

**ORDINANCE NO. 2011-07**

**AN ORDINANCE PERTAINING TO SIDEWALKS IN THE  
VILLAGE OF UNION GROVE,  
RACINE COUNTY, WISCONSIN**

The Village Board of the Village of Union Grove, Racine County, Wisconsin, do ordain as follows:

1. That Article II, Division III of the Code of Ordinances for the Village of Union Grove, entitled "Commercial Use of Downtown Sidewalks," be, and hereby is, created.

2. That Section 90-91 of the Code of Ordinances for the Village of Union Grove be, and hereby is, created to read as follows:

**"Sec 90-91 – In General.**

(a) Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings given in this section, except where the context clearly indicates a different meaning.

*Initial application* means the first sidewalk use permit applied for by an establishment's owner or licensee.

*Renewal permit* means a permit that is applied for by April 1 of a year by a currently valid sidewalk use permittee.

*Sidewalk* has the meaning given in Wis. Stat. § 340.01(58).

(b) Prohibition. The commercial use of sidewalks is prohibited, absent a permit issued under this division.

(c) Procedure. Application to use public sidewalks pursuant to this division shall be submitted to the Village clerk, along with such permit fee as may be set periodically by resolution of the Village Board. If a sidewalk use application is denied, the permit fee shall be returned to the applicant, but the permit fee for any approved sidewalk use will not be prorated. The annual permit shall commence May 1 or thereafter when the permit is issued, and shall expire on October 31 following its issuance. In addition to any other penalty, any sidewalk use permit issued hereunder may, after notice and hearing, be suspended for a specific period of time, or not renewed or revoked, for violation of any provisions of this division or of any other law, ordinance or regulation which is substantially related to the permitted activity.

All applications shall be signed by the applicant and, if the applicant's premises is leased, by the applicant's landlord. An initial application shall be accompanied by a scale drawing depicting the sidewalk area requested to be used, and also showing the location of all trees, poles, furniture, equipment, fixed barriers and other items that are or will be located in an area that is bounded by: the front of

the premises; the street; and lines 10 feet beyond each of the applicant's side property lines. The initial application shall also include photographs, pictures from a sales catalog or detailed drawings of the furniture and equipment proposed for use, with dimensions and colors. Completed applications shall be forwarded to the CDA or directly to the Plan Commission, depending on the location and proposed use, as specified elsewhere in this division. No application shall be approved unless the applicant has proof of the required insurance.

All renewal applications in which a change is being proposed to the sidewalk area used, or to the furniture, furnishings or equipment, shall comply with the requirements for an initial application and shall be processed in the same manner as an initial application. In the case a renewal application that does not propose any changes to an existing sidewalk use, and which use was not the subject of any enforcement action during the previous year, the village clerk shall issue a permit forthwith upon the completion of the application and the payment of the requisite permit fee.

- (d) Insurance. No sidewalk use permit may be issued unless the applicant provides proof of the following insurance in amounts not less than stated, from a carrier permitted to transact business in the State of Wisconsin with an AM Best rating of "A-,VII" or better, covering the sidewalk area:

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 permittee shall also provide, upon request, policies and endorsements. The policies shall be endorsed to name the village, 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 village. The insurance requirements are not intended to waive any immunity or statutory procedures that the village may have or be entitled to under provisions of law."

3. That Section 90-92 of the Code of Ordinances for the Village of Union Grove be, and hereby is, created to read as follows:

**"Sec 90-92 – Sidewalk seating limitations.**

- (a) Customer seating may be permitted on sidewalks in the C-1 Downtown District only on Main Street between 10th Avenue and 12th Avenue, and only with the prior approval of the Plan Commission after a recommendation by the CDA, pursuant to the procedure in section 90-91.
- (b) Sidewalk throughway access of 48 inches shall be maintained by all businesses at all times to permit pedestrian accessibility. All ADA standards will be applied to determine pedestrian accessibility.
- (c) No tables, chairs or displays shall be placed closer than 40 inches to the back of curb to allow proper and safe clearances for vehicle door swing, egress and

ingress.

- (d) No outdoor seating is permitted within the required vision triangle clearances of sec 118-996.
- (e) Only open and operating first-floor commercial businesses or professional offices may be permitted to have seating on the public sidewalk outside of the business. No extending over onto a neighboring property's frontage is permitted, even if the business obtains permission from the neighboring property owner to do so.
- (f) No open intoxicants will be permitted on any public sidewalk or right-of-way, including areas where outdoor seating is permissible, except as allowed by a duly-issued alcohol license for such sidewalk seating area.
- (g) Proper accessible entrance and egress clearances shall be maintained at business entrances in compliance with all ADA regulations.
- (h) Only the following outdoor seating items shall be permitted to be placed on the public sidewalk in compliance with these other requirements: tables, chairs or other furniture or trash receptacles of a diameter of 30 inches or less. No umbrellas are permitted. No candles or other artificial lighting, no condiments and no accessories of any kind shall remain on any table or other furniture, unless that table or furniture is occupied. "Other furniture" is defined as furniture designed for or modified to withstand the elements and is intended for outdoor seating use.
- (i) No tables, chairs or other furniture or trash receptacles may be anchored in any manner to the public property.
- (j) All tables, chairs or other furniture or trash receptacles must be removed at the end of each business day or no later than 9:00 p.m., whichever is sooner, or the same is subject to removal by the Village.
- (k) All outdoor seating areas must provide a trash receptacle to be emptied or removed by the permitted business when full, and at least daily. Trash receptacles must be covered to prevent the wind from spreading trash around.
- (l) All tables, chairs or other furniture or trash receptacles placed on the public sidewalk must be maintained in good working order and safe condition.
- (m) No tables, chairs or other furniture or trash receptacles may be placed outside from November through April, nor on any snow day outside of such months.
- (n) Serving of food and/or nonalcoholic beverages may be permitted for sidewalk seating areas. The service of alcohol is only as allowed pursuant to a duly-issued alcohol license for such sidewalk seating area.
- (o) Doorways may not be blocked by any placement of the tables, chairs or other furniture or trash receptacles placed on the public sidewalk.
- (p) It is the responsibility of the business owner to regularly check on the placement of tables, chairs or other furniture or trash receptacles placed on the public sidewalk to comply with these requirements.

- (q) The placement of any item on the public sidewalk that is not in compliance with these regulations is subject to removal by the Village, or its designee, without warning. Items removed by the Village shall be disposed of without compensation provided to the owner of said items. If the Village removes noncompliant items from any property, notice shall be provided to the business owner or business manager with a warning that if the Village, due to noncompliance with these requirements, must remove any item from the property within a twelve-month period following the date of the notice, then the required right-of-way permit shall be revoked for a period of 12 months.
- (r) Sidewalk seating is only permitted between the hours of 6:00 a.m. and 9:00 p.m.”

4. That Section 90-93 of the Code of Ordinances for the Village of Union Grove be, and hereby is, created to read as follows:

**“Sec 90-93 – Sidewalk display limitations.**

- (a) Displays of wares or services offered for sale by a business may be permitted on sidewalks in the C-1 Downtown District with the prior approval of the Plan Commission, or, if the proposed sidewalk display is located on Main Street between 10<sup>th</sup> Avenue and 12<sup>th</sup> Avenue, with the prior approval of the Plan Commission after a recommendation of the CDA, pursuant to the procedure in section 90-91.
- (b) Sidewalk throughway access of 48 inches shall be maintained by all businesses at all times to permit pedestrian accessibility. All ADA standards will be applied to determine pedestrian accessibility.
- (c) No displays shall be placed closer than 40 inches to the back of curb to allow proper and safe clearances for vehicle door swing, egress and ingress.
- (d) No outdoor display is permitted within the required vision triangle clearances of sec 118-996.
- (e) Only open and operating first-floor commercial businesses or professional offices may be permitted to have displays on the sidewalk outside of the business. No extending over onto a neighboring property’s frontage is permitted, even if the business obtains permission from the neighboring property owner to do so.
- (f) Proper accessible entrance and egress clearances shall be maintained at business entrances in compliance with all ADA regulations.
- (g) No displays may be anchored in any manner to the public property.
- (h) All displays must be removed at the end of each business day or no later than 9:00 p.m., whichever is sooner, or the same is subject to removal by the Village.
- (i) All displays placed on the public sidewalk must be maintained in good working order and safe condition.
- (j) No display may be placed outside from November through April, nor on any

snow day outside of such months.

- (k) Doorways may not be blocked by any placement of a sidewalk display.
- (l) It is the responsibility of the business owner to regularly check on the placement of the display placed on the public sidewalk to comply with these requirements.
- (m) The placement of any item on the public sidewalk that is not in compliance with these regulations is subject to removal by the Village, or its designee, without warning. Items removed by the Village shall be disposed of without compensation provided to the owner of said items. If the Village removes noncompliant items from any property, notice shall be provided to the business owner or business manager with a warning that if the Village, due to noncompliance with these requirements, must remove any item from the property within a twelve-month period following the date of the notice, then the required right-of-way permit shall be revoked for a period of 12 months.
- (n) A sidewalk display is only permitted between the hours of 6:00 a.m. and 9:00 p.m.”

5. That Section 90-56 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

**“Sec 90-56 - Penalty for violation.**

Every person who shall violate this article or who shall construct or allow to be constructed any sidewalk or driveway within the village contrary to this article shall, upon conviction, be subject to a forfeiture of not less than \$50.00 and not more than \$200.00, plus costs, and each day of such violation shall constitute a separate offense.”

6. That Section 90-188(7) of the Code of Ordinances for the Village of Union Grove be, and hereby is, created to read as follows:

“(7) Sidewalk uses permitted under article II of this chapter.”

7. That Section 90-58 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

**“Sec 90-58 - Permit required.**

No person shall install, remove, replace or repair any public sidewalk within the village unless he is under contract with the village to do such work or has obtained a permit from the director of public works or building inspector at least seven days before work is to be undertaken and subject to the applicable permit fee on file at the office of the village clerk-treasurer.”

8. That Section 90-59 of the Code of Ordinances for the Village of Union Grove be, and hereby is, amended to read as follows:

**“Sec 90-59 - Cement walks.**

Public walks shall be of Portland cement concrete and built to specifications on file in the office of the village engineer. All contractors building public walks shall conform to these specifications and to the grades for the walk as given by the village engineer. A permit shall be obtained from the director of public works or building inspector prior to beginning such work. Public walks, except those built by the village, shall be inspected by the building inspector. and subject to the applicable permit fee on file at the office of the village clerk-treasurer.”

9. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Union Grove, Racine County, Wisconsin, this 27<sup>th</sup> day of June, 2011.

**VILLAGE OF UNION GROVE**

By: \_\_\_\_\_ /s/  
Michael Aimone, Village President

Attest: \_\_\_\_\_ /s/  
Janice K. Winget, Village Clerk

Introduced: 06/27/2011  
1st reading: 06/27/2011  
2nd reading: Rules Suspended  
3rd reading: Rules Suspended  
Publication: 07/01/2011