

**ORDINANCE NO. 2020-0915-28**

**AN ORDINANCE TEMPORARILY MODIFYING TOWN CODE SECTION 14-14 AND SECTION 18-11 AS TO A TEMPORARILY CLOSED PORTION OF SALEM STREET**

**BE IT ORDAINED** by the Town Council of the Town of Apex as follows:

Section 1. Under the authority of N.C.G.S Section 18B-300(c), Section 18-11 of the Apex Town Code of Ordinances is temporarily modified beginning June 3, 2020 and continuing through October 21, 2020 as follows:

During the temporary closure of the parking portions of Salem Street in downtown Apex, Section 18-11(b) of the Apex Town code is amended as follows:

(b) Notwithstanding the provisions of Town Code subsection 18-11(a) and section 18-12, downtown sidewalk food service tables may be placed and used on the sidewalks and closed parking spaces in the Central Business District of the Town of Apex as provided in this subsection 18-11(b) except when the street is temporarily closed to regular traffic for special events. A "downtown sidewalk food service table" is a table used for food service by a food service provider and located on a public sidewalk or closed parking space directly in front of the food service provider's place of business in the Central Business District. Downtown sidewalk food service tables are subject to the following requirements:

- (1) No downtown sidewalk food service table nor any chairs or other items used in connection with one shall reduce the clear accessible travel path of the sidewalk to a width of less than 36 inches. The width of the clear accessible travel path shall be measured from the street-side edge of the concrete sidewalk perpendicularly toward the building-side edge of the concrete sidewalk.
- (2) Downtown sidewalk food service tables and all chairs and other items used in connection with them shall be situated, outfitted and used in a manner that does not constitute a hazard to persons using the sidewalks.
- ~~(3) No person shall place, use or operate a downtown sidewalk food service table except as authorized by a site specific development plan approved by the Apex Planning Department.~~

Section 2. Under the authority of N.C.G.S Section 18B-300(c), Section 14-14(d) of the Apex Town Code of Ordinances is temporarily modified beginning June 3, 2020 and continuing through October 21, 2020 as follows:

(d) Exemption for downtown sidewalk food service tables. The consumption of malt beverage and unfortified wine and the possession of an open container of the same, at a "downtown sidewalk food service table," as defined in Town Code section 18-11, shall be exempt from subsections 14-14(b) and (c) if the service of such malt beverage or unfortified wine is pursuant to a valid ABC permit and in conformity with the ABC laws.

The Town of Apex grants control over the area of public sidewalk and closed parking space upon which a downtown sidewalk food service table is located to the adjacent food service provider to the least extent necessary for the area to qualify as part of the premises of the adjacent food service provider for the purposes of the applicable ABC permit.

The ordinance shall be effective upon enactment.

Introduced by Councilmember \_\_\_\_\_

Seconded by Councilmember \_\_\_\_\_

Attest:

TOWN OF APEX

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney