CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

SIDEWALK ENCROACHMENT APPLICATION PACKET

Summary of Sidewalk Encroachment Policy

Any person who wishes to place an encroachment (i.e. seating and/or merchandise) on the sidewalk must first obtain an encroachment permit from the Department of Planning & Engineering. All requirements detailed in Chapter 12.34 of the City of Franklin Municipal Code shall be met prior to a permit being issued.

The City of Franklin has established a procedure by which the applicant is assisted with obtaining the necessary permit. This process is outlined in the remainder of this document and Chapter 12.34.

Sidewalk Seating Encroachment Permit = $50.00

Merchandising Encroachment Permit = $20.00 (up to 100 sq.ft.)
Each additional sq.ft. above 100 sq.ft. shall be $0.50 per sq.ft.

Regardless of the date obtained, the permit shall expire October 31st of each year. All permits shall be reapplied for annually.

The Department of Planning & Engineering is willing to assist the applicant; however, staff cannot provide legal advice. Compliance with the requirements of applicable laws and procedures remains the responsibility of the applicant. Should the applicant or interested parties have questions regarding legal matters, they are encouraged to seek independent legal advice.

Overview

Requirements for obtaining an encroachment permit are outlined in Chapter 12.34 of the City of Franklin Municipal Code. Items listed below are not all inclusive. Please refer to the Municipal Code for complete requirements.

Sidewalk Seating:

Seating outside of an established place of business whose primary or secondary business is the sale of food, or whose business desires to place sidewalk seating for the convenience of their customers and the general public use and whose business location is immediately adjacent to the sidewalk space requested for use for said sidewalk seating.

Merchandising:

Any outdoor display of items intended for sale and/or decorative items, including, but not limited to, flowers and plants, by the merchant whose business is located immediately adjacent to the sidewalk on which the items are displayed.

Insurance:

The applicant must maintain a comprehensive general liability policy that is in effect for the duration of the permit and names the City of Franklin as an Additional Insured with limits of at least:

$ 500,000	Each Occurrence
$1,000,000	General Aggregate
$1,000,000	Products/Completed Operations Aggregate
$ 500,000	Personal and Advertising Injury

Standards for Encroachment:

A clear straight pathway at least 60 inches wide must be maintained along the sidewalk measured from the innermost edge (building side) of curb, street lights and their bases, sign posts, trees, tree and planter plots, landscaping, fire hydrants, street furniture, trash cans, bicycle racks or any other fixed sidewalk obstruction.

Encroachments must be immediately adjacent to the building.

a. EXCEPTION: Adjacent to planter plots on East & West Court Streets. Encroachment may be immediately adjacent to planter plot in the event that a clear straight pathway at least 60 inches wide is maintained from the edge of the encroachment to the building or outermost edge (street side) of another obstruction.

Subject to the other requirements, the encroachment may extend a maximum of ten (10) feet into the sidewalk from the building face, property line, or planter plots on East & West Court Streets.

Encroachment may only extend along the sidewalk directly adjacent to applicant's business unless agreed upon by all parties involved, proof of agreement must be presented to the Department and with approval of the Department.

A permit allows encroachments from April 1 up to and including October 31 of the calendar year for which the permit is issued. All encroachments shall be removed no later than November 1st.

Please refer to Chapter 12.34 for more details.

Filing Procedure

Provide the following to the Department of Planning & Engineering:

- ❑ Application for Sidewalk Encroachment.
  Completed in either ink or typed and be notarized - a notary is available at City Hall.
- ❑ Detailed Site Plan.
  a. The exact dimensions and total square footage of the proposed encroachment.
  b. The proposed circulation pattern for pedestrians with exact dimensions of the clear straight pathway.
  c. The proposed use and layout of proposed number of tables, chairs, railings, posts, table umbrellas or other items.
  d. Relationship of the encroachment, with exact dimensions, to the adjacent building and to any obstructions, including, but not limited to, street lights, power poles, fire hydrants, planters, landscaping, sign posts, newspaper boxes, trash cans, bicycle racks, etc.
- ❑ If applicable, copy of agreement between applicant and adjacent business/property owner(s) allowing applicant to extend encroachment in front of said adjacent business(es).
- ❑ Copy of Certificate of Insurance naming the City of Franklin as an Additional Insured. To be submitted after review and approval of application and prior to permit issuance.

Reviewed By: _____ Date: _____
Permit No.:_____
Receipt No.:_____

Expiration date: October 31, 20____

CITY OF FRANKLIN

Application for Sidewalk Encroachment

Applicant Name: _____ **Phone No.:** _____

Applicant Address: _____

_____ **E-Mail:** _____

Business Name: _____ **Phone No.:** _____

Business Address: _____

_____ **E-Mail:** _____

Owner Name: _____ **Phone No.:** _____

Owner Address: _____

_____ **E-Mail:** _____

Type of Permit Requested: ❑ Sidewalk Seating ❑ Merchandising

Length of Time Requested: _____

Acknowledgments for Permit:

1. Applicant agrees to comply with all current and subsequent federal, state, and local laws, codes, and ordinances and acknowledges that failure to be in full compliance will result in the relinquishment of the permit and shall be under an affirmative duty to return said permit to the issuing authority.
   ❑ Yes ❑ No
2. Applicant acknowledges and will comply with Chapter 12.34 of the City of Franklin Municipal Code.
   ❑ Yes ❑ No
3. Applicant acknowledges that seating and tables are not for the exclusive use of applicant's customers, but may be used by the general public.
   ❑ Yes ❑ No

The undersigned affirms under penalty for perjury that the answers, representations and information provided in this application are true and correct.

_____
Applicant's Signature

State of _____

County of _____

Subscribed and sworn to me this _____ day of _____, 20_____.

My Commission expires: _____

_____
Notary Public