



The following information serves as a guide for obtaining a Temporary Right-of-Way Encroachment License. The complete ordinance is located under Sec. 82-146 of the Municipal Code.

Temporary Right-of-Way Encroachments in B-2 and B-4 Zoning Districts

Recognizing that active commercial districts create vibrant and desirable neighborhoods, the City of Racine allows amenities to be placed on public sidewalks in certain areas of the City.

An annual license is required prior to any objects being placed in the right-of-way. Objects that are allowed include benches or furniture, planters, artwork, merchandise and other items such as seasonal decorations.

General Requirements

- The property shall be located within a pedestrian oriented zoning district with a classification of B-2 or B-4, with a building adjacent to the public sidewalk and not separated by a parking lot, landscaping or similar features.
- Permitted items shall only be placed within the boundaries of the storefront of the business listed on the license. Merchandise shall only be displayed during hours the business is open.
- The fixture(s) shall not be physically attached or anchored into the sidewalk, or any street fixture, and shall be of a temporary nature.
- The placement of the fixture(s) shall not impede the flow of pedestrian traffic on the sidewalk and shall not reduce the unobstructed sidewalk path of travel to less than five feet at any point.

Application

- Temporary Right-of-Way Encroachment Licenses are issued by the Department of City Development. The initial application shall include a sketch, showing the general location of items that will be located on the sidewalk.
- A fee of \$20.00 shall be submitted for the initial license. Annual renewals without changes, shall not require a fee.
- Licenses shall not be prorated for a partial year and are not transferrable.
- Renewal of licenses with changes from the previously approved license will be processed as new licenses with applicable reviews and fees required.

Liability Insurance

The applicant must provide proof of insurance, with an admitted carrier in the State of Wisconsin that has an A.M. Best rating of "A-VII" or better, covering the area licensed hereunder:

Commercial general liability: \$1,000,000 per occurrence/general aggregate.

Worker's compensation: statutory.

Employer's liability: \$300,000 disease policy limit; \$100,000 per employee.

The licensee shall also provide, upon request, policies and endorsements. The policies shall be endorsed to name the city, its officers, department, employees, and authorized volunteers as additional insureds, and shall provide that the policies of insurance shall not be canceled or altered without thirty days prior written notice to the city. The insurance requirements are not intended to waive





any immunity or statutory procedures that the city may have or be entitled to under provisions of law.

Standards for Temporary Encroachments and Obstructions

- Allowable items include sidewalk furniture such as tables and benches, planters, merchandise, seasonal decorations, decorative artwork, and similar items, all of which must be movable.
- Flags are allowed, when ornamental in design, made of a durable fabric and containing no signage text, logos, or advertising, on a pole affixed to the adjacent business at an upward angle whereby the point of attachment is no less than five feet above the sidewalk and where no portion of the pole or flag exists, protrudes, or hangs below seven feet above the required unobstructed 60 inch path of travel.
- All obstructions permitted hereunder shall be located within 36 inches of the wall of the building and shall not reduce the passable sidewalk width below 60 inches in any case.
- No placement shall be located within 60 inches of, or obstruct any parking space(s), landscaped area, utility or light pole, fire lane, fire hydrant, bus shelter, handicapped access ramp, or handicapped access route.
- The placement of permitted items shall always maintain safe visibility of vehicular traffic and pedestrians and clear visibility and access to all traffic signs, control devices, and other safety installations.

ADA Compliance

The placement of all items shall provide clearances and pathways in conformance with the American Disabilities Act (ADA). There shall be not less than a five-foot wide unobstructed accessible path of travel, excluding curb dimensions. A vertical clearance of not less than 80 inches shall be maintained at all times.

Trash Removal and Maintenance.

Permitted items placed on the sidewalk shall be maintained in a state of cleanliness and good repair. The licensee shall keep the sidewalk area in a clean, orderly, litter-free, and hazard-free condition.

Use of Public Property

No licensee may use any public property such as light poles or other utility poles, street signs, parking meters, planters, trees, or other amenities as a point of attachment for anything, including ropes, posters, flags, or signs.

Additional Information

Sidewalk cafes, sandwich board signs, special events and community art projects (DRC, etc.) are not regulated under this ordinance and continue to be administered under separate sections of the Municipal Code.

