

Emergency Ordinance No. 2020-07

Emergency Ordinance for COVID-19 Declared Local Emergency

PREAMBLE: Pursuant to Fairmont City Council Resolution (2020-19) a local emergency was declared on March 23, 2020 due to the Novel Coronavirus Disease 2019, commonly known as “COVID-19”, health pandemic.

In furtherance of the federal, state and local government response, there is a need to provide multiple additional and alternative customer service areas on commercial sites in order to limit forward facing exchanges between customers and employees and to promote physical and social distancing between persons engaged in business activities in the City.

SECTION 1. Notwithstanding any city code provision to the contrary, any business located in the business or industrial zone may establish customer seating or service areas on its property to facilitate safe commercial activity conducted consistent with federal and state orders or guidelines and in accordance with the following:

- 1) The temporary outdoor use may occur in parking areas or green space without the need for a variance. However, if the business is not the fee owner of the property used by the business for the temporary outdoor use, any temporary outdoor use must have written approval from the fee owner of the premises.
- 2) No city permits are required prior to establishing these customer areas, but operators must prepare a traffic management plan and provide on-site traffic and operational management. Customer service areas must not impede sidewalk usage nor block disabled person parking spaces or ramps, nor shall any activity create nuisance conditions for abutting properties.
- 3) Temporary tables, tents and sun shelters may be erected, but any structure requiring state building and fire code permits must submit plans and permit applications for accelerated review by staff.
- 4) Any business using an outdoor space is responsible for providing waste receptacles and ensuring the area is litter free.
- 5) If liquor is to be dispensed or consumed in the proposed temporary customer areas, the licensee must obtain a modification to their defined premises area as set out in their liquor license agreement with the city. This modification [may be administratively approved by the City Administrator or the City Administrator’s designee](#).
- 6) City Staff will allow use of public parking spaces for use by restaurants after June 1st. These requests must be coordinated through the City of Fairmont Public Works Department.

This emergency ordinance will remain in effect until repealed by council action, or until the termination of the state of emergency.

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PASSED, APPROVED AND ADOPTED, this 26th day of May 2020.

Motion by: Council Member Tom Hawkins
Seconded by: Council Member Randy Lubenow
All in favor: Council Members Wayne Hasek, Tom Hawkins, Randy Lubenow, Bruce Peters and Ruth Cyphers
Opposed: None
Abstained: None
Absent: None

/s/ Deborah J. Foster
Deborah J. Foster, Mayor

ATTEST:

/s/ Patricia J. Monsen
Patricia J. Monsen, City Clerk