

BOROUGH OF BELLEVUE

ORDINANCE NO. 03 - 12

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE CHARTER MUNICIPALITY, AMENDING ORDINANCE NO. 90-30 "AN ORDINANCE RELATING TO AND REGULATING THE USE OF THE STREETS AND SIDEWALKS IN THE BOROUGH OF BELLEVUE FOR STORAGE, DISPLAY AND/OR SALE OF GOODS, FOOD, WARES AND MERCHANDISE; RELATING TO "SPECIAL SIDEWALK SALES DAYS" AND PRESCRIBING FINES AND PENALTIES FOR THE VIOLATION THEREOF.

**WHEREAS**, the Town Council of the Borough of Bellevue deems it necessary to regulate and control the use of sidewalks within the Borough of Bellevue so that safe passage is available to persons using said sidewalks; and

**WHEREAS**, a limited and restricted usage of said sidewalks is deemed to be reasonable and will not unduly inconvenient or create a hazard for the persons using said sidewalk; and

**WHEREAS**, Town Council deems it necessary for the overall safety of the public and the convenience of the commercial enterprises to place certain limitations on the use of said sidewalks for display of merchandise.

**NOW, THEREFORE**, the Town Council of the Borough of Bellevue hereby ordains.

**SECTION 1:** Definitions.

- (a) Obstruction - the occupation or use of that portion of the sidewalk that extends (more than 14 inches) from the front facade or face of the building immediately adjacent to said sidewalk, which interferes with the free use thereof or passage over which renders the sidewalk or that portion thereof impassable except at the unreasonable inconvenience or hazard of the pedestrian traffic. - An obstacle, impediment or barrier.
- (b) Person - shall mean and include any natural person, partnership, association, firm or corporation.

**SECTION 2:** It shall be unlawful for any person to obstruct or occupy that portion of a sidewalk that extends (more than 14 inches), from the front facade or face of the building immediately adjacent to a sidewalk in any manner whatsoever (whether with goods, food, wares, merchandise, boxes, containers, stand, tables, racks, crates, kegs, lumber bricks or other articles) which obstruction or occupation impedes, hinders, interferes or restricts the free use of said sidewalk by the public except at the inconvenience or hazard of said public and users thereof, except that merchandise may be placed on the sidewalk for the purpose of loading or unloading, removing or storing away of same, and further in accordance with Section 3 hereof.

**SECTION 3:** Any person lawfully operating a business, profession or other enterprise within the commercially zoned districts of the Borough of Bellevue may obtain a permit that will permit that person to place goods, food, wares and merchandise upon the sidewalks of the Borough of Bellevue in accordance with the following restrictions:

- a: Goods, food, wares and merchandise placed on the sidewalk are restricted to the space within 14 inches of the front of the building in which the commercial enterprise is conducted.
- b. The person must pay an annual permit fee to the Borough of Bellevue in the amount of \$15.00.

- c. Before obtaining a permit, the person must provide evidence of an insurance policy in the amount of \$1 million, indemnifying the Borough of Bellevue from all liability related to the placement of goods, food, wares and merchandise on the sidewalks.
- d. The permit shall be valid for the calendar year which it is issued, except that all permits will be invalid during any "sidewalk sale day or days" designated by the Town Council of the Borough of Bellevue.

**SECTION 4:** The Town Council of the Borough of Bellevue, at its discretion, may establish a special "sidewalk sale day or days" along specified portions of the sidewalks of the Borough of Bellevue. During such days, The Town Council of Borough of Bellevue may extend the portion of the sidewalks that can be used for the placement and sale of goods, food, wares, merchandise and sign boards without the requirement of obtaining a permit.

**SECTION 5:** In establishing a special sidewalk sale day or days, the Town Council shall state the dates and hours when such sale shall be in effect and the portion of the width of the sidewalk to be use for such display and sale purpose and/or the portion to be kept free and open for pedestrian traffic.

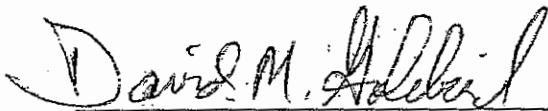
**SECTION 6:** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Upon the conviction of any person to whom a permit has been issued by the Borough of Bellevue for the placement of goods, food, wares, merchandise and sign boards upon the sidewalks, the permit issued by the Borough of Bellevue shall be immediately revoked and the person shall be ineligible for re-application for such a permit. Each day that such violation exists shall constitute a separate offense.

**SECTION 7:** The provisions of this ordinance are hereby declared to be severable and if any section, sentence, clause or phrase or this ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this Ordinance but shall remain in effect, it being the intent that this Ordinance shall stand notwithstanding the invalidity of any part.

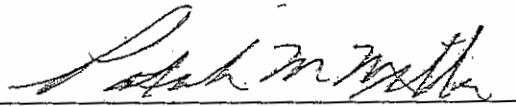
**SECTION 8:** Any ordinance, or part thereof, conflicting with the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance.

**ORDAINED AND ENACTED** this 2nd day of September, 2003.

**ATTEST:**

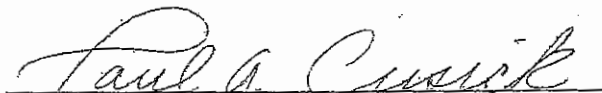


Director of Administrative Services  
and Secretary



President of Council

**EXAMINED AND APPROVED** this 2nd day of September, 2003.



Mayor