

**ACME TOWNSHIP
TEMPORARY OUTDOOR DINING ORDINANCE**

ORDINANCE NO. 2021-01

The following shall be known as the Temporary Outdoor Dining Ordinance. Acme Township has determined that due to limitations caused by Covid-19 and imposed by State and Local agencies, it is in the interest of the public health, safety, and general welfare to adopt an ordinance that allows for food and drink establishments to have temporary outdoor dining. Acme Township desires to encourage economic activity and assist its local establishments impacted by Covid-19 by allowing temporary outdoor dining. Therefore, pursuant to MCL 41.181, the Acme Township Board approves this ordinance.

Acme Township hereby Ordains:

1. **Permit Required.** No person shall have any Outdoor Dining area in Acme Township without first obtaining a permit pursuant to this Ordinance, unless said person has a pre-existing and approved Special Use Permit for outdoor dining.
2. **Outdoor Dining Standards.**
 - a. An Outdoor Dining area may compensate for interior seating lost as a result of Covid-19 restrictions, to accommodate social distancing, and/or to allow for a phased reopening of a pre-existing and approved food and drink establishment.
 - b. An Outdoor Dining area shall not result in an increase in the total number of seats or maximum occupancy of a food and drink establishment.
 - c. An Outdoor Dining area shall be properly licensed and approved by all state and local agencies, and comply with all state and local laws and regulations.
 - d. An Outdoor Dining area shall comply with the Acme Noise Ordinance. No amplified music shall be permitted in an Outdoor Dining area. The Zoning Administrator may impose additional conditions or limitations relating to noise when such conditions or limitations are necessary or appropriate based on the location of the Outdoor Dining area and the proximity of such area to residential areas.
 - e. Existing off-street parking areas may be used for an Outdoor Dining area, but there must be a physical barrier or separation to protect customers from vehicle traffic, such as bollards or planter boxes.
 - f. An Outdoor Dining area approved for a multi-tenant building shall be located adjacent to or directly in front of the food and drink establishment. An Outdoor Dining permit does not supersede any restrictions or limitations put on the multi-tenant building. An Outdoor Dining area may require permission from the owner

or owners of the multi-tenant building and the Applicant is solely responsible for receiving such permission.

- g. If an Outdoor Dining area is to be located on or near any public or private sidewalk, a minimum of 6 feet of unobstructed pedestrian access on the sidewalk shall be maintained. No Outdoor Dining area shall block or interfere with entrances or exits of any structure or building.
- h. An Outdoor Dining area shall not encroach into or interfere with handicapped parking spaces.
- i. An Outdoor Dining area shall not interfere with safe pedestrian or vehicular access, or any access required to be maintained under the Americans with Disabilities Act.
- j. An Outdoor Dining area shall not encroach or interfere with fire or other emergency access.
- k. If a tent, canopy, or any other similar soft roof or soft sided structure is to be used it must meet all fire codes, ratings, and standards and be approved by Metro Emergency Services.
- l. The Zoning Administrator may impose other conditions or limitations on Outdoor Dining to protect against adverse impacts from noise, traffic, parking, or fire, and to protect persons with disabilities.
- m. An Outdoor Dining area must maintain written evidence of all approvals and/or reviews by Grand Traverse County Sheriff, Grand Traverse Metro Emergency Services, Grand Traverse Health Department, Michigan Department of Transportation, Grand Traverse County Road Commission, Grand Traverse County Construction Codes, and/or any other necessary agency.

3. **Application for Outdoor Dining Permit.** Any existing and approved food and drink establishment that seeks an Outdoor Dining area must submit an application for administrative approval by the Zoning Administrator. Applications shall include the following information:

- a. A plan view drawing of the proposed Outdoor Dining area showing all fixtures and furnishings with all distances clearly marked for pedestrian paths and between seating as follows:
 - i. That the layout of the entire Outdoor Dining area, to the maximum extent practical, provides that a minimum 6-foot-wide clear pedestrian walking path adjacent to the dining area.
 - ii. That tables and chairs allow seating for patrons only in accordance with social distancing guidelines in effect.


- iii. That temporary signage to encourage compliance with social distancing guidelines is prominent.
 - iv. That a temporary hand sanitizing station is near the entrance of the Outdoor Dining area.
 - v. That a temporary service station is within or near the Outdoor Dining area that includes a trash receptacle and disinfecting wipes or other supplies to disinfect tables and chairs between patrons and to disinfect high touch points in the Outdoor Dining area.
 - b. Written permission from the property owner if the food and drink establishment is not the property owner.
 - c. Proof of insurance to include coverage of the Outdoor Dining area.
4. **Permit Fee.** The fee for an Outdoor Dining Permit shall be \$100.
 5. **Application Review.** Once the Zoning Administrator determines the Application to be complete, the Zoning Administrator shall determine if the Application meets all requirements of this Ordinance. If the Application meets all requirements, the Zoning Administrator shall approve the Outdoor Dining Permit, but may add any conditions or limitations pursuant to this Ordinance.
 6. **Permit Term.** All Outdoor Dining Permits approved pursuant to this Ordinance shall expire on December 31, 2021 at 11:59:59 p.m., unless Acme Township otherwise modifies or amends this Ordinance.
 7. **Ordinance Sunset.** No Outdoor Dining Permits shall be approved after December 31, 2021 and this Ordinance shall have no further effect whatsoever after December 31, 2021.
 8. **Inspection:** The Applicant shall allow the Zoning Administrator or any Acme Township designee access to the property for inspection at any time. Applicant shall also make available written evidence of all approvals and/or reviews by Grand Traverse County Sheriff, Grand Traverse Metro Emergency Services, Grand Traverse Health Department, Michigan Department of Transportation, Grand Traverse County Road Commission, Grand Traverse County Construction Codes, and/or any other necessary agency. Failure to meet all requirements of this Ordinance or conditions and/or limitations imposed by the Zoning Administrator may result in immediate suspension or termination of the Outdoor Dining Permit.
 9. **Violations and Penalties.**
 - a. A violation of this Ordinance is a Municipal Civil Infraction subject to Acme Township's Municipal Civil Infraction Ordinance and the enforcement officer for such violation can be the Zoning Administrator, Township Supervisor, or any other person designated by the Township Board.

b. A violation of this Ordinance is a nuisance per se and is enforceable as such.

10. **Severability.** If any portion of this Ordinance is found invalid by any court, such invalidation shall not affect or limit the remaining portions of this Ordinance or its application.

11. **Effective Date.** This Ordinance shall become effective 30 days after its publication in a newspaper of general circulation in the Township.

Ordinance Declared Adopted: MARCH 11, 2021



Doug White, Supervisor



Cathy Dye, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by Acme Township, Grand Travers County, State of Michigan, at a regular meeting held on February 2, 2021 that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. I further certify that the foregoing Ordinance was published on 2/10/21 in the following newspaper:

RECORD EAGLE



Cathy Dye, Clerk

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

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**LEGAL NOTICE
TOWNSHIP OF ACME
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the ACME TOWNSHIP BOARD OF TRUSTEES at its regular Zoom meeting held on February 2, 2021, 6042 Acme Road, Williamsburg MI 49690, adopted the following Police Power Ordinance:

ACME TOWNSHIP TEMPORARY OUTDOOR DINING ORDINANCE NO: 2021-01

Acme Township has determined that due to limitations caused by Covid-19 and imposed by State and Local agencies, it is in the interest of the public health, safety, and general welfare to adopt an ordinance that allows for food and drink establishments to have temporary outdoor dining with restrictions through December 31, 2021.

The township ordinance shall become effective 30 days after publication. A copy of said ordinance may be inspected at the Acme Township Hall Monday through Thursday, from 7:30 a.m. to 6:00 p.m. The ordinance is also available on the Acme Township website: www.acmetownship.org. Written comments regarding the ordinance may be directed to:

Cathy Dye
Acme Township Clerk
cdye@acmetownship.org
6042 Acme Road
Williamsburg, MI 49690
(231)938-1350

February 10, 2021-1T

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