

ORDINANCE NO.: 2014-094

*Granting an encroachment to City Center Partnership for placement and maintenance of rocking chairs for use by the public within the designated sidewalk right of way areas of the 1200, 1300, 1400, 1500, 1600 and 1700 blocks of Main Street*

ORIGINAL  
STAMPED IN RED

WHEREAS, City Center Partnership, (hereinafter "Grantee") desires to utilize a portion of the designated sidewalk right of way areas in the 1200, 1300, 1400, 1500, 1600 and 1700 blocks of Main Street for placement and maintenance of rocking chairs as designated per location on the attached list for use by the public; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 7th day of October, 2014, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the designated sidewalk right of way areas in the 1200, 1300, 1400, 1500, 1600 and 1700 blocks of Main Street for placement and maintenance of rocking chairs as designated per location on the attached list for use by the public.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. Any damage to the street or sidewalk caused by the rocking chairs or use thereof shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee shall be maintained by the Grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. No item shall be placed that creates a visual impediment to persons safely entering or exiting the building, adjoining driveway, parking spaces, parking meters or walking along the sidewalk. The City reserves the right to remove any item located within the right of way which it deems to be a safety hazard; and,
2. The location of the rocking chairs shall not impede the path of travel for the assigned exit discharge of the adjoining building or parking spaces or access to fire department connections; and,
3. Use of the encroachment area is strictly limited use of the chairs by the public for rest and shall not be used for outdoor dining purposes nor included or considered as part of an adjoining current or future outdoor dining encroachment area; and,
4. Any changes to the designated encroachment area locations, type of rocking chairs allowed within the encroachment area or allowable number of rocking chairs shall require an amendment to the encroachment ordinance; and,
5. The rocking chairs shall be placed within the allowable encroachment area as shown on the attached diagram so as to allow five (5') feet of passageway along the sidewalk at all times and not

ORIGINAL  
STAMPED IN RED

obstruct pedestrian movement, vehicle movement and parking, and shall be of durable material and weighted to withstand strong winds; and,

6. The rocking chairs shall be removed and stored inside the building when not in use; the general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement or the parking lane and disturbance of existing trees and roots shall be prohibited; and,

7. Any items for which a Certificate of Design Approval has not been granted shall be submitted for design review prior to installation; and,

8. A copy of the approved ordinance, location list and diagram of the encroachment areas shall be kept on site at each allowed location and available upon request; and,

9. The rocking chairs must be secured so as to prevent removal and/or being blown down by wind.

10. Materials are to be similar in quality and design as to the pictures and specifications submitted along with the request for an encroachment and subject to City's approval prior to installation.

11. Grantee shall maintain a list of each rocking chair location; and,

12. Consumption of alcoholic beverages shall be prohibited.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns.

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

Assistant City Manager Gentry

  
\_\_\_\_\_  
MAYOR

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced: 9/16/2014

Final Reading: 10/7/2014

### **City Center Partnership "Friendly Rocker" Program**

**Objective** – to animate and brand Main Street and the City Center BID as a friendly and safe place through the loaning of outdoor Rocking Chairs to willing merchants and businesses

**Pilot Program:** the City Center Partnership ( CCP ) will purchase "New England Yellow" Troutman Rockers ( Classic Shaker Double Scoop Seat Rocker #430) and loan these to willing merchants to place on the sidewalk in front of their businesses ( up to two per business ). Ten Rocking Chairs will be purchased initially .These rockers will remain the property of the City Center Partnership and will be loaned with the following conditions:

- Rocking Chairs are to be loaned for a one year pilot period. After one year the merchant and CCP will evaluate the program and determine whether to continue on a month to month basis indefinitely.
- If the loaned Rockers are stolen or damaged beyond use, merchants must reimburse CCP for the actual cost of replacement of the rocking chair to continue the program at their place of business.
- Rockers are to be taken inside business when business is closed or during inclement weather.
- It will be up to the participating businesses in the rocker program to manage the use of Rockers at all times to make sure they do not become a nuisance. If CCP or the business determines that the chairs are a nuisance and not positive for business or the public, Rockers will be returned to CCP to be loaned to others.
- The CCP will notify the City Manager of their designee when Rockers are loaned with the name of the business, contact person, and a contact telephone number.
- CCP will inform participating businesses of all ADA requirements for the placement of rockers so they do not impede pedestrian or vehicular access.
- CCP will hold the city harmless for this issue and will carry necessary insurance.



Donated by  
THE EMPLOYER UNION  
OF  
SAN FRANCISCO, CALIFORNIA

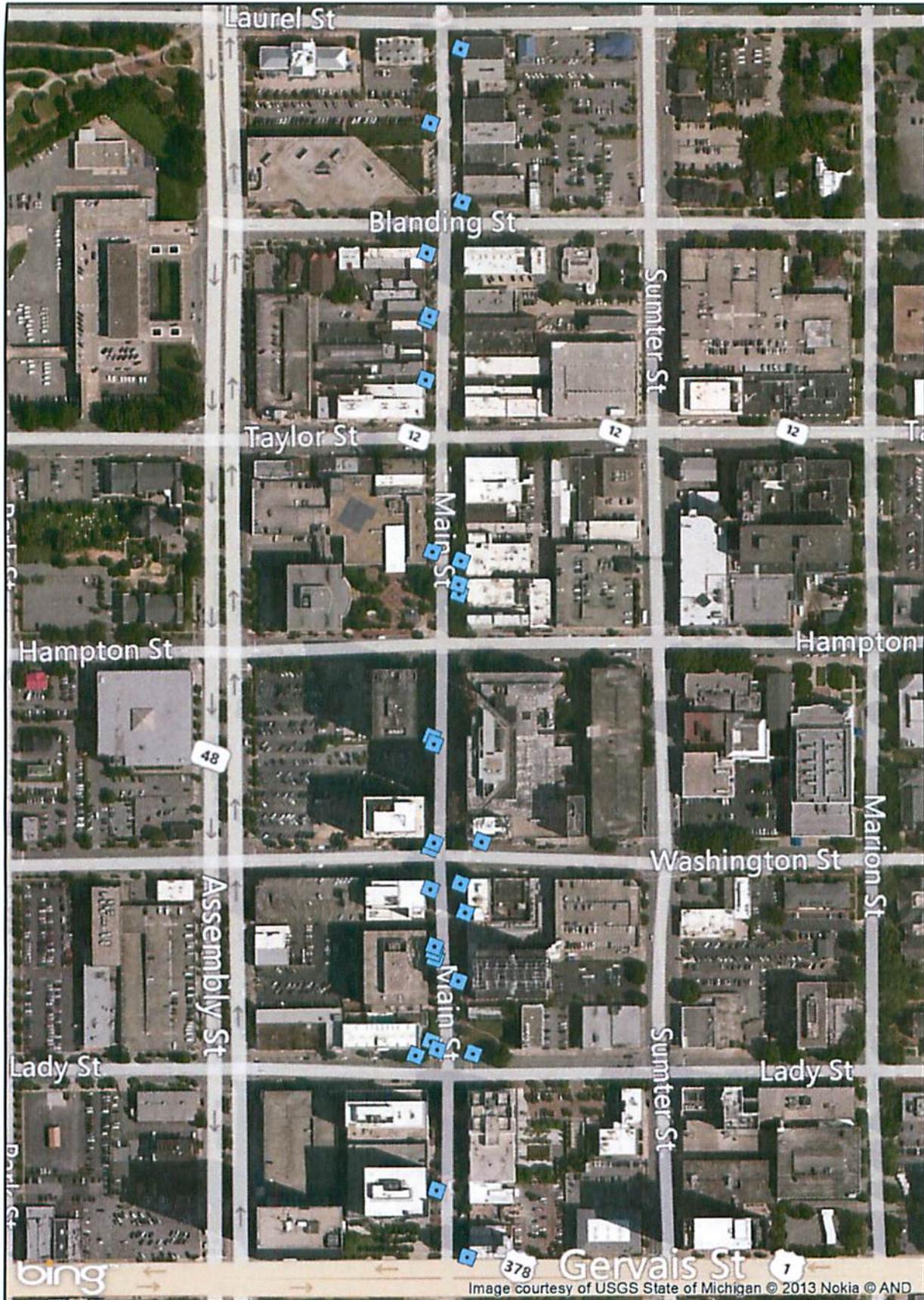
## Encroachment Ordinance No.: 2014-094

### City Center Partnership Rocking Chair Program Locations and Number of Chairs Permitted

1202	Main	Street	09013-07-09	2
1204	Main	Street	09013-07-10	1
1221	Main	Street	09013-08-05	2
1241	Main	Street	09013-08-04	2
1312	Main	Street	09013-06-12	2
1320	Main	Street	09013-06-15	2
1320	Main	Street	09013-06-15	2
1332	Main	Street	09013-06-03	2
1333	Main	Street	09013-05-21	2
1333	Main	Street	09013-05-21	2
1338	Main	Street	09013-06-01	2
1339	Main	Street	09013-05-02	2
1400	Main	Street	09014-08-15	0
1401	Main	Street	09013-04-07	2
1441	Main	Street	09013-04-22	1
1450	Main	Street	09014-08-17	2
1450	Main	Street	09014-08-17	2
1500	Main	Street	09014-09-16	2
1501	Main	Street	09014-11-13	2
1515	Main	Street	09014-11-11	2
1520	Main	Street	09091-06-05	1
1530	Main	Street	09091-05-08	2
1534	Main	Street	09014-09-25	1
1535	Main	Street	09014-11-08	1
1537	Main	Street	09014-11-07	1
1545	Main	Street	09014-11-06	2
1546	Main	Street	09088-01-02	2
1600	Main	Street	09014-04-13	2
1601	Main	Street	09014-10-16	2
1607	Main	Street	09014-10-15	1
1608	Main	Street	09014-04-14	1

<b>1611</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-14</b>	<b>2</b>
<b>1612</b>	<b>Main</b>	<b>Street</b>	<b>09014-04-15</b>	<b>1</b>
<b>1613</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-13</b>	<b>2</b>
<b>1621A</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-12</b>	<b>1</b>
<b>1621B</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-12</b>	<b>1</b>
<b>1625</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-11</b>	<b>2</b>
<b>1627</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-10</b>	<b>1</b>
<b>1629</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-09</b>	<b>2</b>
<b>1631</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-09</b>	<b>2</b>
<b>1637</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-07</b>	<b>2</b>
<b>1643</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-06</b>	<b>1</b>
<b>1645</b>	<b>Main</b>	<b>Street</b>	<b>09014-10-05</b>	<b>2</b>
<b>1701</b>	<b>Main</b>	<b>Street</b>	<b>09014-02-05</b>	<b>2</b>
<b>1704</b>	<b>Main</b>	<b>Street</b>	<b>09014-03-08</b>	<b>2</b>
<b>1712</b>	<b>Main</b>	<b>Street</b>	<b>09014-03-10</b>	<b>2</b>
<b>1720</b>	<b>Main</b>	<b>Street</b>	<b>09084-03-01</b>	<b>2</b>
<b>1722</b>	<b>Main</b>	<b>Street</b>	<b>09084-06-01</b>	<b>2</b>
<b>1724</b>	<b>Main</b>	<b>Street</b>	<b>09084-06-02</b>	<b>1</b>
<b>1728</b>	<b>Main</b>	<b>Street</b>	<b>09015-10-10</b>	<b>2</b>
<b>1730</b>	<b>Main</b>	<b>Street</b>	<b>09015-10-11</b>	<b>2</b>
<b>1737</b>	<b>Main</b>	<b>Street</b>	<b>09014-02-02</b>	<b>2</b>

# MAIN STREET ENCROACHMENTS



## Legend

- Main Street Encroachments

