

17-1-5: ENCROACHMENTS:

E. Temporary Encroachment Permit: The city manager is authorized to issue a temporary encroachment permit for the following events or activities:

2. Sidewalk Sales: The city manager may issue a temporary encroachment permit for a sidewalk sale to a person, group or organization who desires to sell, offer to sell, or display its goods and merchandise upon the public right of way immediately adjacent to its current operated retail business that is located in one of the zoning districts set forth herein. The application shall be made in writing to the city manager at least fourteen (14) days prior to the proposed date(s) of the sidewalk sale. A nonrefundable application fee in the amount of ten dollars (\$10.00) shall be submitted along with the application to the city manager.

a. The application shall include the following information and meet the following requirements:

(1) The applicant's name, address, organization and principal officers, in addition to the manager of the retail business who shall act as the contact person in regard to the application.

(2) The applicant shall be a person or entity that desires to sell, offer to sell, or display its goods and merchandise upon the public right of way immediately adjacent to its current operated retail business that is located in one of the following zoning districts:

- SB - Secondary business
- BPL - Planned business
- BPR - Primary business
- BWA - Wholesale and automotive

(3) In addition to the above information, the application shall include all information required under subsections B1 through B6 of this section.

Upon submission of a complete and accurate application, and payment of the application fee, the city manager, or his designee, shall examine the application and investigate the proposed encroachment to determine whether the proposed encroachment is consistent with this code and all other applicable laws. The city manager may grant a temporary encroachment permit subject to any conditions or terms he deems appropriate to protect the public health, safety or welfare.

b. The authorized encroachment permit for a sidewalk sale shall comply with the following conditions, or be subject to immediate revocation by the city manager:

(1) Adequate space must be available on private property in front of the business premises in order to conduct a sidewalk sale. A minimum three foot (3') wide passageway shall be left accessible for pedestrians. No merchandise shall be displayed within six feet (6') of the curb line of the street.

(2) The sidewalk sale shall be conducted in such a manner as not to create a nuisance or fire hazard.

(3) All merchandise displayed or offered for sale shall be displayed in a secure manner so as not to threaten the safety of any pedestrians.

c. The police chief, fire chief, and development services director shall make or cause to be made sufficient inspections to ensure the holder of the temporary encroachment permit complies with this section and all other provisions of this code.

d. The permit shall be effective from the date indicated on the permit, and shall expire on December 31 of that same year, unless sooner revoked by the city.

e. The city manager may deny, amend or revoke a temporary encroachment permit for a sidewalk sale if the permit would be inconsistent with the standards set forth herein, or is determined not to be in the best interests of the citizens of Carbondale.