

CITY OF PROVIDENCE
DEPARTMENT OF PUBLIC WORKS

RULES AND REGULATIONS
GOVERNING ENCROACHMENTS OVER, ONTO, OR UNDER
PUBLIC RIGHTS-OF-WAY

Effective Date: November 6, 2007

Amended: February 29, 2012

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I. Introduction.

These Rules and Regulations are promulgated to assist employees of the City of Providence (City), generally those operating within the aegis of the City's Departments of Inspection and Standards (DIS), Planning and Development (DPD), and Public Works (DPW), who provide guidance to individuals and developers, contractors, or other business persons with regard to encroachments over, onto, or under public rights-of-way (generally, encroachments). The authority for such promulgation is found in the City Code of Ordinances, Sections 2-117 ("General powers and duties of director") and 23-6 ("Opening, excavating, etc., on, in, across or under public roadway or sidewalk").

The DPW, DPD, and DIS are the City's primary agencies for the regulation of demolition, excavation, and construction, including permitting, engineering and zoning. These agencies have worked together to create a cohesive and consistent approach to encroachments, so that applications falling within certain parameters can be handled administratively. Major applications involving more than the limited encroachments described in this set of regulations will continue to be handled through the process of making application to the Providence City Clerk for City Council authorization for easements or abandonments.

II. Applicability.

These regulations apply to all applications for excavation or construction which fall within the parameters described below. As to such applications, no structure, fixture,

excavation, obstruction or encroachment shall be erected or maintained over, onto, or under any public right-of-way except in accordance with these regulations. Other applications continue to be governed by State law, such as R.I.G.L. § 24-7-1 (“Sidewalks”).

III. Definitions


In these regulations, the following definitions apply:

1. *Encroachment not for Habitation.* Any construction that projects from a building over, onto, or under a public right-of-way that is not designed for, nor can accommodate, human or other habitation, including awnings, canopies, marquees, signs, architectural embellishments, foundations, wheelchair ramps, and the like, whether supported by the ground or not.
2. *Encroachment for Habitation.* Any construction that projects from a building over, onto, or under a public right-of-way that is designed for, or can accommodate, human or other habitation, including balconies, bay windows, arcades, overhangs, basement vaults, subterranean parking garages and the like, whether supported by the ground or not.
3. *Public Right-of-Way.* Any street, highway, sidewalk, or undeveloped land owned by the City over which the general public is permitted to pass.

IV. Encroachments Over, Under, or Onto Public Rights-of-Way

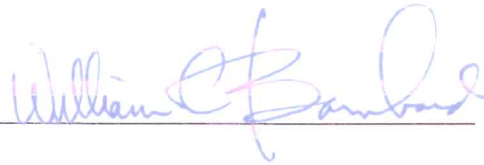
1. The Director of Public Works may permit an *Encroachments not for Habitation* to encroach over, onto, or under a *Public Right-of-Way* for the following:

- a) Awnings, canopies, marquees and signs with less than 15 feet clearance above the sidewalk may extend into or occupy up to two-thirds of the width of the sidewalk measured from the lot line. Awnings, canopies and marquees with 15 feet or more clearance above the sidewalk may extend into or occupy up to 100% of the width of the sidewalk.
 - b) All other *Encroachments not for Habitation* may extend up to four feet into the right-of-way, but in no case may extend farther than the curb line.
2. The Director of Public Works may permit *Encroachments for Habitation* to encroach over and onto a *Public Right-of-Way* for windows and balconies. Where the vertical clearance above grade to projecting windows and balconies is more than 8 feet, 1 inch of encroachment is permitted for each additional 1 inch of clearance above 8 feet, but the maximum encroachment shall be 4 feet.
3. Prior to granting such permission, the Director of Public Works must find that the encroachment will not impair the public health, safety, or welfare, and if the encroachment is proposed to be supported by the ground within the public right-of-way, that it does not have an adverse impact on pedestrian or wheelchair access. All such encroachments shall conform to the applicable building code and zoning ordinance as certified by the DIS.
4. All encroachments not provided for herein shall require an easement to be granted at the sole discretion of the City Council.
5. No encroachment that is contrary to the regulations of the Providence Zoning Ordinance or the applicable building code shall be permitted under these regulations.



Director, Department of Public Works

Witness:



Dated: 3/9/12