



# ENCROACHMENT PERMIT APPLICATION

*City Hall*  
*400 Washington Street*

**Planning & Zoning - (319) 753-8158**

**Building Codes - (319) 753-8172**

The adopted Encroachment Policy represents the City of Burlington's position with regard to proposed encroachments and the private use of public right-of-way within the corporate limits of the City of Burlington, Iowa. In the context of this application, "public right-of-way" refers to all public sidewalks; street and alley right-of-way; and parks, open space, and other properties or lots owned or controlled by the City of Burlington.

This Encroachment Permit Application solely covers encroaching on the public right-of-way and by no means covers other permits or licenses required by individuals or businesses to bring or have merchandise for the purpose of selling the merchandise within the corporate limits of the City of Burlington.

*Encroachment Policy for the City of Burlington is on file with the City Development Department.*

## 1) GENERAL INFORMATION

Address / Location of Encroachment: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Type of Permit Requested :      PERMANENT                  TEMPORARY                  VERTICAL

Length of Time Requested for Permit: \_\_\_\_\_

## 2) ENCROACHMENT INFORMATION

Describe the requested encroachment (use back of sheet if necessary). What is it, what does it include, height, dimensions, hours of operation, reason seeking encroachment, how it will be managed, etc:

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### 3) SUBMITTAL INFORMATION

**PLEASE MAKE SURE THE FOLLOWING ITEMS ARE INCLUDED, WERE APPLICABLE**

\_\_\_\_ **SITE PLAN MUST BE SUBMITTED:** showing proposed encroachments, building outline and dimensions, property lines and dimensions, driveways, and all easements and utilities that are in the vicinity of the proposed encroachments.

\_\_\_\_ **PICTURE/ILLUSTRATION:** including dimensions of proposed encroachment including special features.

\_\_\_\_ **FORMS:** Copy of Insurance Certificate or Special Endorsement Form – releasing the City, its elected boards, officers, agents, and employees from liability or the above mentioned as being additional insured.

\_\_\_\_ **HEALTH CERTIFICATE** (if applicable – selling food or drink) with expiration date: \_\_\_\_\_

The **applicant** \_\_\_\_\_, agrees to construct all encroachments in accordance with the Burlington Encroachment Policy and all other applicable ordinances and regulations of the City of Burlington, Iowa, and further agrees to hold the City harmless from any liability incurred as a result of the placement of any encroachment.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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### **DEVELOPMENT DEPARTMENT REVIEW**

Conditions or explanation: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
ZONING OFFICIAL

\_\_\_\_\_  
Date

\_\_\_\_\_  
CODE OFFICIAL

\_\_\_\_\_  
Date

#### **- TEMPORARY / VERTICAL ENCROACHMENT APPROVAL:**

APPROVED

DENIED

\_\_\_\_\_  
CITY MANAGER

\_\_\_\_\_  
Date

#### **OFFICE USE ONLY**

Permit Type: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

Dates Allowed: \_\_\_\_\_ Paid: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Zoning District: \_\_\_\_\_ Historic District: \_\_\_\_\_

#### 4) DEFINITIONS

ENCROACHMENT – To intrude or infringe upon the property of another. An individual or business setting anything in the public right-of-way, whether it be permanent, temporary, continuous, or special event in nature. Examples of items that would encroach include: tables, chairs, benches, furniture, clothing racks, signs, stairs, railings, ramps, planters, and awnings.

PERMANENT ENCROACHMENT – Any item permanently attached to the ground or because of size or weight cannot be relocated without special equipment or large expense. The encroaching item is considered permanent if it is not the intent of the applicant to move the item after it is in place. An encroachment that may be moved, but will remain for an extended period of time or continually, would be considered a permanent encroachment (A-frame sign). Examples include but are not limited to benches, planters, ramps, steps, stairs, awnings, signs, and balconies.

PUBLIC RIGHT-OF-WAY – Land owned or controlled by the local, state, or federal government, usually over which facilities such as roads, highways, railroads, or power lines are built. In most cases this would include the area between the street and the private property line.

SPECIAL EVENT – Something designated for a particular occasion, such as Steamboat Days, Snake Alley Criterium, neighborhood block party, downtown sidewalk sale, etc.

TEMPORARY ENCROACHMENT – Any item that is not permanent or fixed in nature and can be moved from one location to another. Examples include but are not limited to tables, chairs, clothing racks, planters, benches, and temporary signs.

VERTICAL ENCROACHMENT – Any item that projects over the public right-of-way and is located eight feet (8') above grade or higher.

#### 5) APPLICATION PROCEDURE AND FEES

- ◆ Application shall contain all necessary information requested by the permit.
- ◆ **\$25** non-refundable administrative fee required for Permanent and Vertical Encroachments.

##### Permanent Encroachment Permit

- ◆ Non-refundable permit fee: \*Commercial / Industrial - **\$275** \*Residential - **\$55**
- ◆ The Development Department may request any additional information for review prior to consideration by City Council.
- ◆ Application should include a list of adjacent property owners to the proposed encroachment – these individuals will be notified of the public hearing by the Development Department.
- ◆ A permanent encroachment permit application requires a public hearing before the City Council for approval, which will take approximately 45-60 days.

##### Vertical Encroachment Permit

- ◆ Non-refundable permit fee: \* Vertical - **\$75**, no renewal required unless otherwise specified.
- ◆ The Development Department may request any additional information for review prior to consideration by the City Manager.
- ◆ A vertical encroachment will go to the Development Department for review and then will be forwarded to the City Manager for approval; this takes approximately 7-14 days.

##### Temporary Encroachment Permit

- ◆ Non-refundable permit fee: \*Three (3) day - **\$25** \*One (1) week - **\$50**  
\* Three (3) month - **\$125** \* Six (6) month - **\$200**
- ◆ The Development Department may request any additional information for review prior to consideration by the City Manager.
- ◆ Application should include a signed statement from adjacent property owners who are giving permission to the applicant to locate the encroachment in front of their property.
- ◆ A temporary encroachment will go to the Development Department for review and then will be forwarded to the City Manager for approval; this takes approximately 7-14 days.