

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING SECTIONS 90-91, 90-92, AND 90-93 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF UNION GROVE, RELATING TO THE COMMERCIAL USE OF DOWNTOWN SIDEWALKS.

The Village Board of the Village of Union Grove ordains as follows:

1. That Sections 90-91, 90-92, and 90-93 of the Municipal Code of the Village of Union Grove be, and hereby are, amended to read as attached.
2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 23 day of May, 2022.

VILLAGE OF UNION GROVE

By: 

Steve Wicklund, Village President

Attest: 

Rebecca Wallendal, Village Clerk

Division 3.

Commercial Use of Downtown Sidewalks

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.

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

(b) Prohibition. The commercial use of sidewalks is prohibited, unless the property owner or tenant possesses 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 property owner or tenant 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.

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 when the property owner or tenant possesses the proof of insurance provided 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 are 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 at any time when there is snow or ice accumulation of one inch or more.

(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.

Secs. 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 or, on Main Street between 10th Avenue and 12th Avenue, only when the property owner or tenant possesses the proof of insurance provided 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