



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Public Services and
Safety Committee
Re: Creating an Ordinance to Provide For
Covid- 19 Temporary Sales of Merchandise
on Public Sidewalks.

ORDINANCE NO. 2021-07
Introduced: March 30, 2021
Committee/Commission Action:
Recommended for Passage

AN ORDINANCE

WHEREAS, a novel strain of the coronavirus, named COVID- 19, spread throughout numerous countries, including the United States, during the late winter and spring of 2020 resulting in Federal, State and Local Declarations of Emergency and Emergency Orders that limited in person business transactions, closed some businesses, required changes to business operations, and had for many businesses a dramatic economic impact; and

WHEREAS, the Common Council for the City of Neenah enacted an identical ordinance in 2020 to assist local establishments and saw no negative impacts from participating locations; and

WHEREAS, the Common Council for the City of Neenah recognizes the need to continue to prevent exposure to and spread of the COVID-19 coronavirus by increasing social distancing during the COVID-19 pandemic and recovery period; and

WHEREAS, the Common Council recognizes that small businesses within the City of Neenah may have particular difficulty providing recommended social distancing and operating profitably within the confines of their buildings and may wish to provide additional sales outdoors; and

WHEREAS, the Common Council for the City of Neenah wishes to again provide temporary relief to local businesses by adjusting certain local code requirements related to such businesses during the COVID- 19 pandemic and recovery period to allow those businesses to utilize the public sidewalk during this limited period to maximize their sales area; and

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Notwithstanding any provision contained within the City of Neenah Municipal Code, during the period of emergency and recovery period in response to COVID- 19 Coronavirus, and for the period ending no later than December 31, 2021, Article VII, Section 14-155 is amended to by removing the stricken language and adding the highlighted language to read as follows:

“Nothing in this article shall be construed to pertain to the placement of objects, similar to street furniture, in the public right-of-way- by the City or any other authorized public agency or public utility. The display or sale of merchandise is permitted on public sidewalks in an area not to exceed six (6) feet in width and two (2) feet in depth and shall be within two (2) feet of the face of the building.”

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Suspension of Conflicting Provisions of Municipal Code. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby suspended during the effective period of this Ordinance. All provisions of the City Ordinances, Council Rules and General Rules of Order not specifically altered by these temporary rules shall remain in effect.

Section 4. No codification. Due to the temporary nature of this Ordinance, it shall not be codified in the Neenah Code of Ordinances.

Section 5. Effective and Sunset Dates. This ordinance shall take effect immediately and shall automatically repeal on December 31, 2021.

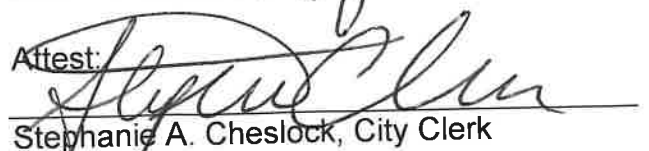
Moved by: Bates/ Hillstrom
Adopted: April 7, 2021 by 9-0
Published: April 14, 2021

Approved:



Dean R. Kaufert, Mayor

Attest:



Stephanie A. Cheslock, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney Adam James Westbrook
211 Walnut Street
Neenah, WI 54956
State Bar No. 1098651