

CITY OF LAINGSBURG
SHIAWASSEE COUNTY, MICHIGAN

ORDINANCE 02-2021

**AN ORDINANCE TO AMEND CHAPTER 18– BUSINESSES– BY ADDING
ARTICLE VIII– USE OF RIGHT-OF-WAY FOR OUTDOOR SEATING, SALES,
AND SERVICE**

THE CITY OF LAINGSBURG ORDAINS:

PART CHAPTER 18 – CODIFIED ORDINANCES is hereby amended by adding Article VIII which shall read as follows:

Sec. 18-501. PURPOSE.

The goal of this policy is to encourage and support business while retaining or improving the character of the public spaces downtown. Plazas, sidewalks, and other pedestrian spaces have a solid tradition of enhancing downtown commercial areas. This policy is intended to enhance and support the vitality of the business community and enhance the quality of life for residents by providing more activities and elements of interest in the downtown.

Sec. 18-502. PROPOSALS FOR THE USE OF RIGHT-OF-WAY.

- (a) General. Businesses adjoining any plaza, public sidewalk or other right-of-way may propose to the Planning Commission the use of a certain designated portion of the right of way adjacent to their businesses according to the guidelines below. The Planning Commission will judge all initial or changed proposals in light of the public safety, welfare and general public benefit and whether the proposal meets or exceeds the following guidelines:
1. A proposal application shall be submitted to the City Zoning Administrator which must include a written description of the type and extent of the business activity proposed. The written request must include the following information: the number of square feet of right of way to be used, dates and hours of operation, and if the space is to be used for outdoor seating the proposal must include the total number of square feet of the patio/outdoor seating space, and the number of tables and seats proposed.
 2. Use of right-of-way for outdoor dining shall not occur before March 1 nor after November 1 of the same year. Before the deadline, the City of Laingsburg shall remove those outdoor items that were provided to businesses by the City, and individual businesses shall remove any of their own privately-owned outdoor items.
 3. A business may seek to use that space directly adjacent to their business or may gain the approval of a neighboring business and property owner in order to use additional space. In all cases, the spaces proposed for business use must be designed in such a way as to allow for logical pedestrian circulation patterns into neighboring businesses and to improve the overall attractiveness of the outdoor

space. The remaining public walkway shall not be reduced to less than three (3) feet wide. The Zoning Administrator shall ensure that there are passing spaces for wheelchairs, measuring five (5) feet on all sides, located at least every two hundred (200) feet.

4. The proposal must be accompanied by a drawing using hand drawing tools or a CAD program showing the layout of the space to be used. The drawing should include detailed dimensions and be at a scale of not less than 1" equals 20'. It must show the businesses adjacent to the space in question, the doorways, trees, trash receptacles, signs, utility poles, and other public and private amenities that are within twenty feet of the space to be used. If a fence is to be used to enclose the space a drawing of the fence showing the height, material, design and method of fastening must also be included. Fencing is required around areas where alcohol is to be served. All of the above information must be included on the drawing for the application to be considered complete. Applicants will be required to resubmit the drawing if it is not complete which will delay the review of the Right-of-Way application.
5. Initial requests for use of the public space and requests containing significant changes from a previous year's request should be directed to the City Planning Commission, through the Clerk's office and must be approved by the City Planning Commission Council. All subsequent requests for substantially the same permit must be renewed annually and are subject to approval by the Zoning Administrator in accordance with the requirements contained herein.

Sec. 18-503. FEES.

An application for a license under this Chapter shall be accompanied by a fee in the amount established by resolution of the City Council. Fees are non-refundable once a license has been issued by the Zoning Administrator. In the absence of an adopted resolution establishing fee for a license application, no fee shall be charged to the applicant.

Sec.18-504. OPERATING REQUIREMENTS.

1. Each business must clean the area of all trash, litter and food at the time of the service and not allow food or trash to enter other areas of the public right-of-way. The area must be thoroughly cleaned at the time the outdoor space closes each evening.
2. A business which is licensed to use the public right-of-way must arrange the outdoor sales and service area presentably for the public at the time business opens each day. A restaurant should not leave tables and chairs stacked on the public right-of-way during hours that the restaurant is open.
3. Each business using the public right of way must provide sufficient trash receptacles for their patrons in order to prevent the accumulation of trash and litter in the public space. The use of public trash receptacles to satisfy this requirement is prohibited.
4. No amplified music will be allowed on the public space without prior special permission from City Council.
5. The use of the right-of-way can be temporarily revoked as necessary for community events which may require use of the space, therefore the fences, seating and other amenities should be reasonably portable.

6. No alcoholic beverages shall be sold or consumed in licensed area unless the area is also licensed by the Liquor Control Commission for outdoor service.
7. All activity permitted under this Ordinance shall not commence after 11 p.m.
8. Unless specifically written in the approved permit conditions to remain, all tables, chairs, fencing and other furniture and amenities placed within the public right-of-way under this permit shall be removed from the right-of-way at the time the outdoor space closes each evening.
9. This Ordinance does not exempt a business from adhering to any required local, state, or federal permitting requirements (including requirements of the Liquor Control Commission).
10. Furniture and fixtures utilized for an outdoor use which is not supplied by the City must meet the following criteria:
 - a. All items must be generally designed for outdoor use, in good repair, and safe for use by the general public (peeling or flaking paint is prohibited).
 - b. Tables and chairs must be made of quality durable material such as metal, composite, or wood.
 - c. Umbrellas and awnings must be a solid color and free of advertisements.

Sec. 18-506. ENFORCEMENT.

Any license holder operating in violation of any provision of this Ordinance or any rules and regulations promulgated by the City shall be subject to a civil infraction pursuant to Chapter 2 Article VI of the City Codified Ordinances. Each act of violation and every day upon which a violation shall occur shall constitute a separate offense.

Sec. 18-507. REVOCATION.

- (a) The Zoning Administrator may revoke a license described in this Ordinance for any of the following reasons:
 - (1) Fraud, misrepresentation or a false statement on application or in the course of operating the Mobile Food Vending Unit.
 - (2) Creation of a public nuisance constituting a danger to public health, safety, and welfare.
- (b) Once a license has been issued it may be revoked, suspended, or not renewed by the Zoning Administrator for failure to comply with the provisions of this Ordinance and any rules or regulations promulgated by the City. Immediately upon such revocation the license shall become null and void and the Zoning administrator shall provide written notice to the license holder and property owner by certified mail to the address provided on the application. No person whose license has been revoked shall be eligible to receive another license within the City for one (1) year from the date of license revocation.

Sec. 18-508. RIGHT OF APPEAL

- (a) Right of Appeal. Businesses seeking to operate outside the above requirements may petition the City Council. The City Council is not obligated to approve a request, and will, at their discretion permit or deny a request for any reason. Applicant must still follow all application procedures and documentation requirements. To appear on the

agenda for consideration a request must be made to the Zoning administrator no later than 7 business days before the City Council meeting for which redress is sought.

Sec. 18-509. VALIDITY AND SEVERABILITY.

The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Sec. 18-510. REPEALER CLAUSE.

All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Sec. 18-511. EFFECTIVE DATE, PUBLICATION

This ordinance shall not take effect before the thirtieth day after its passage or before the date of its publication, whichever occurs first.

CITY OF LAINGSBURG

Mayor

Clerk

I, Clerk of the City of Laingsburg, Shiawassee County, Michigan, do hereby certify that the foregoing ordinance is a true and complete copy of an ordinance adopted by the City Council on the 6th day of December, 2021.

Clerk