

CITY OF HIGH POINT

AGENDA ITEM



Title: Amendment to Existing City Ordinance regarding Encroachment on City Sidewalks

From: Randy E. McCaslin, Deputy City Manager

Meeting Date: September 17, 2018

Public Hearing: N/A

**Advertising Date /
Advertised By:** N/A

Attachments: Ordinance Amendment

PURPOSE:

To address a growing concern during semi-annual Furniture Markets.

BACKGROUND:

City Staff has been working with the High Point Market Authority to address concerns arising from some furniture showrooms encroaching on the City sidewalks to display products during the semi-annual furniture markets.

BUDGET IMPACT:

N/A

RECOMMENDATION / ACTION REQUESTED:

Staff recommends that the City Council adopt the attached amendment to our existing ordinance which clearly states that the City has the authority to remove any items or displays during the semi-annual furniture markets that encroach on the public sidewalks.

**AN ORDINANCE AMENDING TITLE 6 – PUBLIC SERVICES, SECTION 6-1-8
ENCROACHING ON STREETS AND SIDEWALKS OF THE CITY OF HIGH POINT
CODE OF ORDINANCES**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of High Point that Title 6 – Public Services, Section 6-1-8 Encroaching on Streets and Sidewalks is amended as follows:

Sec. 6-1-8. - Encroaching on streets and sidewalks.

- (a) No person shall encroach upon the public right-of-way, street, or sidewalk of the city by erecting any window, stoop, fence, chimney, portable or permanent basketball goals and other sports equipment, portion of a building, any downspout, steam pipe, air conditioning unit, wall, mailbox, or any other obstruction over the sidewalks of the street lower than nine (9) feet above the sidewalk, except that this section shall not apply to awnings as provided for under section 6-1-5 and mailboxes as listed below. Failure by the property owner to remove such obstructions within 14 days' notice by the city may result in a penalty of \$50.00 per day and/or removal by the city at the property owner's expense.
- (b) Mailboxes with non-rigid supports, such as a single four (4) inch by four (4) inch wooden post or small diameter metal post with a strength no greater than a two-inch diameter standard strength steel pipe and embedded no more than 24 inches into the ground, are permitted in the right-of-way. Other types of mailboxes, such as those using brick, block, stone or any other type of rigid material are installed and exist at the risk of the owner. The city or any other person authorized to work in the right-of-way may remove any such mailbox without notice or compensation to the owner. In addition, the director of transportation is authorized to require the removal of any mailbox, upon 14 days notice to the owner, if the director of transportation determines that the mailbox creates a hazard to pedestrian or vehicular traffic. Failure to remove a mailbox after being so notified shall subject the owner to a civil penalty of \$50.00 for each day thereafter until the mailbox is removed.
- (c) During the dates of the semi-annual High Point Market, as established by the High Point Market Authority, and for three (3) days prior to and three (3) days following, no furniture, accessories, merchandise, or samples shall be displayed or exposed for sale in or upon any sidewalk or public right-of-way. Items of décor, including without limitation, planters, potted plants, outdoor seating, decorative lighting, flowers, greenery, (“Decorative Items”) may be allowed on the sidewalk and public right-of -way in front of buildings used as market showrooms subject to the following conditions:
 - (1) A minimum of ten (10) feet of sidewalk or public right-of-way shall be open and clear at all times from the back of curb to provide unobstructed pedestrian access.
 - (2) In cases where the sidewalk is ten (10) feet or less, from the back of curb to the building, no items may be placed on the sidewalk, as it would obstruct pedestrian access.

- (3) Attention shall to be given to safety issues related to the placement of Decorative Items to ensure that said items do not impede pedestrian traffic, create trip or fall hazards, or impede or obstruct the flow of vehicular traffic.
- (4) The Decorative Items shall not impede ingress and egress of any building, fire exit, driveway, or loading dock. Decorative Items shall not, at any time or for any purpose, be placed in any portion of a public street, parking space, or loading zone.
- (5) Violations of subsection (c) or failure of a property owner to immediately remove Decorative Items upon notice from the City may result in the City removing said items. Any and all costs associated with removal by the City shall be borne by the property owner. The City accepts no responsibility for items the City removes and shall not guarantee the return or the care and condition of any Decorative Items removed.

Adopted this the ____ day of _____, 2018.

Mayor Jay W. Wagner

ATTEST:

Lisa B. Vierling, City Clerk