

CITY OF HASTINGS, MINNESOTA

ORDINANCE NO. 2015-07, THIRD SERIES

**An Ordinance of the City of Hastings
Authorizing and Regulating Sidewalk Cafés**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS:

HASTINGS CITY CODE CHAPTER 30, SECTION 30.04 IS AMENDED TO ADD FEES TO THE FEE SCHEDULE AS FOLLOWS (new language is underlined):

§30.04 FEE SCHEDULE

Sidewalk Café Application and License

Initial	\$50
Renewal License	No Charge if site plan is not modified. \$50 if site plan is modified

HASTINGS CITY CODE CHAPTER 90, SECTION 90.11 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 90.11 PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.

(A) The Council may, in its discretion, grant special permission whereby on-street parking or the use of city-owned parking lots or ramps on public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or leased parking, loading zones, sidewalk cafés or display of merchandise on sidewalks) at the places, on the terms and for the compensation as the Council may deem just and equitable. In establishing the amount of the compensation to be paid to the city, the Council shall consider the amount of space, location, thereof, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of the complaint, call a hearing thereon to be held after 10-days' notice in writing to applicant and complainant and published notice at least 10 days prior to the hearing. After the hearing, the Council may by resolution decide whether to terminate, continue, or redefine the terms of the permission and the decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.

(B) Free and reserved on-street parking shall be limited to city-owned and operated vehicles.

(C) It is unlawful for any person to park or otherwise infringe upon a grant of right under this section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted the right to assert the same, or for any grantee of the right to exceed the same under claim thereto.

(Prior Code, § 6.16) Penalty, see § 10.99

**HASTINGS CITY CODE CHAPTER 90 IS AMENDED TO ADD SECTION 90.16 AS FOLLOWS
(new language is underlined):**

§ 90.16 SIDEWALK CAFÉS.

(A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK CAFÉ. A grouping of tables, chairs and related items located wholly or partially within a public sidewalk or right-of-way for the purposes of service and consumption of food and beverages by patrons, when located immediately adjacent to a food and beverage service establishment having a common operator.

(B) Sidewalk cafés authorized. Sidewalk cafés with or without service of alcohol may be located on public sidewalks subject to a license issued by the City Council pursuant to this section.

(C) Requirements. Installation and operation of all sidewalk cafés are subject to the following requirements and sidewalk cafés serving intoxicating liquor, beer or wine are subject to the applicable requirements of Chapter 111.

(1) Sidewalk cafés may only be installed and operated from April 1st to November 1st and during the hours of operation of the food service establishment provided that no sidewalk café may be operated between the hours of 11:00 p.m. and 11:00 a.m. No tables, chairs, furnishings, planters, fences or other obstructions shall be placed on public sidewalks between November 1st and April 1st. The City Council may further restrict the hours of operation of a sidewalk café based upon the proximity to residential dwelling units, and upon considerations relating to the safety, repose and welfare of residents, businesses and other uses near the establishment. Furniture and fixtures may be stored overnight within the sidewalk café area provided the licensee shall ensure all items are stored and secured in a neat and orderly manner.

(2) All sidewalk cafés must abut and be operated as part of the food service establishment operated by the applicant and shall have delineated limits separating the sidewalk café from the travelled portion of the sidewalk. Sidewalk cafés serving intoxicating liquor, beer or wine must have a visually appealing and continuous barrier made of fencing or planters surrounding the entire sidewalk café area which must be compact and contiguous with the enclosed portion of the licensed premises. No licensee shall expand a sidewalk café without first obtaining an amended sidewalk café license covering the additional space.

(3) Only food or beverages for immediate consumption may be offered for sale and no alcoholic beverages may be dispensed from within the sidewalk café. The licensee shall provide food service in all sidewalk café areas during all hours of operation. Food service may consist of less than a full menu, but shall at all times offer a substantial choice of main courses, other food items, and non-alcoholic beverages. Glassware may be used in the service of food and beverages but only to the extent such use does not create a safety hazard for patrons or the public in adjacent areas and the licensee is responsible to immediately remove any broken glass from the premises.

(4) No licensee shall allow entertainment within a sidewalk café, including non-live entertainment such as radio, taped music and television unless the same is expressly approved in writing by the City Council and in no event shall noise be generated that would unreasonably annoy or interfere with neighboring property owners or occupants or the public.

(5) No sidewalk café may: (i) unduly restrict the safe usage of any roadway or the sidewalk by the public after taking into consideration the locations of obstructions, vehicular traffic and other impediments to the passage of vehicles and pedestrians; (ii) be located within ten (10) feet of any traffic signal, crosswalk or pedestrian curb cut; or (iii) adjoin any premises other than the applicant's food service establishment. All signs, including sandwich boards, must comply with Chapter 155 and no signs may be placed in a manner that would obstruct a pedestrian sidewalk the licensee is otherwise required to keep clear and unobstructed.

(6) Fencing and planters shall be visually appealing and constructed of high-quality, durable materials maintained in good condition and shall not be permanently attached to the sidewalk or right-of-way. Fences and planters shall not exceed three (3) feet in height provided live plants may extend to a height of not more than six (6) feet, all as measured from the surface of the sidewalk or right-of-way. Planters must include live plants and must be well maintained at all times.

(7) Sidewalk cafés shall be handicap accessible and shall be installed in a manner complying with all ADA requirements and shall provide for a minimum of four (4) feet of clear, unobstructed pedestrian walkway between all obstructions and the edge of the sidewalk café. No employee or server may obstruct pedestrian walkways at any time.

(8) Operation of a sidewalk café must comply with all provisions of the Minnesota Clean Indoor Air Act.

(9) No sidewalk café shall be installed or operated, and no license shall be issued, for any location where the same is prohibited by state or local law and the ownership, operation and maintenance of all sidewalk cafés shall be subject to all applicable laws, ordinances and regulations.

(10) The licensee shall maintain the sidewalk café in a clean and sanitary condition and shall be responsible to remove all trash and litter generated by the operation of the sidewalk café within a reasonable distance from the area. The licensee shall be responsible for all costs of repairing any damage to the sidewalk or other public property caused by the use of the sidewalk or public property as a sidewalk café. If the City Council approves any improvements to the sidewalk or right-of-way necessary for the licensee to operate a sidewalk café, the costs of such improvements plus any administrative costs shall be paid for in advance by the licensee.

(11) All sidewalk café licensees must at all times maintain commercial liability insurance covering the licensed premises and the sidewalk café area with minimum policy limits for bodily injury or death of not less than \$1,000,000 per occurrence and \$1,000,000 annual aggregate and for property damage of not less than \$50,000. Proof of the required liability insurance shall be in the form of a certificate of insurance or some other form acceptable to the City Attorney and City Clerk. All liability insurance policies required herein shall name the city as any additional insured and shall provide that there shall be no cancellation of the policy for any cause, by the insured or by the insurance company, without first giving 10-days' written notice to the city, addressed to the City Clerk. Operation of a sidewalk café or liquor sales by a licensee without required liability insurance coverage shall be grounds for immediate suspension or revocation of the license. In addition, the licensee shall indemnify and hold harmless the city, the city's public officials, employees and agents from any loss, costs, damages and expenses arising out of the use, design, operation or maintenance of the sidewalk café. These insurance and indemnification requirements shall be memorialized in a license agreement signed by the licensee prior to the initial issuance of the sidewalk café license and upon any renewal thereof, but failure of the city and the licensee to execute such a license agreement shall not alleviate the licensee of its insurance and indemnification obligations hereunder.

(12) The city shall retain the right to remove or cause to be removed any tables, chairs, furnishings, planters, fences or other obstructions from the sidewalk or public right-of-way as necessary to access public utilities and facilities, during community civic festivals, celebrations and other events, or if the city reasonably determines any such item or items create an unreasonable risk to public health or safety. The city shall endeavor to give reasonable advance notice to the licensee that items need to be removed or relocated.

(D) License Applications.

(1) An applicant for a sidewalk café license shall file an application on forms provided by the City Clerk which shall include, in addition to any other information required by the City, the following:

- (a) The business name, address, phone number and contact person.
- (b) A site plan of the proposed sidewalk café drawn to scale covering the entire area between the curb and building showing locations of the property lines, curbs, all streets in front of and adjacent to the property, all sidewalk dimensions measured from the building face to the back of the curb, all existing facilities and obstructions within the right-of-way, the proposed location of all sidewalk café fixtures, including but not limited to tables, chairs, umbrellas, planters, fences, barricades, lighting, and heaters, and the proposed limits of the sidewalk café.
- (c) Photographs and manufacturer specifications for all proposed sidewalk café furniture and fixtures.
- (d) Description and locations of any sound, television or video systems proposed for the sidewalk café.
- (e) Description of all food and beverages that will be served within the sidewalk café and the proposed hours of operation.
- (f) Description of all points of access between the building and the sidewalk café and exterior areas.
- (g) Description of ingress and egress arrangements including those necessary to provide handicap accessibility and control of persons entering and leaving the premises to prevent consumption of alcohol by minors and to ensure safety of moveable seating arrangements.
- (h) Description of all physical improvements to be constructed to accommodate the sidewalk café.
- (i) An insurance commitment or binder securing all insurance coverage required under this chapter and Chapter 111, if applicable, on the sidewalk café areas and meeting all requirements for naming the city as an additional insured.
- (j) Any other information known to the applicant that may reasonably impact the issuance of the license including but not limited to objections to the proposed sidewalk café raised by neighboring property owners or the public, obstructions or other factors that may interfere with pedestrian travel on the affected sidewalk area, or conditions that may impact public health or safety if the sidewalk café license is issued.

(2) Upon submission of a complete application the City Clerk shall place the application upon the agenda of the next available City Council meeting for which proper notice as required by this section can be given. A public hearing on the application shall be required for all initial sidewalk café applications, all subsequent applications proposing modifications to a sidewalk café site plan, and whenever the City determines a public hearing is necessary to determine whether the criteria for granting a sidewalk café license are satisfied. When applicable, the City Clerk shall cause notice of the public hearing to be given in the same manner as prescribed for special use permits.

(E) Granting of license. Following the required public hearing, if any, the City Council may grant or deny the license or refer the matter to any commission or committee for further study.

(F) *Criteria for issuance and renewal.* No sidewalk café license may be issued or renewed if the results of the investigation or other evidence given to the City Council through any means, shows to the satisfaction of the Council, that the issuance or renewal would not be in the public's interest. The Council shall make written findings, certifying the sidewalk café will comply with the following criteria.

(1) The design and operation satisfy the applicable requirements of this chapter and will be in harmony with the purpose and intent of Chapter 155 and all rules applicable in any Heritage Preservation District within which the sidewalk café is located.

(2) The design and operation will not unreasonably interfere with or annoy users of neighboring residential, commercial or public property.

(3) The design and operation will not unreasonably interfere with pedestrian or vehicular traffic or access to any public street, utility or other facilities.

(4) Where liquor, wine or beer will be served, the licensed premises is compact and contiguous with the premises licensed under Chapter 111 and the design and operation will safeguard against consumption of alcohol by minors.

(G) *Conditions of license.* Every license issued pursuant to this chapter shall be subject to the conditions of this section and all other sections of this chapter and any other applicable ordinance of the city, state law, or federal law, and shall include the following conditions.

(1) *Posting.* The license shall be posted in a conspicuous place in the licensed establishment at all times.

(2) *Additional conditions.* The Council may, upon a finding of necessity, place the conditions and restrictions upon the license as it, at its discretion, may deem reasonable and justified to protect the public interest.

(3) *Licenses limited to certain areas.* All fixtures shall be placed, and all operations conducted, within the space described on the license.

(4) *Inspection by peace officers or health officers.* All sidewalk cafés shall be subject to compliance inspections and no licensee or employee of a licensee shall hinder or prevent a peace officer, health officer, building official, fire official, or any other employee so designated by the City Council or City Administrator from entering upon and inspecting the licensed premises during business hours, without a search warrant.

(5) *Responsibility of licensee.* Every licensee, whether actually present on the licensed premises or not, shall be responsible for the conduct of the licensed premises and shall maintain conditions of sobriety and order on the licensed premises.

(6) *Payment of WAC and SAC.* Licensees shall pay all additional WAC and SAC imposed as a result of additional seating offered within a sidewalk café.

(H) *Transfer of license.* No license issued pursuant to this chapter shall be transferrable to another person or entity nor may any such license be transferred to a different location.

(I) *Expiration of license.* Every license issued under this chapter shall expire on November 1st of each year, regardless of when the license was issued.

(K) Suspension or revocation of license. The City Council may suspend, revoke or deny renewal of any sidewalk café license upon the violation of any license condition or of any provision or condition of this chapter, any other city ordinance, or of any state or federal law. Before the Council shall suspend or revoke any license issued under this chapter, the licensee shall be given at least 10-days' notice stating the time and place of the hearing and the charges against the licensee.

HASTINGS CITY CODE CHAPTER 111, SECTION 111.05 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 111.05 LICENSE APPLICATIONS.

(A) *Forms.* All applications shall be filed with the office of the City Clerk, upon forms required by the Commissioner of Public Safety, together with the additional application forms as approved by resolution of the City Council.

(B) *Investigation fee.*

(1) At the time of filing an original application for any license that can be issued under this chapter, except a temporary intoxicating liquor license or a temporary 3.2% malt liquor license, the applicant shall pay the city an investigation fee in the amount established by ordinance of the City Council.

(2) This investigation fee shall be a nonrefundable fee and shall be used to cover the city's cost in processing the application and investigation of the applicant.

(3) At the time of filing an application for a temporary intoxicating liquor license or a temporary 3.2% malt liquor license, the applicant shall pay the city an investigation fee in an amount established by resolution of the City Council. Any investigation fee shall be a nonrefundable fee and shall be used to cover the city's cost in processing the application and investigation of the applicant, up to the maximum amounts as established by law, if applicable.

(4) At the time of a renewal of a liquor license, the investigation will be included in the renewal license fee, which will be established by ordinance of the City Council.

(C) *False statements or omitted information.* Any false statements or information omitted from an application for any type of license under this chapter shall be grounds for rejection of the application by the city. Any false statement or omitted information discovered after a license has been issued shall be grounds for termination of the license.

(D) *Renewal applications.* Applications for the renewal of an existing license shall be made in a timely fashion and shall be made on the forms required by the Commissioner of Public Safety, together with the additional forms as approved by resolution of the City Council and shall state ~~that~~ whether everything in the prior, original, master application remains true and correct, except as otherwise indicated. If, in the judgement of the City Council, good and sufficient cause is shown by any applicant for its failure to file for a renewal within the time provided, the Council may, if the other provisions of this section are complied with, accept the application.

(E) *Expiration of license.* Every license issued under this chapter, except temporary licenses, shall expire on June 30 of each year, regardless of when the license was issued. Temporary licenses shall expire according to their terms. Any bottle club license issued under this chapter shall expire on March 31 of each year, as per Minnesota state statute, as may be amended.

(F) *Background investigation.*

(1) At the time of making an initial application, renewal application, or request for a new operating officer, the applicant shall file a completed application form with the City Clerk. The applicant shall authorize the Hastings Police Department and other city departments, as deemed necessary by the City Clerk, to investigate all information in the application and to conduct a thorough background and criminal record investigation on the applicant. The applicant shall authorize the police to release information received from the investigation to the City Council.

(2) Upon completion of the background investigation, the Hastings Police Department shall file with the City Clerk a written report of its investigation.

(3) Upon receipt of the investigation results, the City Clerk shall forward a recommendation to the City Council for approval or denial.

(4) No license will be issued or renewed if the results of the background investigation show to the satisfaction of the City Council that issuance of a license would not be in the public interest.

(G) *Premises under construction.* When a license is granted for a premise where the building is under construction or otherwise not ready for occupancy, the Clerk shall not issue the license until notified by the Department of Building Safety, or applicable department responsible for the duties, that the building is ready for occupancy.

(H) *Criteria for issuance, transfer, or renewal.* No license may be issued, transferred, or renewed if the results of the investigation or other evidence given to the Council through any means, shows to the satisfaction of the Council, that the issuance, transfer, or renewal would not be in the public's interest.

(I) *Applications for 2:00 a.m. closing time license.*

(1) The City of Hastings allows for the sale of alcohol until 2:00 a.m. by licensed establishments.

(2) Licensees desiring to apply for a liquor license to be allowed to sell alcoholic beverages until 2:00 a.m. on all days of the week must apply for a special 2:00 a.m. license from the State Alcohol and Gambling Enforcement Division and pay a fee as established. The 2:00 a.m. special license will run 12 months from the date of approval by the Alcohol and Gambling Enforcement Division.

(3) Licensees desiring to apply for a liquor license to be allowed to sell alcoholic beverages until 2:00 a.m. on all days of the week must also notify the City Clerk of the City of Hastings of submission of application to the State of Minnesota.

(Ord. 504, passed 10-6-2003)

(Prior Code, § 3.5) (Am. Ord. 488, passed 5-20-2002)

(J) *Applications for sidewalk cafés.*

(1) Any restaurant issued a license under this chapter may also apply for a sidewalk café license pursuant to Chapter 110 to expand the operation of that restaurant onto a part, and only that part, of the public sidewalk that is compact and contiguous with the licensed premises in the manner authorized by and subject to the restrictions of this chapter and Chapter 110 for sidewalk cafés.

(2) An application for a sidewalk café may be submitted at the time of making an initial

application or renewal application for a license under this chapter, or at any other time.

(3) An applicant for a sidewalk café license shall file a sidewalk café application pursuant to Chapter 110 on forms provided by the City Clerk which shall include, in addition to other information required by the City, all additional information required of applicants who intend to serve alcohol within the sidewalk café.

(4) While a licensee under this chapter also holds a valid and unsuspended sidewalk café license under Chapter 110 for the same licensed premises, the licensee's license to serve liquor, wine or beer shall extend to the compact and contiguous space licensed under the sidewalk café license. No licensee shall serve, or allow to be served, liquor, wine or beer within any sidewalk café while the applicable sidewalk café license or license issued under this chapter is expired, suspended or revoked.

HASTINGS CITY CODE CHAPTER 111, SECTION 111.06 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 111.06 LICENSE FEES.

(A) *Annual fees.* The annual fees for licenses issued under this chapter are as follows.

(1) *On-sale intoxicating liquor license.* The annual fee for an on-sale intoxicating liquor license will be established by ordinance. As determined by Council resolution, the annual fee for an on-sale intoxicating liquor license may be paid in 2 equal semi-annual installments.

(2) *On-sale 3.2% malt liquor license.* The annual fee for an on-sale 3.2% malt liquor license will be established by ordinance and will be payable in full at the time of issuance or renewal of the license.

(3) *On-sale wine license.* The annual fee for an on-sale wine license will be established by ordinance.

(4) *Club license.* The annual fee for a club license shall be set by state law.

(5) *Club membership fee.*

(a) Two hundred members or less - \$300;

(b) Two hundred and one members to 500 - \$500;

(c) Five hundred and one members to 1,000 - \$650; and

(d) One thousand and one members to 2,000 - \$800.

(6) *Sunday liquor license.* The annual fee for a Sunday liquor license will be established by ordinance.

(7) *Bottle club.* The annual fee for a bottle club license will be established by ordinance.

(8) *Off-sale 3.2% malt liquor license.* The annual fee for an off-sale 3.2% malt liquor license will be established by ordinance.

(9) *Off-sale of intoxicating liquor.* The annual fee for an off-sale intoxicating liquor license will be established by ordinance.

(9) *Temporary on-sale intoxicating liquor license.* The annual fee for a temporary on-sale intoxicating liquor license will be established by ordinance.

(10) *Temporary on-sale 3.2% malt liquor license.* The annual fee for a temporary on-sale 3.2% malt liquor license will be established by ordinance.

(11) *Sidewalk café license.* The annual fee for a sidewalk café license will be established by ordinance.

(B) *Payment of fees.*

(1) *Initial application.* All licenses issued under this chapter, except bottle club licenses, shall be from July 1 through June 30. For licenses issued and which are to become effective other than on the first day of the license year, the license fee shall be a pro rata share of the annual license fee. Provided, however, the pro rata share shall not be less than ½ of the annual license fee. The fee for a bottle club license shall be set by state law. All license fees must be paid before the license will be issued by the city.

(2) *Annual fees.* When renewing any existing license, except an on-sale intoxicating liquor license, the entire annual fee shall be paid when filing the application for renewal. When renewing an on-sale intoxicating liquor license, ½ of the annual fee shall be paid when filing for renewal. The second half shall be paid on or before January 1 of the year following renewal of the license. All license fees shall be paid into the general fund of the city.

(3) *Refund.* No part of the fee paid for any license issued under this chapter shall be refunded, except as authorized under M.S. Chapter 340A.408, as it may be amended from time to time, now in effect.

(4) *Duplicate licenses.* Duplicates of all original licenses may be issued by the City Clerk, without action by the City Council, upon the licensee's affidavit that the original has been lost and upon payment of a fee set by ordinance for the issuance of the duplicate license. All duplicate licenses shall be clearly marked, DUPLICATE.

(Prior Code, § 3.6) (Am. Ord. 488, passed 5-20-2002)

HASTINGS CITY CODE CHAPTER 111, SECTION 111.09 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 111.09 LIABILITY INSURANCE.

(A) Every applicant for any type of license authorized to be issued under this chapter must, as a condition to the issuance of the license, provide proof of liability insurance in the form and amounts as required by M.S. Chapter 340A, now in effect, and as it may be amended from time to time. Where the licensed premise includes area within a sidewalk café, the required liability insurance shall also cover the sidewalk café area and shall name the city as an additional insured. Applicants for an annual on-sale wine license or an annual 3.2% malt liquor license who, by affidavit, establish that they have had sales of less than \$25,000 of wine or 3.2% malt liquor for the preceding year, will not be required to provide proof of liability insurance, as required by this section and M.S. Chapter 340A, as it may be amended from time to time. Applicants for an annual off-sale 3.2% malt liquor license who, by affidavit, establish that they have had sales of less than \$50,000 of wine or 3.2% malt liquor for the preceding year, will not be

required to provide proof of liability insurance, as required by this section and M.S. Chapter 340A, as it may be amended from time to time. Applicants for any temporary license issued under this chapter must provide proof of liability insurance in the form and amounts as required by M.S. Chapter 340A, now in effect and as may be amended from time to time, regardless of the amount of sales in the preceding year.

(B) Proof of the required liability insurance shall be in the form of a certificate of insurance or some other form acceptable to the City Attorney and City Clerk. All liability and insurance policies required herein shall provide that there shall be no cancellation of the policy for any cause, by the insured or by the insurance company, without first giving 10-days' written notice to the city, addressed to the City Clerk. Liquor sales by a licensee without required liability insurance coverage, shall be grounds for immediate suspension or revocation of the license.

(Prior Code, § 3.9) (Am. Ord. 488, passed 5-20-2002)

HASTINGS CITY CODE CHAPTER 111, SECTION 111.25 IS AMENDED AS FOLLOWS (new language is underlined, strikethrough language is deleted):

§ 111.25 CONSUMPTION OF BEER OR LIQUOR ON STREETS AND PUBLIC PROPERTY.

Except as hereinafter provided, it is unlawful for any person to consume or to possess in an unsealed container, beer or liquor, as those terms as defined in this code, on any street or other public property except within licensed sidewalk cafés or city parks during the hours when the parks are open to the public or except when specifically prohibited by other ordinance of the City of Hastings as to particular parks. Provided, that this section shall not apply to the possession of an unsealed container in a motor vehicle on streets or public property when the container is kept in the trunk of the vehicle if it is equipped with trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor is not equipped with a trunk. For the purpose of this section, a utility or glove compartment shall be deemed to be within the same area occupied by the driver or passengers. Provided, further, that the City Council may grant, at its sole discretion, permits for the conduct of single occasions of variance from the terms of this section to bona fide, nonprofit civic organizations having their principal place of business within the City of Hastings for the sole purpose of allowing community civic festivals and celebrations and entertainment in connection therewith. The permits shall be issued only for a particularly designated street or public way and shall be valid for the activities only within the area so limited by the terms of the permit. The permit shall be issued only upon due application to the City Council, through its clerk, no less than 30 days prior to the anticipated date of use of the permit by the organization, and shall be accompanied by the information and material concerning the proposed use of the permit from the organization as the City Council, through its Clerk, shall deem appropriate. The Council may, at its sole and exclusive discretion, impose the conditions the limitations upon the uses allowed under the permit for the protection of the public health, safety, and welfare.

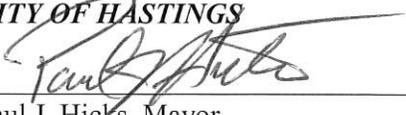
(Prior Code, § 9.72) Penalty, see § 10.99

Council member Schultz moved a second to this Ordinance, and upon being put to a vote it was adopted by a majority of all Council members present.

Adopted by the Hastings City Council on this 1st day of June, 2015, by the following vote:

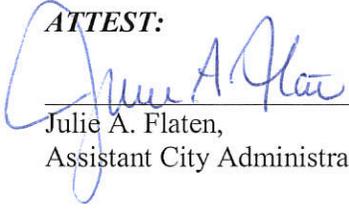
Ayes Mayor Hicks, Councilmembers Alongi, Balsanek,
Nays: None Nelson, Braucks, Schultz, Vaughan
Absent: None

CITY OF HASTINGS



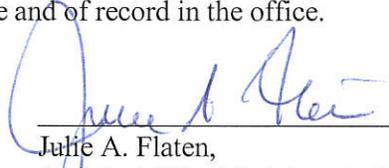
Paul J. Hicks, Mayor

ATTEST:



Julie A. Flaten,
Assistant City Administrator/City Clerk

I hereby certify that the above is a true and correct copy of the Ordinance presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 1st day of June, 2015, as disclosed by the records of the City of Hastings on file and of record in the office.



Julie A. Flaten,
Assistant City Administrator/ City Clerk