



TOWN OF OCEAN CITY

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Memorandum

Date: May 3rd, 2024

To: Boardwalk Merchants

From: George Bendler, Planning and Community Development Director

Subject: **2024 Annual Outdoor Display Permit Applications**

In order to enhance the viability of retail establishments on the boardwalk, the Town has established a permit process through Planning and Community Development that allows Boardwalk retail business owners to display some of their merchandise on a portion of exterior area fronting their business. To balance safety and accessibility with community engagement and commercial prosperity, the Town has established a revocable permit: the Annual Display Permit.

The Annual Display Permit is a one-year permit applicable from July 1st, 2024 with an expiration date of June 30th, 2025. The permit must be applied for each year with all required information noted on the application. Previous year approved application will not be accepted. All pictures must be updated and current.

The deadline for application for the permit is June 15th, 2024, application received after that date will not be accepted and permits will not be issued for outdoor display.

The Town and Ocean City Development Corporation will review each application and determine if the outdoor display permits should be issued. Once the application is approved the permit and site plan must be conspicuously displayed on the premises.

The Department is working with the OCPD and Ocean City Development Corporation in cooperative effort to ensure compliance with the outdoor display of merchandise standards, letter from both are attached to this letter. The Mayor and Town Council are in process of adopting new enforcement procedures the intent will be that these change will be adopted as ordinance by July 2024. A draft the change to the ordinance are attached.

The application for this permit is attached with this letter. A fillable application is available online. If you have any questions or need additional information, please do not hesitate to contact the Department at 410-289-8855

Sincerely,

George M. Bendler, AICP
Director



BOARDWALK OUTDOOR DISPLAY PERMIT APPLICATION

Planning and Community Development

permits@oceancitymd.gov

410.289.8855

Permit # _____

APPLICANT INFORMATION **FEE \$236.00**

Store Name: _____

Physical Store Address: _____

Store Owner Name/Contact Person: _____

Mailing Address: _____

Phone: _____ Email: _____ **Signature (REQUIRED)**

PROPERTY OWNER/LAND OWNER

Name _____

Mailing Address _____ City _____ State _____ Zip Code _____

Phone _____ E-mail _____

TO DETERMINE ALLOWABLE OUTDOOR DISPLAY SOUTH OF (AND INCLUDING) 3RD STREET

- DISPLAY AREA IS DETERMINED BY WIDTH AND HEIGHT OF BUILDING FRONTAGE
- STORE FRONT: WIDTH _____ X 10' HEIGHT = _____ SF X 30% = _____ SF OF DISPLAY AREA
- DISPLAY AREA: PAD SIZE _____ WIDTH X _____ DEPTH = _____ SF X 30% = _____ SF OF DISPLAY AREA
- TOTAL SQUARE FEET OF DISPLAY AREA: _____

TO DETERMINE ALLOWABLE OUTDOOR NORTH OF 3RD STREET

- DISPLAY AREA: _____ SETBACK X _____ PAD WIDTH = _____ SF X 30% = _____ SF OF DISPLAY AREA
- THE ALLOWED MERCHANDISE DISPLAY AREA CAN BE NO CLOSER THAN 10 FEET FROM THE WESTERN EDGE (STORE SIDE) OF THE BOARDWALK (PUBLIC RIGHT OF WAY)

THIS APPLICATION MUST BE COMPLETED IN FULL, RETURNED TO, AND ACCEPTED BY THE PLANNING & ZONING OFFICE BY JUNE 1, 2024

AFTER JUNE 30TH: NO OUTDOOR DISPLAY OF MERCHANDISE WILL BE ALLOWED WITHOUT A 2024 APPROVED PERMIT

Please See Reverse Side for Additional Requirements

REQUIRED FOR SUBMISSION

- One site plan drawn to scale on provided graph paper, **UPDATED ANNUALLY**
- Accurate measurements based on standards provided
- One set of dated photographs that match graph to include:
 - Front view of store with merchandise and name of business visible and abutting businesses
 - Front of store with merchandise
 - LEFT SIDE VIEW (South view) with merchandise showing ample space around displays
 - RIGHT SIDE VIEW (North view) with merchandise showing ample space around displays

TOWN OF OCEAN CITY DISPLAY STANDARDS

- There must be 24" around each display to ensure the safety and reasonable expectation of movement.
- Displays must be 12" from the property line and the neighboring business to maintain movement. No business may form a barrier of merchandise between businesses.
- *No banners or signage may be attached to fences and railings.*
- Entrances must be unobstructed by display of merchandise.
- No display may exceed 5' in height, except other items deemed appropriate by the OCDC Boardwalk Committee such as surfboards, windsocks, kites, sunglass racks which are manufactured at 6', and open umbrellas of 6'8", clearance from grade, used to protect merchandise display from sun damage.
- Merchandise cannot hang from awnings.
- All racks and bins must be in good repair and maintained.
- No handwritten signs.
- Decorative and functional amenities are allowed and encouraged in the 10' area abutting the Boardwalk to enhance the display and the Boardwalk experience. These amenities may include live plantings (no artificial/plastic or silk plantings), and attractive well-maintained seating such as benches and chairs for the comfort of the visitors. The amenities must be well maintained year-round.

PAYMENT MAY BE MADE BY CREDIT CARD OR CHECK (payable to TOC)

ONLINE PAYMENT PORTAL Oceancitmd.gov—How do I—Pay a Bill—Permits—

Select Permit (permit #)

1 SQ = 1 FOOT

↑ WEST ↑

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BOARDWALK PERFORMING & VENDING



Permits are not required to perform on the Boardwalk

Exchange visitors (J1 students) must report to their sponsor about job placement before it commences so it can be vetted and should discuss with sponsor any interest in performing on the boardwalk before undertaking activity on the boardwalk.

No person shall engage in performing or vending on the street ends located at N. Division Street, Dorchester Street and Third Street. From May 1 – October 15, no person shall engage in performing and vending on 3rd Street.

Vending means to sell, offer for sale, expose or display for sale, solicit offers to purchase, barter or receive compensation **for expressive materials** other than from a traditional brick and mortar establishment or property, even if characterized as a donation. Only expressive materials may be vended on the Boardwalk.

The **peddling** or vending of **non-expressive materials on the Boardwalk is prohibited**. **Expressive material shall not include** the touching of other persons such as hair-braiding, hair-feathering, nail painting or any other touching, or the application of substances to other persons, including, but not limited to, paints, dyes and inks, nor shall it include housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, lotions, candles, jewelry, toys, or stuffed animals

Vending of expressive material such as newspapers, periodicals, books, pamphlets or other similar written material; and of cassette tapes, compact discs, digital video disks, paintings on paper or fabric, photographs, sculpture and prints that have been created or composed by a performer or vendor is permitted

Only performers may perform on the Boardwalk.

The provision of services not constituting a performance offered in exchange for consideration, including, but not limited to, seeking or accepting voluntary contributions, and soliciting or receiving, either directly or indirectly, donations or gratuities, is prohibited.

Only a performer as defined above (i.e., a person that engages in the playing of a musical instrument, singing, dancing, acting, pantomiming, puppeteering, juggling, engaging in magic, presenting or enacting a play, work of art, physical or mental feat or creating visual art- see full definition in Town Code Section 62-1) is permitted to perform as described in the Town Code.

Use of Town property for performing or vending prohibited.

No performer or vendor shall use or obstruct access to any Town-owned or maintained property, equipment, or utilities including, but not limited to, street furniture, sea wall, benches, planters, trash receptacles, or other structures or equipment installed on public property for purposes of performing or vending or for displaying anything whatsoever.

Outdoor Displays

No merchandise, signs or other items shall encroach into the boardwalk right-of-way (property line) other than as allowed by other provisions of this Code.

Each store is allowed one A-frame sign for each 25 linear feet of store frontage facing the boardwalk. The A-frame signs may not exceed 17.5 square feet on each side and nothing may be attached to the A-frame that extends above, on the edges, or extends beyond the frame. The A-frame may not exceed 60 inches in height including the legs. Signs may be two sided. A-frame signs will not require a separate sign permit. They will be part of the display permit but will not be deducted from the allowed display area. A-frame signs shall be professionally constructed and lettered. (Section 110-884)

Restaurants, hotels/motels and amusements shall be subject to the following outdoor display guidelines:

Handwritten signs shall be limited to incidental signs describing or identifying menus, carry-out windows, hours of operation, entry/exit, vacancy, office, and the like; No hanging displays or signs shall be placed on benches, railings or fences; One A-frame sign, not to exceed 17.5 square feet for every 25 linear feet of boardwalk storefront frontage shall be permitted, not to exceed two A-frames per storefront; Wall signs not to exceed 30 percent of exterior walls are permitted; Enclosures must be well maintained and pad to be maintained regularly; and Graffiti

shall be removed from the premises in accordance with section 302.9, Defacement of property, of the 2006 International Property Maintenance Code.(Section 110-884)

Music From Stores

Prohibited items: unclothed mannequins; promotion of alcohol, illegal drugs and paraphernalia, tobacco products, firearms, knives, offensive adult materials, products containing or displaying profanity, sexually explicit messages, or obscenity, **sound amplification arranged or directed towards the outdoors and/or located outdoors**; and flashing lights.(Section 110-884(a)(23))

Violations

Any person found to be in violation of a provision of the Town Code may be subject to the following:

A municipal infraction punishable by a fine of no less than \$100.00 and no more than \$1,000.00, and subject to all other provisions of Section 1-8 of this Code.

Nothing in this section shall be construed as prohibiting the Town from enforcing any and all other provisions of this Code or other applicable laws.



For additional information, contact the City Clerk at 410-289-8842.





April 12, 2024

To My Fellow Boardwalk Business Owners and Operators,

My name is Kevin Gibbs and I am the chair of the Boardwalk Committee of the OCDC and it's our mission to represent and give a voice to the many diverse businesses and interests we have on the Boardwalk. OCDC and this committee has tackled issues such as promotion of the Boardwalk, cleanliness, and noise ordinance education, as well as being a key proponent for the boardwalk businesses during the Oceans Calling negotiations. This committee was established over 30 years ago by Boardwalk businesses (as a different organization) to address these concerns TOGETHER.

I have never been prouder of this community than when we come together for the unprecedented OC event that was Oceans Calling, and I am now asking for the same community to work together for a common goal. This goal is to restore the perception of the Ocean City Boardwalk by removing the vulgarity displayed on signage and merchandise. Hospitality has really evolved over the decades and OC's competition is now global, not just the surrounding beaches. Social media has made it even more important that we are producing a safe, family friendly, and welcoming environment for our guests. The most frequent negative feedback we receive from families and tourists is the vulgar t-shirts displayed on the Boardwalk.

We are asking you to please put vulgar or adult themed items and shirts inside the "curtain", so that it is not visible from the Boardwalk. If Oceans Calling taught us anything, it is that change can sometimes be concerning but our willingness to change and work together can lead to mutual success. I appreciate your time and consideration as we all move towards the goal of changing the public image of the Boardwalk and establishing the most family friendly and best beach town on the East Coast.

Sincerely

Kevin Gibbs

Chair of the Boardwalk Committee of OCDC

Boardwalk Business Owner

Ocean City Development Corporation
108 Dorchester Street – Ocean City, MD 21842
Telephone: 410-289-7739 Website: www.ocdc.org

Current outdoor Display Enforcement Section

- (1) The business/store personnel will be given a verbal warning for initial violation to terms of the outdoor display permit. A written confirmation letter will be sent to the business owner and property owner as follow up.
- (2) The business owner and property owner will be issued a written correction notice for a second violation.
- (3) The business owner will be issued a municipal infraction for a third violation. A confirmation letter and copy of the citation will be sent to the property owner.
- (4) The business owner will be cited for a municipal infraction for a fourth violation. The display permit will be suspended for one week beginning the day after the fourth violation. A confirmation letter of the suspension and copy of the citation will be sent to the property owner.
- (5) The business owner will be cited for a municipal infraction for a fifth violation. The display permit will be suspended for two weeks beginning the day after the fifth violation. A confirmation letter of the suspension and a copy of the citation will be sent to the property owner.
- (6) Any further violations will result in additional municipal infractions and will result in the revocation of the outdoor display permit for four months. The business owner must remove the outdoor merchandise completely within 24 hours of receiving the revocation notice. After four months, the business owner may apply for a new one-year display permit.

(Code 1999, § 110-884; Ord. No. 2009-7, 5-4-2009; Ord. No. 2009-28, 1-4-2010; Ord. No. 2011-1, 2-22-2011; Ord. No. 2015-08, 4-6-2015)

Proposed Outdoor Display Enforcement Section

- (c) Outdoor display as described in sections a and b shall be subject to the following enforcement procedures:
- (1) The business owner may be issued a municipal infraction with a fine of \$500 for the initial violation. A confirmation letter and copy of the citation will be sent to the property owner.
 - (2) The business owner may be issued a municipal infraction with a fine of \$1,000 for the second violation.
 - (3) The business owner may be cited for a municipal infraction with a fine of \$1,000 for a third violation. The display permit will be suspended for two weeks beginning the day after the third violation. A confirmation letter of the suspension and a copy of the citation will be sent to the property owner.
 - (4) Any further violations will result in additional municipal infractions and will result in the revocation of the outdoor display permit for four months. The business owner must remove the outdoor display completely within 24 hours of receiving the revocation notice. After four months, the business owner may apply for a new one-year display permit.
 - (5) Failure to abide by the requirements set forth in this section may result in the suspension or revocation of the violator's business license as set forth in Section 14-38