**ORDINANCE NO. \_\_\_\_\_\_\_**

**ORDINANCE AMENDING CHAPTER 28 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE I – IN GENERAL, AND ADDING SECTION 28-16 – PERMISSION TO USE DOWNTOWN SIDEWALKS FOR RETAIL PURPOSES**

**WHEREAS,** the City of Lebanon, St. Clair County, Illinois (hereinafter "City"), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes); and

**WHEREAS**, City has determined the sidewalks on St. Louis Street, between Fritz and Monroe, in the C-2 Historic Business District (“Downtown Sidewalks”) have become obstructed and are causing a health and safety concern for patrons of the Downtown Sidewalks; and

**WHEREAS**, City has determined the City Code needs to be amended to protect those using the Downtown Sidewalks from health and safety concerns caused by obstructions placed on the Downtown Sidewalks; and

**WHEREAS**, City has determined it would be in the best interests of public health, safety, general welfare, and economic welfare to amend the City Code to give effect to this Ordinance; and

**WHEREAS**, City authorizes and directs the Mayor to execute any documents necessary to amend the City Code as stated herein.

**NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Lebanon, Illinois, as follows:**

*Section 1.* The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

*Section 2.* City Code Chapter 28 – Streets, Sidewalks and Other Public Places, Article I – In General, shall be amended to add Section 28-16 – Permission to Use Downtown Sidewalks for Retail Purposes shall state:

SECTION 28 – 16, PERMISSION TO USE DOWNTOWN SIDEWALKS FOR RETAIL PURPOSES.

Purpose. This section shall govern the permissible use of the public sidewalks adjacent to St Louis Street between Fritz Street and Monroe St. in the city by occupants of retail establishments ("occupant") along said portion of St. Louis Street.

(A)   Permissible enforcement. An occupant may use an area on St. Louis Street directly in front of their establishment to display items of merchandise currently for sale within said establishment.

(B)   Boundaries of the permissible encroachment.

       (1)   The area an occupant may use shall not extend more than three feet perpendicular from the storefront.

       (2)   The above described area shall be limited by the following. The display of merchandise shall allow for a minimum of five feet of clearance between any permanent or semi-permanent structures, including but not limited to, street lights, support structures and flower pots/planters.

    (C)   Time limit of the permissible encroachment.

       (1)   An occupant must remove the display of merchandise and all other encroachments at the close of business each day or 7:00 p.m., whichever is earlier, subject to written authorization from the Mayor, or the Mayor’s designee.

       (2)   An occupant may leave out overnight, one bench. Said bench shall not extend more than two feet perpendicular from the storefront and be within the permissible area as set forth above. Said bench shall not be primarily used as a platform to display merchandise.

    (D)   Violation. Any person, firm, partnership, corporation, LLC, or legal entity of any kind who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this section, shall be subject to the penalty provisions provided by Section 1-14.

*Section 3*. The Mayor is directed and authorized, on behalf of the City of Lebanon, to execute any documents necessary to give effect to this Ordinance.

*Section 4*. Any Ordinance in conflict is repealed and replaced by this Ordinance as passed by the Corporate Authorities.

*Section 5.* This Ordinance shall be known as Ordinance No. \_\_\_\_\_and shall be effective upon its passage and approval in accordance with Illinois law.

Passed by the City Council of the City of Lebanon, Illinois, and deposited and filed in the Office of the City Clerk, on the 12th day of February 2024, the vote being taken by ayes and noes, and entered upon the legislative records, as follows:

AYES:

NOES:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Charles Witty

Luanne Holper Mayor – Pro Tem

City Clerk City of Lebanon

City of Lebanon St. Clair County, Illinois

St. Clair County, Illinois