

### **93.032 ACTIVITIES ON CERTAIN RIGHT-OF-WAYS**

The City of Lanesboro recognizes the following unique circumstances exist within the City:

- A. There is a need to strike a balance between the commercial activity on the sidewalks against the need to have a safe and attractive commercial district for the general public.
- B. That any obstructions to the sidewalk and free passage thereon, caused by placement of commercial items for sale or rent thereon, should be tolerated to a certain degree, given the tourism industry and connection with the Root River recreational trail, as above mentioned. The City also considers temporary commercial obstructions on the sidewalk to be less intrusive and troublesome than permanent commercial obstructions, distinguishing, however, those potential obstructions that are in the nature of parts of or fixtures to building or their entrances, such as steps, which are primarily regulated by building and zoning rules and regulations.
- C. The City of Lanesboro wishes to allow certain non-commercial placements on the sidewalks, such as rest area benches or aesthetic items, such a flower pots.
- D. The City of Lanesboro does hereby allow the following obstructions on the sidewalks in the downtown commercial district:
  - a. Allowable Obstructions.
    - i. Comfort or Aesthetic Items. Also allowable on the sidewalks shall be such public benches tables and chairs, garbage receptacles, and flower boxes or urns.
    - ii. Limited Commercial Activity on Sidewalks.
- E. Permits and Insurance. No sidewalk obstructions or placements shall occur until written permission, by way of a permit, is given in advance by the City of Lanesboro. Said permit shall regulate, in all respects, the terms under which said obstructions or placements may exist. Any obstruction or placement allowed on the sidewalk, of whatever nature, shall be preceded by proof that said placement or obstructions are continually covered by liability insurance, chargeable to the person or business seeking to place said obstructions, and said obstructions shall only be allowed as long as said insurance is in full force and effect. Said insurance, as to amount and coverage, shall be approved in advance by the City of Lanesboro, before any permit can be effective.
  - a) Special Events. Notwithstanding any other provision to the contrary, the City of Lanesboro may allow temporary placements on the sidewalks, on occasions connected with special events or promotions of a City-wide nature, and promoted by a recognized business or trade group. For example, if the Lanesboro business association wishes to have an evening, day or possibly week-end for sidewalk sales for a "Crazy Days" or other special event, that may be allowed, but only by City Council permit given in advance. The City Council may establish conditions, including insurance requirements, if it deems necessary, in said permits.

F. Cost of Permit. The cost of obtaining a permit, for any obstruction, shall be paid for by the applicant, and shall be due in advance before the permit is issued. The City Council shall establish an amount or schedule of amounts for permits fees.

G. Violation. A violation of this Ordinance shall be deemed to be a Misdemeanor, punishable by the maximum penalty allowed under Minnesota State Law. In addition, the City of Lanesboro does retain all of its civil rights and remedies, including the right to enjoin or seek an Order removing said obstructions, all at the cost of the violating party.