



# Application for TEMPORARY ENCROACHMENT

P.O. Drawer 357  
201 South Main Street  
Graham, NC 27253  
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Any owner of a validly licensed business in the Central Business District (B-1) wishing to create, establish, operate or maintain an outdoor dining area, or place any temporary encroachments upon the sidewalk, beyond three feet from the face of the building, shall first obtain a temporary encroachment permit. Temporary encroachments include stands, tables, umbrellas, chairs, displays, planters, objects related to the business, or other items for sale and placed on the public sidewalk.

## Location

Street Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Business Owner: \_\_\_\_\_

Phone # \_\_\_\_\_

## Applicant

Name: \_\_\_\_\_

☐ Business Owner ☐ Other \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone # \_\_\_\_\_

Email: \_\_\_\_\_

I have completed this application truthfully and to the best of my ability, and have included a plan drawing and other required attachments.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

## Responsible Contact *if other than the applicant*

This is the person that the City may notify or contact at any time concerning the permitted temporary encroachment.

Name: \_\_\_\_\_

☐ Business Owner ☐ Other \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone # \_\_\_\_\_

Email: \_\_\_\_\_

## Proposed Temporary Encroachment

Please consult the **standards** for temporary encroachments, listed on the back of this application.

Briefly describe the **purpose** of the temporary encroachment and the **types of items** that will be placed in the area:

- ☐ Attach a **plan drawing** showing the layout and dimensions of the proposed temporary encroachment area. If umbrellas, trees or other overhead structures are in the area, note the vertical dimensions on the plan drawing.
- ☐ Attach **photographs, drawings or manufacturers' brochures** sufficient to demonstrate that all temporary encroachments meet the standards.

## Other Required Attachments

- ☐ Copy of a **valid business or privilege license** to operate a business establishment adjacent to the public sidewalk which is the subject of the application
- ☐ Proof of **current liability insurance** as required for this permit (see Condition 3)
- ☐ *If any are required*, proof of any ABC license, health permits or other state permits for the business involved; list attached:

- ☐ *If the proposed temporary encroachment will extend across adjacent businesses or properties, **written consent of adjacent landowners and businesses***
- ☐ *If the business is located in the Courthouse Square Historic District and the proposed furnishings, fixtures and other decorative materials do not adhere to the "Design Guidelines for Temporary Encroachments, **copy of an approved Certificate of Appropriateness***

## Standards, Conditions & Prohibited Acts for Temporary Encroachments

Complete information on the temporary encroachment permit can be found in the *City of Graham Code of Ordinances* in Chapter 18, Article VII, Downtown Outdoor Displays, Dining and Other Temporary Encroachments.

### Standards

No permit shall be issued unless it meets all of the following standards, as applicable:

- (1) The permitted temporary encroachment area is limited to the area directly abutting the existing place of business, unless written consent of adjacent landowners and businesses is obtained and submitted with the application. The permitted area may extend to within two (2) feet of the curb.
- (2) Pedestrian travel upon the sidewalk shall be completely unobstructed a minimum of six (6) feet in width and seven (7) feet in height. No temporary encroachments shall be placed so as to block ingress or egress to or from any building, driveway, crosswalk, curb ramp, bus stop, fire hydrant, fire department connection or counter service window.
- (3) Furniture or other decorative materials shall be fire-retardant, pressure-treated or manufactured of fire resistive material, and shall not contain any commercial advertising. Additionally, all furniture, especially umbrellas, must be designed and installed to be secure in windy conditions.
- (4) Outdoor lighting of the temporary encroachment area may not be directed at or excessively illuminate any area other than the encroachment area.
- (5) Any portion of an outdoor dining area that abuts a building may be enclosed by a removable physical barrier or delineator. These shall meet any applicable building, fire or other codes or regulations and shall be at least fifty (50) percent open to maintain visibility of street-level activity. Any gate must swing into the property and remain unlocked during business hours.
- (6) Planters may not exceed a height of thirty-six (36) inches above the level of the sidewalk. Plants may not exceed a height of eight (8) feet above the level of the sidewalk.
- (7) In the Courthouse Square Historic District, all furnishings, fixtures and other decorative materials shall adhere to guidelines approved by the Historic District Commission. Alternatively, the applicant may submit an approved Certificate of Appropriateness as part of the permit application. In no event shall such Certificate of Appropriateness permit lesser standards than are required by this section.

### Conditions *excerpted*

- (1) Each permit shall begin on July 1 of each year and shall expire on June 30 of each year... and shall be renewable upon satisfactory inspection, proof of insurance and payment of an annual fee... No fees shall be charged for temporary encroachments solely for the purpose of beautification, such as planters...
- (2) The permit shall be personal to the permittee and not transferable in any manner, and shall be specifically limited to the approved area.
- (3) The permittee shall maintain current liability insurance, issued by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damage to property and bodily injury, including death, which may arise in connection with the temporary encroachment permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. The policy minimums shall be as follows: \$1 million general liability; \$1 million umbrella coverage; and, if applicable, \$1 million liquor liability.
- (6) No advertising is permitted on any stand or item, except to identify the name of the product or for the posting of prices.
- (7) No tables, chairs, fencing or any other movable items shall be attached, chained or in any manner affixed to any tree, post, curb, sidewalk, sign or other fixtures within or near the permitted area.
- (8) The serving and consumption of alcoholic beverages in outdoor dining areas is limited to enclosed areas.
- (9) Outdoor heaters may be utilized upon the review and written approval of the Graham Fire Department.

### Prohibited Acts

No merchant, vendor, business or property owner shall:

- (1) Permanently alter or damage the sidewalk or any other structures in the public right-of-way.
- (2) Store or leave any stand of items or merchandise overnight, except for outdoor dining areas, which may be kept in the permitted area at the permittee's risk.
- (3) Store, park or leave any vehicle, truck or trailer within the temporary encroachment area.