 6th day of March, 2018 with the following vote:

Aye 7; No 0; Absent 0.

Approved and signed this 6th day of March, 2018.


Thomas A. Kuntz, Mayor

ATTEST:


Kris M. Busse, City Administrator/City Clerk