

**AN ORDINANCE AMENDING CHAPTER 30 “STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES” OF THE CHRISTIANSBURG TOWN CODE TO PERMIT OUTDOOR DINING, SEATING, SIGNAGE AND OTHER TEMPORARY DISPLAYS ON PUBLIC SIDEWALKS IN THE B-2, CENTRAL BUSINESS DISTRICT**

**WHEREAS**, the Council of Town of Christiansburg, Virginia has considered amendments to Chapter 30 “Streets, Sidewalks, and Other Public Places” of the Christiansburg Town Code in regards to the provision of outdoor dining, seating, signage and other temporary displays on public sidewalks in the B-2, Central Business District; and,

**WHEREAS**, the Central Business District Subcommittee of Town Council requested that staff draft language at its August 26, 2020 meeting for Town Council’s consideration; and

**WHEREAS**, the Town desires to promote a vibrant and inviting streetscape while maintaining a safe and passable pedestrian way on all public sidewalks in the B-2, Central Business District;

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Council of the Town of Christiansburg that Chapter 30, “Streets, Sidewalks, and Other Public Places” is hereby amended as follows:

**Chapter 30 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES**

**ARTICLE I. - IN GENERAL**

Sec. 30-18. - Obstruction of streets and sidewalks.

- (a) Except as otherwise provided in subsections (b) and (c) of this section, no person shall obstruct a street or sidewalk by placing or permitting thereon any bench, bar, shelf, barrel, carriage, cart, wagon, goods, box, merchandise or other article or fixture whatsoever, whether for exhibition, sale or other purposes.
- (b) Sidewalk sales may be sponsored by any properly licensed town merchant provided a written permit for such sale is obtained from the office of the town manager not less than 15 days prior to the date of the sale. A certificate of insurance in an amount specified by the town manager to save the town harmless from any personal injuries or property damage sustained as a result of the sale shall be a prerequisite to the issuance of a permit. At least 60 percent of the sidewalk, on the street side of the walk, shall be left unobstructed during the sale. The town council may prescribe additional rules and regulations governing the conduct of sidewalk sales, if deemed necessary by the council.
- (c) In the B-2 Central Business District, outdoor dining, seating, merchandise displays, temporary/portable signage, and other displays on public sidewalks adjacent to a properly licensed town business may be provided by said business, provided a written permit for such activity is obtained from the office of the town manager and shall be subject to the following requirements:

1. Applicant shall provide a certificate of insurance in an amount specified by the town manager to save the town harmless from any personal injuries or property damage sustained as a result of the activity.
2. Permits may be issued for a period of time not to exceed one year.
3. The town manager may require a seating or display plan and other such information deemed necessary to evaluate the issuance of the permit.
4. An unobstructed, clear path of travel compliant with the Americans with Disabilities Act shall be maintained at all times.
5. The town manager shall have the authority to deny or revoke a permit for reasons of safety, nuisance, impediments to public access or if the activity is not conducted in accordance with the permit. The town council may prescribe additional rules and regulations governing the conduct of outdoor dining on public sidewalks, if deemed necessary by the council.

(Code 1972, § 25-26; Code 1992, § 25-22; Ord. No. 2007-3, 11-6-2007)

\* \* \*

This ordinance shall be effective immediately upon passage. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held September 8, 2020, the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop	X			
Johana Hicks			X	
Steve Huppert	X			
Merissa Sachs	X			
Henry D. Showalter	X			
Bradford J. Stipes	X			

\*Votes only in the event of a tie vote by Council.

SEAL:



Michele M. Stipes  
Michele M. Stipes, Town Clerk



D. Michael Barber  
D. Michael Barber, Mayor