

FILLMORE CITY ENCROACHMENT POLICY

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ARTICLE I. PURPOSE

The purpose of this policy is to regulate permanent encroachments in the General Commercial Zone as defined in Chapter 5, Part 4 of the Fillmore City Code.

ARTICLE II. PERMITTING

A. Encroachment Application.

All businesses wishing to encroach upon public sidewalks or airspace above public property in the General Commercial Zone must complete the Encroachment Application form and pay the filing fee as defined in the Fillmore City Fee and Rate Schedule Policy.

B. Application Processing

Processing may take up to three weeks from the date the application is submitted to the city office. Incomplete applications will not be processed.

C. Application Approval

The city council shall approve or deny an encroachment application after it has been processed by the staff and reviewed by the city council.

ARTICLE III. PERMANENT ENCROACHMENTS

A. Sidewalk Encroachments

Sidewalk encroachments include ADA wheelchair accessibility ramps and flowerboxes.

1. Application must include a design plan specifying the elevations and length of the ramp or size of the flower box.
2. Must leave at least five feet of unobstructed sidewalk, measuring from the curb if fronting Main Street, or
3. At least four feet of unobstructed sidewalk on all other sidewalks.

B. Airspace Encroachments

Airspace encroachments include awnings and signs.

1. Encroachments should serve a visual or practical purpose.
2. Application must include design plans specifying the type of encroachment, construction, and materials
 - a. Businesses are encouraged to utilize designs that will enhance the architectural era and unique nature of their buildings and also beautify and compliment the downtown area by using carefully selected materials, colors, graphics, and lighting.
 - b. Suggested materials include iron, metal, wood, canvass, and nylon. Excluded materials are plastic and vinyl which do not weather well.
3. Must specify where and how it will be attached to private property.
4. Must be at least seven feet above a public sidewalk.

ARTICLE IV. ENCROACHMENTS MAINTENANCE

All permanent encroachments shall be kept in good repair, securely attached, and maintained regularly. Annual application of a water repellant product is encouraged. If encroachments become damaged, faded, worn, or a safety threat to the public, they must be removed and the attachment location restored to a safe and aesthetically acceptable condition as determined by Fillmore City