

CITY OF ST. JOSEPH DOWNTOWN SIDEWALK AMENITIES POLICY

June 2013

General

1. The City of St. Joseph, recognizing the unique nature of the downtown pedestrian mall in the State Street area, wishes to allow certain uses of the public sidewalks in this area that would otherwise be banned by City ordinance, in keeping with the following guidelines.
2. The intent of this policy is, first and foremost, to ensure the provision of safe, ADA-compliant pedestrian "accessible routes" of an appropriate width, free of all obstacles and hazards, on the public sidewalks within the downtown area. Once these accessible routes have been established and maintained to provide safe pedestrian passage, the City recognizes that certain privately provided sidewalk amenities add convenience, charm, and character to the downtown area, and believes that there is a public purpose in permitting these encroachments into the public right-of-way, within certain limits.
3. This policy is intended to exist only so long as it is self-policing; that is, downtown businesses must voluntarily comply with the conditions of this policy in recognition of the fact that these uses are not typically permitted under City ordinance. If businesses abuse the policy by obstructing accessible routes, limiting the use of benches to their own customers, or placing "for sale" items in the right of way, by way of example but not limitation, the policy will be rescinded and the existing ordinances strictly applied.
4. This policy does not apply to any specific permission, permit, or license granted by the City Commission; for example, vendor permits, or permissions for special "sidewalk sales" or other events.
5. The City reserves the right to require the removal of any item or items in the public right of way, regardless of whether the item may be otherwise permitted under this policy, if in the sole judgment of the City, the item or items constitute a particular hazard to the public health, safety, or welfare that outweighs the potential public benefit.
6. Any questions involving the interpretation or application of these rules and this Policy, or any questions or requests not addressed in this Policy, shall be decided by the City Manager.

District Boundaries

7. This policy applies only within the Downtown Development District.

Zone Descriptions

8. The "*accessible route*" shall be no less than 3 feet in width unless otherwise required by the ADA. The accessible route shall be a straight path within each block. No sidewalk amenities, obstacles, or obstructions of any sort may be placed within or encroach upon the accessible route.

9. Any space remaining between the accessible route and the building face shall be known as the "*user zone*". Any space between the accessible route and the street shall be known as the "*street zone*". Both the user zone and the street zone may be used by individual businesses for a wide variety of public amenities, including benches, tables, chairs, plants, sandwich board signs, waste receptacles, artworks, or similar amenities.

Signage

10. Only one sandwich board sign may be placed for each business, whether located in the user zone or the street zone. A sandwich board sign may only be placed in the right of way adjacent to the individual business, except as otherwise permitted under this policy.
11. *Exception:* Businesses located on Elm, Ship, and Pleasant Streets (only) may cooperate to place common sandwich board signs at the intersection of the appropriate street and State Street. Each business choosing to participate in such a common sign may not have a sandwich board sign in front of their business. There may be only one such sign on each side of State Street at each intersection. Each business may be advertised only on one such sign. These common sandwich board signs may be placed on the sidewalks within the intersection area, may not encroach upon the accessible routes and must otherwise abide by all restrictions in this policy. The City will not arbitrate any disputes over such common signs; if eligible merchants on one of the above streets are unable to resolve disputes regarding the cost, payment, style, placement, or other aspect of such signs, no common sign shall be permitted at that particular intersection.

Other Restrictions and Conditions

12. No "for sale" items may be placed within the public right of way under the guise of being amenities. Similarly, there may be no "sidewalk service" by employees; all sales must take place within a business. (For example, a patron may go into a restaurant, buy a drink, and come outside and sit at a table in the public right of way, but an employee may not come out onto the sidewalk and take an order for a patron sitting at a table in the public right of way.)
13. Items placed in the public right of way are understood to become amenities for the general public, and may not be reserved for the use of patrons of any specific business.
14. Businesses are responsible for ensuring the sturdiness, safety, and suitability for purpose of any items placed within the public right of way, and for maintaining liability insurance to cover any mishaps involving these items.
15. No item may be permanently affixed to the public sidewalk. There must be a minimum 80" vertical clearance on all parts of the public sidewalk. No item may be placed within 24" of the curb, or in such a location as to constitute a hazardous vision obstruction.
16. No item may be leaned or placed against, or attached, affixed, tied, or chained to a tree in the public right of way.