



ORDINANCE NO. 09-791

*Amending the Code of Ordinances,  
Chapter 15 Streets & Sidewalks,  
Article III Obstructions, Section 15-37 Display of Goods*

The Town Council of the Town of Carolina Beach hereby amends Chapter 15 Streets and Sidewalks, Article III Obstructions, Section 15-37 Display of Goods, as follows:

**Sec. 15-37 Definitions**

**Boardwalk:** Right-of-ways east of Woody Hewett/Canal; and from the north side of Harper Avenue up to and including Cape Fear Blvd. All boardwalks operate as pedestrian walkways.

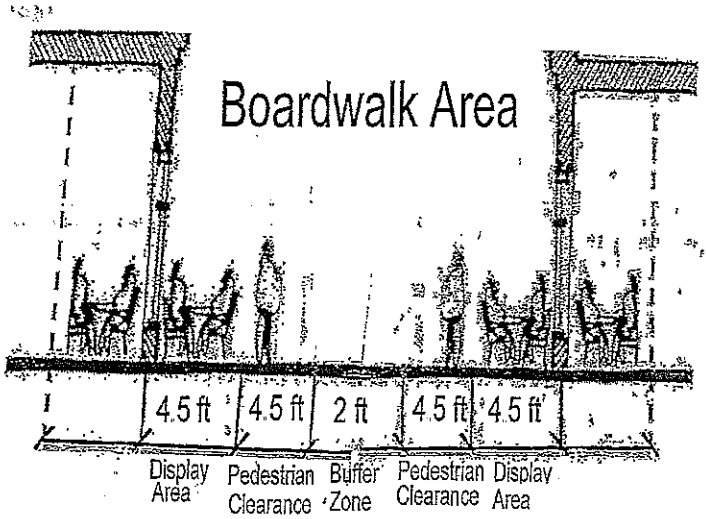
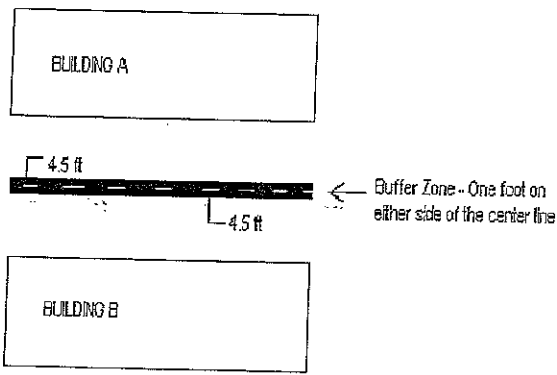
**Buffer Zone:** An area on a sidewalk or boardwalk typically having obstructions that may prevent accessibility (i.e. planters on boardwalks or car overhangs on sidewalks).

**Sidewalk:** Area designed to accommodate pedestrian travel that abuts both a street designed for vehicular travel.

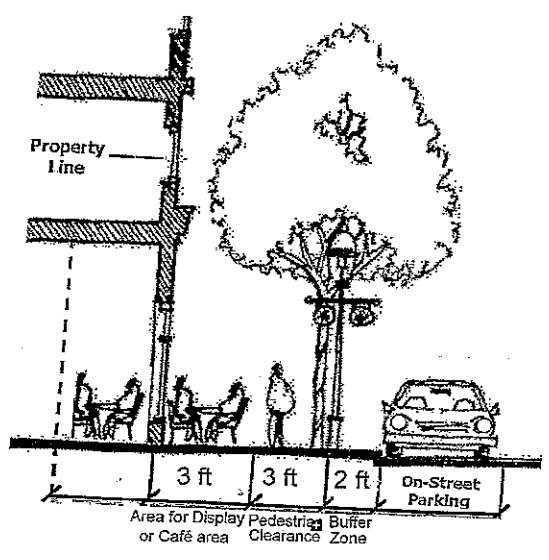
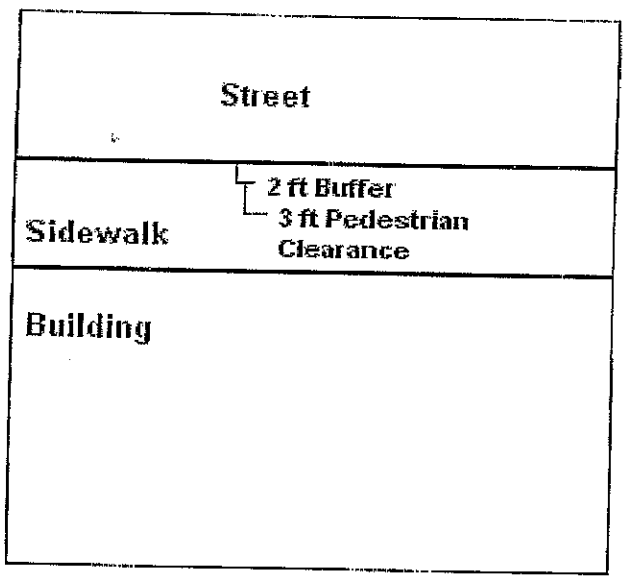
**c. 15-38. Display of goods.**

(a) Except as hereinafter provided, it shall be unlawful for any person to obstruct entirely or in part any sidewalk, street, or other public way within the jurisdictional limits of the town by the selling or offering for sale at auction or otherwise any goods, wares or merchandise thereon, or to use any sidewalk, street, or otherwise any goods, wares or merchandise thereon, or to use any sidewalk, street or other public right-of-way for the placing thereon of any materials or substance, except where expressly permitted by the provisions of this code or other ordinance of the town, or to use any sidewalk, street or other public right-of-way for the display or placing of merchandise or any other goods or commodity thereon.

(b) For businesses located on the Boardwalk, the temporary display of merchandise, goods or commodities may take place adjacent to the business structure offering the sale of said merchandise, goods or commodity, and shall not exceed the width of the business structure; and, said merchandise, goods, or commodity on display for sale shall allow for a minimum of four (4) feet six (6) inches for pedestrian travel. The minimum area for pedestrian travel shall be measured perpendicular from the boardwalk buffer zone, an area designated for existing obstructions such as light poles, trash cans, benches, and flower boxes. For the purposes of this section, the buffer zone shall be a two (2) foot area measured as one foot on either side of the center line of the Boardwalk, which typically has obstructions that may prevent accessibility.



(c) For businesses in the CBD, not located on the Boardwalk, display of goods may be allowed on adjacent sidewalks if a minimum clearance of three (3) feet is provided for pedestrian travel. A two (2) foot buffer zone, from the face of the street side curb shall not be included as part of the accessible area for pedestrians.



(d) Notice for the need of sidewalk, street, or other public way clearance given by the town official, fire department or law enforcement officer shall be given whenever possible, but if notice cannot be given because of an emergency, damage to emplaced items caused by such emergency passage shall not be the town's responsibility.

(Code 1977, §§ 6-2002, 6-2003; Ord. No. 80-08, § (6-2002), 3-11-80; Ord. No. 92-302, 12-8-92)

Adopted this 14<sup>th</sup> day of July, 2009.

Attest: *Melinda N. Prusa*  
Melinda N. Prusa, Town Clerk



*Joel A. Macon*  
Joel A. Macon, Mayor