

**PROPOSED AMENDMENTS TO CITY CODE CHAPTER 34 (STREETS AND
SIDEWALKS)**

**Ord. No. 25-22
Enacted: June 17, 2025**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON that the following Chapter 34 (STREETS AND SIDEWALKS), Article VII. -Outdoor Dining and Sidewalk Cafes, Prohibited Acts, Section 34-180 shall be amended as follows:

Section 1: Amend Sec. 34-180 and replace it with a new Sec. 34-180 as follows:

From: Sec. 34-180. – Prohibited Acts.

- (a) No merchant, vendor, business or property owner shall:
- (1) Place any items for sale or other equipment, tables or chairs on any portion of the public property other than that directly abutting his existing place of business without the written consent of adjacent landowners and businesses.
 - (2) Block or restrict the passageway to less than four (4) feet in width, or block ingress or egress to or from any building. In areas of congested pedestrian activity, the administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items shall be placed so as to block any driveway, crosswalk, bus stop or counter service window.
 - (3) Sublicense the encroachment area separately to non-occupants of the premises.
 - (4) Place objects around the perimeter of an area occupied by tables and chairs that would have the effect of forming a physical or visual barrier, except within the depot.
 - (5) Use tables, chairs, umbrellas and any other objects of such quality, design, materials and workmanship that are not authorized by the administrator.
 - (6) Use umbrellas or other decorative material that are not fire-retardant, pressure-treated or manufactured of fire resistive material.
 - (7) Fail to secure permission of the landlord where a building has multiple occupants.
 - (8) Vend or display without the insurance coverage specified.
 - (9) Sound or permit the sounding of any device on the public property that produces a loud noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device in violation of the noise regulations.

- (10) Fail to pick up, remove and dispose of all trash or refuse left by the business on the public right-of-way or public property.
 - (11) Store, park or leave any stand or items of merchandise overnight on any street or sidewalk, except for tables and chairs, which may be kept in the permitted area at the permittee's risk.
 - (12) Store, park or leave any vehicle, truck or trailer within the encroachment area.
 - (13) Block access to fire hydrants or fire department connections (FDC).
- (b) The encroachment permit is a temporary license that may be denied, suspended or revoked for any conduct that is contrary to the provisions of this article or for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the operator's or the public's health, safety or welfare. No property right is created by this article, and the decision of the city manager shall be final.

To: Sec. 34-180. – Prohibited Acts.

- (a) No merchant, vendor, business or property owner shall:
- (1) Place any items for sale or other equipment, tables or chairs on any portion of the public property other than that directly abutting his existing place of business without the written consent of adjacent landowners and businesses.
 - (2) Block or restrict the passageway to less than four (4) feet in width, or block ingress or egress to or from any building. In areas of congested pedestrian activity, the administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items shall be placed so as to block any driveway, crosswalk, bus stop or counter service window.
 - (3) Sublicense the encroachment area separately to non-occupants of the premises.
 - (4) Place objects around the perimeter of an area occupied by tables and chairs that would have the effect of forming a physical or visual barrier, except within the depot.
 - (5) Use tables, chairs, umbrellas and any other objects of such quality, design, materials and workmanship that are not authorized by the administrator.
 - (6) Use umbrellas or other decorative material that are not fire-retardant, pressure-treated or manufactured of fire resistive material.
 - (7) Fail to secure permission of the landlord where a building has multiple occupants.
 - (8) Vend or display without the insurance coverage specified.

- (9) Sound or permit the sounding of any device on the public property that produces a loud noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device in violation of the noise regulations as set out in City Code Section 22-72(A)(10).
- (10) Fail to pick up, remove and dispose of all trash or refuse left by the business on the public right-of-way or public property.
- (11) Store, park or leave any stand or items of merchandise overnight on any street or sidewalk, except for tables and chairs, which may be kept in the permitted area at the permittee's risk.
- (12) Store, park or leave any vehicle, truck or trailer within the encroachment area.
- (13) Block access to fire hydrants or fire department connections (FDC).
- (b) The encroachment permit is a temporary license that may be denied, suspended or revoked for any conduct that is contrary to the provisions of this article or for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the operator's or the public's health, safety or welfare. No property right is created by this article, and the decision of the city manager shall be final.

Section 2: That all ordinance or parts of ordinances inconsistent herewith are repealed.

Section 3: That this ordinance shall be effective July 1, 2025.

Adopted this 17th day of June, 2025.