



**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2020**

**A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE
ENTITLED "SIDEWALKS"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 48 of the Town Code entitled "Sidewalks" in order to assist those establishments, organizations and institutions required to operate at reduced capacity due to executive orders from the Governor by temporarily suspending the limitation on the number of sidewalk sale permits that may be issued for any location within any twelve-month period, and temporarily waiving the fee for sidewalk sale permits.

Section 2.

Chapter 48 of the Town Code is hereby amended as follows:

§ 48-11 Obstructing walks; sidewalk sales.

A. No person, firm, association or corporation who is owner, occupant or lessee of any premises abutting on any street, road, highway or parkway in the unincorporated area of the Town of North Hempstead, Nassau County, New York, shall place, keep, permit or suffer to be kept on any sidewalk in front of, adjoining or adjacent to such premises any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description or in any manner obstruct any such sidewalk or in any manner obstruct or interfere with the use of any such sidewalk without first obtaining a permit from the Town Clerk under this section; provided, however, that nothing contained in this section shall prevent persons from placing goods, wares, merchandise or household furniture on the sidewalk temporarily while loading or unloading the same, provided that it be done without unnecessary delay and provided that such goods, wares or merchandise are not allowed or permitted to remain on such sidewalk within the prohibited area for a period longer than one hour.

B. Applications for a permit to conduct a sidewalk sale shall be submitted to the Town Clerk, and no person shall conduct a sidewalk sale without having first obtained such permit from the Town Clerk. The Town Clerk shall issue a permit for a sidewalk sale only to a chamber of commerce, Business Improvement District or to the majority of the merchants on a street wishing to participate in a sidewalk sale. A sidewalk sale permit shall not be issued to an individual merchant. Such application shall be submitted to the Town Clerk not less than 30 days nor more than 180 days prior to the first day of such sale.

C. The sidewalk sale permit shall be issued in the name of the sponsoring organization or in the name of all of the merchants who applied therefor and shall contain the date(s) and times of the sale. No permit shall be valid for more than three consecutive days. No more than five sidewalk sale permits may be issued for any location within any twelve-month period.

(1) The limitations on duration and number of permits in this subsection shall be and are suspended, upon the effective date hereof and continuing until such time as all executive orders requiring establishments, organizations and institutions to operate at reduced capacity due to the COVID-19 Pandemic cease to be effective, at which time this subsection shall revert in its entirety to full force and effect.

D. A sidewalk sale permit shall be subject to the following provisions:

(1) No sale shall be conducted between the hours of 7:00 p.m. and 8:00 a.m. the following day, and no merchandise, booths, tables or display cases shall be left on the site of the sale between such hours, even if the sale may continue the following day;

(2) No person shall erect booths, tables or display merchandise in such a manner so as to block pedestrian or vehicular traffic;

(3) There must be a minimum of two feet of clear sidewalk space between any merchandise, booth, table or display case and the street at all times;

(4) The applicant shall be responsible to ensure that any litter generated as a result of the sidewalk sale is properly removed;

(5) The applicant shall comply with such other conditions as the Town Clerk may require as necessary for public safety or to protect public improvements, including but not limited to the posting of no-parking signs, traffic cones or barricades; and

(6) No participant in a sidewalk sale shall cause or permit any loud or offensive noise from his person or from any device, instruments or equipment for the purpose of attracting attention to any goods or services for sale or distribution.

E. The fee for a sidewalk sale permit shall be \$100, plus \$25 for each additional day after the first day allowed by the permit.

(a) The fees set forth in this subsection shall be and are suspended, upon the effective date hereof and continuing until such time as all executive orders requiring establishments, organizations and institutions to operate at reduced capacity due to the COVID-19 Pandemic cease to be effective, at which time this subsection shall revert in its entirety to full force and effect.

F. No motor vehicle shall park, stop or stand upon or otherwise obstruct any sidewalk, driveway apron or handicapped access ramp within the unincorporated area of the Town of North Hempstead.

Section 3.

This local law shall take effect immediately upon filing with the Secretary of State.