

Ordinance #:	08-2789
Introduction Date:	1/29/08
Hearing Date:	3/4/08
Passage Date:	3/4/08

AN ORDINANCE AMENDING THE CODE, CHAPTER XXI, SPECIAL IMPROVEMENT DISTRICT (*Outdoor displays*)

WHEREAS, Section 21-1.9, Outdoor Displays of Goods and Merchandise was automatically repealed on December 31, 2007, and

WHEREAS, in a memo dated January 17, 2008, the Zoning Officer advises that administration of Section 21-1.9, Outdoor Displays of Goods and Merchandise, by Summit Downtown Inc., (SDI) with her meeting with a committee from SDI once or twice a year to review the permit applications to be sure that none of the proposed displays is in any way contrary to the Development Regulations Ordinance is working well and the resulting outdoor displays are attractive as intended, and she, therefore, recommends that the ordinance now be renewed permanently.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, SUMMIT, as follows:

Section 1. That **CHAPTER XXI, “SPECIAL IMPROVEMENT DISTRICT,”** of the Code, shall be amended and supplemented as follows:

21-1.9 Outdoor Displays of Goods and Merchandise

a. Purpose of Displays.

1. It is the intention of this section to encourage the outdoor display of certain types of goods and merchandise in front of certain retail stores in this District, and to establish a permit system that will approve, authorize and control the displays, materials and locations.

2. Permitted displays and materials will add color and interest to the streetscape, attracting customers to businesses in the District. The display areas are not established as, nor are they permitted to become, an extension of a merchant's sales area, and no business may be conducted in these areas.
3. Within the District, outdoor displays of the following types of goods and merchandise may be permitted.
 - (a) Fruits, vegetables, and cut or growing flowers, arranged on rocks or sloping or angled displays that are intended to maximize the visibility of the items, and not act as an extension of the sales area of the business;
 - (b) Freestanding antique and similar furniture and accessories customary to the furniture items;
 - (c) Tools and equipment intended primarily for outdoor yard work;
 - (d) Portable, wheeled, outdoor barbecue grills;
 - (e) Live, living, or specifically approved artificial ornamental and decorative flowers, shrubs and plants, and their containers.
4. All of the goods and merchandise identified in paragraph a,3 above must be located along the building frontage, within an area that extends perpendicularly no more than two (2') feet from the building facade, and that does not block or otherwise encumber the entrance or exit from the building, and that provides a clear passageway with a minimum width of four (4) feet.
5. The goods and merchandise in paragraph a,3(a) through a,3(d) above may be displayed or located only in front of stores that normally sell these goods or merchandise.
6. The goods and merchandise in paragraph a,3(b) and a,3(d) above are limited to four (4) pieces within each fifty (50) lineal feet of building frontage.
 - (a) As examples, the following are representative of "four (4) pieces"; a table and chair and a wardrobe and a night table; two (2) barbecue grills and a wheelbarrow and a step ladder; etc.
 - (b) As examples, the following are representative of accessory items customarily used with the furniture: a nightstand with a washbasin and pitcher; a table with vase; a wheelbarrow with soil and watering can; etc.
7. All parts of every item, including any container and support elements, must be located within two (2') feet of the building facade in the approved display area. This includes but is not limited to branches, stems, and foliage on ornamental flowers; racks for display purposes; doors, legs, arms, and any other part of furniture or accessories.

8. No signs of any kind are permitted with the outdoor display of goods and merchandise.

b. Enforcement.

1. Summit Downtown, Inc. (SDI), appointed by ordinance as the "District Management Corporation" within the District, is empowered to issue permits and enforce the regulations of this section.
2. SDI shall appoint a committee of five (5) members, including no less nor more than three (3) retail merchants, to approve and issue permits; to counsel owners and tenants within the District about the use of appropriate, sidewalk-enhancing displays; to enforce the limits of display areas and materials; and to refer violations that cannot be resolved to the City Department of Community Services.

c. Permit Required.

1. The Committee shall develop a procedure whereby a merchant seeking approval for outdoor display applies for and receives an annual display permit. The display permit system must include the following at a minimum.
 - (a) The permit includes the nature of the display, a description of the materials to be displayed and the racks used for display, and a clear diagram of the display area;
 - (b) The application receives review and approval or rejection within forty-five (45) business days;
 - (c) The merchant or property owner is required to display the permit in plain view at the cash register area of the store (or such as used for transacting the actual sales);
 - (d) The approved permit and diagram are kept on file at the offices of SDI, with a copy forwarded to the Zoning Officer for City files and for public inspection;
 - (e) The permit form shall clearly indicate that the permit and materials displayed are subject to periodic review and annual renewal; the holder is required to properly maintain the items and the display racks; the permit must be kept in plain view; and that SDI may rescind the permit fully or order the removal of any displayed items that are not properly maintained.

2. Any person or business displaying items without first obtaining a permit, or displaying items without authorization or outside of the permitted area, is in violation of this section and subject to the penalties contained herein.

Section 2. All Ordinances or parts or Ordinances inconsistent herewith are hereby repealed. This Ordinance shall be effective upon final passage and publication according to law.

(Latest additions are indicated by underline, deletions by ~~strikeouts~~)

Dated: March 4, 2008

I, David L. Hughes, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on Tuesday evening, March 4, 2008.

Approved:

Mayor

City Clerk