

CITY OF CONCORD

In the year of our Lord two thousand and eighteen

AN **ORDINANCE** amending the CODE OF ORDINANCES, Title I, General Code; Chapter 5, Public Works, Article 5-1, Highways and Sidewalks; and Title I, General Code; Chapter I, Government Organization; Article 1-5, Fees, Fines and Penalties, Schedule I

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 5, Public Works, Article 5-1, Highways and Sidewalks, Section 5-1-17, currently Reserved, by naming it Business Use of Public Property and adding the following language:

5-1-17 - Business Use of Public Property

(1) Intent of Ordinance. This Ordinance is intended to provide for the use of public property including sidewalks by businesses, and to promote the public interest by encouraging a viable and attractive commercial and pedestrian environment. Reasonable regulation of the use of sidewalks by restaurants and other businesses is necessary to protect public health, safety, welfare, the interest of the City, and the primary use of the public sidewalks as a pedestrian thoroughfare.

(2) Permit: Any person who owns or operates a business may place tables, chairs, sandwich board signs, umbrellas, and other business-related amenities on the sidewalk in the City right-of-way or other public property provided the business shall have received a Business Use of Public Property Encumbrance Permit from the Health and Licensing Officer in accordance with Article 15-10. The business-related amenities shall only be located in front of the licensed business, or in front of those immediately adjoining businesses which provide written approval to do so. For business with no street frontage, sidewalk signs may be located in front of the access from the street to the business location. A permit shall not be required under this Section in the event that the City Council has issued a license allowing the encumbrance of the City right-of-way or other public property.

(3) Rules and Regulations for Issuance of Permits: For those permits issued under this Section, the business owner shall comply with the rules and regulations promulgated under Section 15-10-4(a)(1). The Code Administrator is authorized to establish fees for the issuance of a Business Use of Public Property Encumbrance Permit. Said rules and regulations fees, and changes shall be subject to review and

approval by the City Manager, or his or her designee. All other procedures under Article 15-10 relative to the General License Ordinance shall apply.

SECTION II: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 5, Public Works, Article 5-1, Highways and Sidewalks; Section 5-1-18, currently Reserved, by naming it Balconies Encroaching Public Way and adding the following language:

5-1-18 – Balconies Encroaching Public Way

Only Juliet-type balconies may be permitted to encroach into the City right-of-way subject to Architectural Design Review and approval by the Planning Board. No part of a Juliet balcony may encroach more than eight (8) inches from the façade of the building, or be constructed in such a way as to allow objects to be placed on railing surfaces.

SECTION III: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 5, Public Works, Article 5-1, Highways and Sidewalks, Section 5-1-19, Selling Merchandise on Sidewalks Prohibited, by amending it as follows:

No person shall encumber the street or sidewalk with any boxes, shelves, stands, merchandise, or other things nor use the sidewalk for the sale of merchandise, without obtaining a permit from the [~~City Council~~] **Code Administrator** for each day of such use. No gasoline pump shall be installed or maintained in any part of any highway, street, or sidewalk, or other public way within the corporate limits of the City. ***This Ordinance shall not apply to businesses that receive a permit under Section 5-1-17.***

SECTION IV: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 5, Public Works, Article 5-1, Highways and Sidewalks, Section 5-1-5, Permit Required to Encumber Highways, by amending the title to Permit Required to Encumber Highways For Temporary Construction Work, and stating as follows:

All applications for a permit to encumber a street, alley, sidewalk, or other public places in the City ***for the purpose of temporary construction work*** shall include for each application the fee listed in Schedule I of Chapter 1.

SECTION V: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 5, Public Works, Article 5-1, Highways and Sidewalks, Section 5-1-7, Fire Chief Shall Be Notified of Encumbrances to Streets, by amending it as follows:

Any person or corporation or department of the City before digging up, obstructing, or encumbering in any way any street, lane, alley, sidewalk, or other public place in the City ***for the purpose of temporary construction work*** shall before beginning such work notify the Fire Chief where such work is to be done and shall immediately upon the completion of such work and the restoration of the place to its normal condition notify the Fire Chief.

SECTION VI: Amend the CODE OF ORDINANCES, Title I, Title 1, General Code; Chapter 1, Government Organization; Article 1-5, Fees, Fines and Penalties, Schedule 1, by amending it as follows:

Section 5-1-5, Permit to Encumber Highways *For Temporary Construction Work*
Per permit application 75.00

SECTION VII: This Ordinance shall take effect upon its passage.

Explanation: Matter inserted into the current ordinance appears in *bold and italics*.
Matter removed from the current ordinance appears in [brackets and ~~struck through~~].