

ORDINANCE B

AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES TO REGULATE SIDEWALK SALES ACTIVITIES (2020-10-28/O-7)

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. That the Code of Ordinances, Town of Chapel Hill, North Carolina, is hereby amended by adding a section, to be numbered 17-79, which said section reads as follows:

“Sec. 17-79. Shared Transportation.

Shared transportation companies may apply to the Town of Chapel Hill to utilize the public right of way for advertisement, vehicle placement, or other uses. The town manager, or their designee, may prescribe application requirements and procedures to govern use of the Town right of way.”

Section 2. That Article IV, Chapter 17, Sec. 17-83 of the Code of Ordinances, Town of Chapel Hill, North Carolina, is hereby amended to read as follows:

“Sec. 17-83. - Display on sidewalk permitted.

The holder of a ~~temporary~~ permit under this article may display articles for sale or rent on the sidewalk in such manner as not to block any cross walk or impede the orderly flow of pedestrian traffic on any sidewalk or public street.”

Section 3. That Article IV, Chapter 17, Sec. 17-89 of the Code of Ordinances, Town of Chapel Hill, North Carolina, is hereby amended to read as follows:

“Sec. 17-89. - Sidewalk dining use permits, penalties and remedies.

(a) Permits. All sidewalk dining activities require completion of a permit application and submittal to the town for approval. Before sidewalk dining activities are permitted, the restaurant operator must have a valid issued sidewalk dining permit. Sidewalk dining permits are not transferable or assignable. A fee as provided in the town fee schedule must be paid by the sidewalk dining restaurant to cover the cost of processing and investigating the application and issuing the permit. Sidewalk dining restaurants must resubmit their application for their sidewalk dining permit should their occupancy change or they make changes to any part of their approved permit application (including, but not limited to, layout of or increase to the number of furnishings). The town may charge a renewal fee if a resubmitted application includes a change in a restaurant's occupancy.

(b) Penalties. The town manager may immediately revoke a permit issued pursuant to this ordinance, if he or she finds that the ~~restaurant or restaurant operator~~ permit holder has:

- (1) Deliberately misrepresented or provided false information in the application, or
- (2) Operated ~~the sidewalk dining~~ in such a manner as to create public nuisance or to constitute a hazard to the public health, safety, or
- (3) Failed to maintain any insurance, health, business or other permit or license required by the law for the operation of a ~~restaurant business~~ or, if applicable, for sale of alcoholic beverages, or
- (4) Made changes in direct conflict with the approved permit application.

The ~~restaurant operator~~ permit holder may reapply for a ~~sidewalk dining~~ permit once the conditions of the revocation have been remedied.”

Section 4. This ordinance is effective upon enactment.

This the 28th day of October, 2020.