

ORDINANCE NO. 7549

ORDINANCE AMENDING TITLE 13 CHAPTER 13.12 ENTITLED “STREET USE” OF THE CODE OF ORDINANCES OF THE CITY OF EAU CLAIRE.

THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DOES ORDAIN AS FOLLOWS:

SECTION 1. *Section 13.12.063 entitled “Parklet and Parklet Café” of Chapter 13.12, “Street Use” is hereby amended in relevant part as follows:*

13.12.063 Bike Corral, Parklet and Parklet Café. A. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

4. “Bike corral” shall mean a non-permanent facility serving as an on-street bicycle parking area.

B. Permit required. 1. A business may apply to the director of engineering or designee for a bike corral, parklet or parklet café permit to allow a business to operate a bike corral, parklet or parklet café. The director of engineering or designee may approve, approve with conditions or restrictions, or deny a permit where necessary to protect the public health, safety or welfare, to prevent a nuisance from developing or continuing, or due to violation of this section, the city code of ordinances, or applicable state or federal law.

C. Permit application. Application for a permit to operate a bike corral, parklet or parklet café shall be submitted to the director of engineering or designee and shall include at least the following information:

1. Completed city application form
2. Copy of a city restaurant license as required by the city code of ordinances, if applying for a parklet café
3. Copy of a current certificate of commercial liability insurance in the amount of at least \$1,000,000.00 per occurrence
4. A layout, drawn to scale, that accurately depicts the dimensions of the existing area and adjacent private property, the proposed location of the bike corral, parklet or parklet café, size and number of bike racks, tables, chairs, steps, planters, and umbrellas, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, light poles, and any other sidewalk obstructions, either existing or proposed, within the pedestrian area.

5. Photographs, drawings, or manufacturer’s brochures fully describing the appearance and dimensions of all proposed bike racks, tables, chairs, umbrellas, barriers or other objects related to the bike corral, parklet or parklet café.

E. Standards. The following standards, criteria, conditions, and restrictions shall apply to all bike corrals, parklets and parklet cafes, provided, however, that the director of engineering or designee may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, the city code of ordinances, and all applicable state and federal laws. All standards, criteria, conditions, and restrictions are the sole responsibility of the bike corral, parklet or parklet café permit holder.

1. Bike corrals, parklets and parklet cafés are restricted to the parking lane in the public right-of-way immediately adjacent to the business to which the permit is issued.

2. The bike corral, parklet or parklet café shall be located on one parking spot and appurtenances thereof shall be a minimum of two (2) feet from the nearest edge of traveled way.

3. The bike corral, parklet or parklet café shall be located, designed, built, and otherwise conform to the standards as described in the Bike Corral, Parklet and Parklet Café Standards adopted here by reference and available on file with the department of engineering.

4. Bike corrals, parklets, or parklet cafés that have not been removed after October 31st may be removed by the City at the owner’s expense.

5. Bike corrals, parklets and parklet cafés shall be located only in the downtown or Water Street districts, as defined in section 13.12.062, with one bike corral, parklet or parklet café permitted on each side of a city block. A permittee shall have first opportunity to renew a permit for the same city block if a permit was held by the permittee in the previous year, if renewed by April 1.

6. Bike corrals, parklets and parklet cafés, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day.

7. No food preparation, food or beverage storage, refrigeration apparatus, or equipment shall be allowed in the bike corral, parklet or parklet café.

8. No amplified entertainment shall be allowed in the bike corral, parklet or parklet café unless authorized as part of a Special Event in accordance with chapter 9.59 of the city code of ordinances.

9. The city, its officers and employees shall not be responsible for bike corral, parklet or parklet café fixtures that are relocated or damaged.

10. Patio heaters shall not be permitted on the bike corral, parklet or parklet café.

G. Liability and insurance. By obtaining the bike corral, parklet or parklet café permit, the permittee agrees to indemnify, defend, save, and hold harmless the city, its officers and employees from any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the permit or the permittee's activity in the bike corral, parklet or parklet café. The permittee shall sign an indemnification agreement provided by the city prior to operation of the bike corral, parklet or parklet café.

1. The permittee shall maintain in full force and effect commercial general liability insurance in the amount of at least \$1,000,000.00 per occurrence for bodily injury and property damage, with the City of Eau Claire named as an additional insured and shall show that the coverage extends to the area used for the bike corral, parklet or parklet café.

H. Revocation or suspension. The approval of a bike corral, parklet or parklet café permit is conditional at all times. A bike corral, parklet or parklet café permit may be revoked or suspended by the director of engineering or designee where necessary based on a violation of this ordinance, to protect the public health, safety, or welfare, to prevent a nuisance from developing or continuing, emergency situations, or to comply with the city code of ordinances, or to comply with applicable state or federal law. An alcohol license suspension for the temporary license expansion shall occur in the event a bike corral, parklet or parklet café permit is revoked or suspended.

(SEAL) President Emily K. Berge
(SEAL) City Manager Stephanie A. Hirsch
(ATTESTED) City Clerk Kristina M. Kuzma

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