

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04

PROHIBITED ACTS

Sections:

12.04.010 Excavations--Permit required.

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12.04.040 Duty to keep sidewalks, trails and walkways clear of snow or other hazardous materials.

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12.04.010 Excavations--Permit required.

It is unlawful to excavate, construct, repair or make taps within any easement, right-of-way or property owned by the town without first obtaining an approved excavation permit for such work from the town.

(Ord. 2-2000 (part), 2000: Ord. 1 Ch. 10 § 21, 1907) (2015-01 02-19-0215)

12.04.020 Games--Permitted in approved areas only.

No person shall, upon any street or sidewalk within the corporate limits of the town, or in any public place in said town, engage in any game of ball, the flying of kites or rolling of hoops or any other amusement or practice or exercise having a tendency to annoy persons passing in the street or on the sidewalks, or to frighten teams of horses, and any persons convicted of any of said offenses shall be fined. Provided, the provisions of this section shall not apply to games of ball played upon regularly established and enclosed ball grounds, nor to games played at other places than regularly established and enclosed ball grounds, when a permit for playing said game or games, designating the place where the same are to be played, has been issued by the mayor or board of trustees.

(Ord. 1 Ch. 10 § 22, 1907)

12.04.030 Hindering or obstructing public improvements.

Any person who hinders or obstructs the lawful making or repairing of any pavement side or crosswalk, or hinders or obstructs any person employed in making or repairing any public improvement or work ordered by the board of trustees, shall, upon conviction thereof, be fined for each offense.

(Ord. 1 Ch. 10 § 25, 1907)

12.04.040 Duty to keep sidewalks, trails and walkways clear of snow or other hazardous materials.

- A. No private owner, manager of any property, lessee leasing the entire premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a four-plex shall fail to keep all hard surface public sidewalks, trails and walkways crossing or abutting the premises such person owns, leases, or occupies clear of snow, ice, mud, dirt, rocks, debris or other hazardous condition, as provided in this section. Such persons are jointly and severally liable for such responsibility. Such persons shall remove any accumulation after any snowfall or snowdrift or other occurrence as promptly as reasonably possible and no later than twelve noon of the day, following the snowfall, snowdrift or other occurrence. Such persons shall remove the snow or other material from the full width of all such hard surface sidewalks, trails and walkways, except those with a width exceeding five feet, which must be cleared to a width of at least five feet.
- B. If the police chief, public works director, or an appointed member of the town staff finds that any portion of a hard surface sidewalk, trail or walkway has not been cleared of snow or other material as required by subsection A of this section and that a hazardous condition exists, the police chief, public works director, or an appointed member of the town staff may direct the owner, manager of any property, the lessee leasing the entire premises, or any adult occupant of a single-family dwelling, a duplex, a triplex, or a four-plex that such person must remove the snow within the time limits prescribed by subsection A of this section.
- C. If the person so notified fails to remove the snow as required by the notice prescribed by subsection B of this section, the police chief or assigned staff may cite the owner, manager of any property, the lessee leasing the entire premises, or any adult occupant of a single-family dwelling, a duplex, a triplex, or a four-plex for violation of this section into municipal court.

(Ord. 2010-26, 6-17-2010) (Ord. 2007-4 (part), 2007)

12.04.050 Chapter exceptions.

The provisions of this chapter shall not apply to the following:

- A. A designated place on a sidewalk, trail, walkway hard or soft surfaced pathway, or other foot path by which the town of Cedaredge has contracted with an individual or granting agency to include maintenance costs in the town's annual budget.
- B. The town will be responsible for maintenance of the designated trail system as adopted by resolution. The

board of trustees shall, by resolution, establish the designated trail system and any renewals from time to time as changes occur. (Ord. 2007-4 (part), 2007)

Chapter 12.08

CONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS AND GUTTERS*

Sections:

- 12.08.010** ~~Petition for construction or repair--Board determination.~~
- 12.08.020** ~~Construction standards and specifications.~~
- 12.08.030** ~~Repair standards.~~
- 12.08.040** ~~Property owner construction and repair responsibility --Notice--Costs--Assessments--Collection.~~
- 12.08.050** ~~Relaying of sidewalks.~~
- 12.08.060** ~~Violation--Penalty.~~

Editor Notes: Prior ordinance history: Ord. 2-1919, Ord. 1, Ch. 13 §§ 1 through 8.

12.08.010 Petition for construction or repair--Board determination.

Whenever the owners of a majority of the frontage upon either sidewalk of any street or any specified portion thereof petition the board of trustees for the construction of a sidewalk, with or without curbs and gutters and whenever a majority of the board of trustees decide that such improvements are necessary and financially feasible, they shall immediately order the said improvements to be made by resolution of said board.

In addition, whenever the Board of Trustees decides that the construction of sidewalks, with or without curbs and gutters, is necessary, the Board may, by resolution, order the construction of such improvements in accordance with this chapter.

(Ord. 2002-6 § 1 (part), 2002)

12.08.020 Construction standards and specifications.

Unless otherwise specified in the order for the construction or reconstruction of any sidewalk, all sidewalks, curbs and gutters shall be constructed in accordance with the standards and specifications of the town of Cedaredge, then in effect.

The owner of the affected property is responsible to ensure that the construction is properly completed. The town public works director, or his designee, shall inspect all construction to determine that it meets town specifications and standards. The acceptance of the work by the board of trustees does not cover the quality of the work and if at any time it should appear that the town standards and specifications were not followed, the owner may be required to remove the work and replace it with new.

(Ord. 2002-6 § 1 (part), 2002)

12.08.030 Repair standards.

Repairing of sidewalks, curbs and gutters shall be accomplished in accordance with town standards and

specifications in effect at the time and such repairs shall be made whenever the board of trustees, by resolution, orders that such repairs be carried out.

(Ord. 2002-6 § 1 (part), 2002)

12.08.040 Property owner construction and repair responsibility--Notice--Costs--Assessment Collection.

Whenever the board of trustees, under the provisions of this chapter, orders the construction or repair of any sidewalk, it shall be the duty of the town marshal or his designee at once to serve a notice in writing upon each of the owners of the property fronting on the line of the proposed sidewalk to be constructed or repaired, if such owner can be found within the limits of the town, and if not so found, then upon the duly authorized agent of such owner residing in said town, notifying them of the decision to construct or repair the sidewalk and their obligations hereunder. When the owner of such property, or an agent thereof, or any of them, cannot be found within the limits of said town, said notice shall be mailed to said owner by certified mail, return receipt requested, at his or her last known address. In the event that the mailing is not claimed then notice shall be published in a weekly paper of general circulation within the town for one week and a copy thereof posted at the town hall and on the premises whose owner cannot be found and such publication and posting of said notice shall have the same effect as if the same had been personally served upon such owner or owners. After service of said notice, or the publication and posting as herein provided, then the board of trustees shall proceed to have such sidewalk constructed and/or repaired under contract for the lowest prices obtainable for labor and materials upon such terms as is in their judgment are deemed reasonable. Upon the awarding of such contract and the completion of such sidewalk by said contractor, one half of the expense of constructing the same including, without limitation, all engineering, inspection and supervision costs, shall be assessed to the property fronting on and adjacent to the same, and such assessment shall be a lien upon said property until it shall be paid. Upon the completion of the construction or repair of said sidewalk, the town shall make out a bill of assessment against each of the owners of lots or land for the amount due from them for the costs and expenses of the construction or repair of said sidewalks, and present such bills or assessments to the owners of each of said lots or lands and demand payment for the same. In case such owners shall fail or refuse to pay said assessment upon presentation or in case he cannot be found, then the town marshal shall deliver the assessment to the town clerk. The clerk shall cause a notice to be published in a weekly newspaper of general circulation within the town for a period of not less than two weeks, notifying the owner or owners of said lots or lands of the assessment made against them, the amount thereof and the lot or lands against which the same is assessed and notifying the owner or owners of the time and place of the next meeting of the board of trustees. Upon the meeting of the board of trustees, the board may consider the assessments made and either accept them as presented or modify them as the board deems appropriate. The assessment as approved shall be certified by the town clerk to the clerk and recorder of Delta County, or to the officer having the custody of the tax list of said county at the time each certificate is made, to be placed by him or her upon such tax list for the current year, to be collected in the same manner as other taxes are collected, as is provided by law.

The town shall have the option to execute an agreement with the owners of property adjacent to such sidewalks allowing the payment of the outstanding obligation over a period of time set by the town along with interest at a rate set by the town, by resolution of the town board. All unpaid amounts shall remain as a lien against said property and shall be due, in full, upon any sale, conveyance or transfer of said property.

(Ord. 2002-6 § 1 (part), 2002)

12.08.050 Relaying of sidewalks.

The board of trustees may order any existing sidewalks, curbs and gutters which do not conform to the standards and specifications of the town, then in effect, to be re-laid, so as to conform with said standards and specifications, and the proceedings under such order shall be in all respects the same as provided above for the original construction of sidewalks. The cost of relaying shall be a charge upon the owner of the property adjoining the same and a lien upon said property, and such charge shall be collected and such lien enforced as set forth above.

(Ord. 2002-6 § 1 (part), 2002)

12.08.060 Violation--Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

(Ord. 2010-27, 6/17/2010) (Ord. 2002-6 § 1 (part), 2002)

Chapter 12.12

IRRIGATION DITCHES

Sections:

12.12.010 Ditch construction permitted--Requirements.

12.12.020 Exceptions.

12.12.030 Bridges required for ditches crossing sidewalks.

12.12.040 Construction noncompliance--Permission required--Penalty.

12.12.050 Ditch maintenance--Violation--Penalty.

12.12.010 Ditch construction permitted-- Requirements.

It is lawful to construct a ditch along any street or alley for the purpose of conducting water to be used for the purpose of irrigation; provided, that any person so conducting water shall not permit the same to overflow the streets or alleys, and shall convey the same into some street again.

(Ord. 1 Ch. 14 § 1, 1907)

12.12.020 Exceptions.

If it is impracticable to conduct water upon any lot or parcel of land by means of a ditch running along a street or alley as provided in Section 12.12.010, then in that case the board of trustees, upon the application of any person, may in their discretion, give permission in writing for the construction of a ditch or ditches running otherwise than as prescribed.

(Ord. 1 Ch. 14 § 2, 1907)

12.12.030 Bridges required for ditches crossing sidewalks.

Any person making a ditch across the sidewalk for the purpose of running water upon any lot or parcel of land shall bridge the ditch for the full width of the sidewalk.

(Ord. 1 Ch. 14 § 3, 1907)

12.12.040 Construction noncompliance --Permission required--Penalty.

If any person constructs a ditch running otherwise than as prescribed in Section 12.12.010 without first having obtained permission of the board of trustees as provided, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined.

(Ord. 1 Ch. 14 § 4, 1907)

12.12.050 Ditch maintenance-- Violation--Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

(Ord. 2010-27, 6/17/2010) (Ord. 1 Ch. 14 § 5, 1907)

Chapter 12.16

STREET TREES AND SHRUBS

Sections:

12.16.010 Definitions.

12.16.020 Care and removal of trees within the town.

12.16.030 Nuisances and abatement.

12.16.040 Penalties.

12.16.050 Establishment of the Cedaredge tree board.

12.16.060 Severability of provisions.

12.16.010 Definitions.

As used in this chapter, the following terms shall be defined as indicated below:

Private trees are trees or shrubs located on private property within the town, whether or not they may project or extend over or outside the property boundary.

Public access trees are trees or shrubs within the town located in parks, the golf course or on other land owned by the town.

Street trees are trees or shrubs located in public rights-of-way over private property within the town that are/or

may be used for streets, avenues, alleys, sidewalks and trails, whether vehicular or pedestrian.

Town refers to the town of Cedaredge, Colorado.

(Ord. 2004-6 § 1 (part), 2004)

12.16.020 Care and removal of trees within the town.

- A. It is unlawful for any person to plant, remove, trim, treat or damage any public access tree without the express prior approval of the town.
- B. It is unlawful for any person to plant, remove, trim, treat or damage any street tree except a public utility, the town, or the owner or party in lawful possession thereof, provided, however, such owner or party in possession must obtain the express prior approval of the town before planting or removing any street tree.
- C. It shall be the responsibility of the owner or party in lawful possession of any property on which street trees or private trees are located to maintain such trees so that they do not constitute a nuisance as defined in Section 12.16.030.

(Ord. 2004-6 § 1 (part), 2004)

12.16.030 Nuisances and abatement.

- A. The following are declared to be a nuisance:
 - 1. Any street tree or private tree which obstructs the proper view of traffic control signs or devices, or unreasonably obstructs the view from vehicles or by pedestrians or traffic at intersections, or which obstructs vehicular or pedestrian traffic;
 - 2. Any street tree or private tree with dead, diseased or decaying limbs which create or tend to create a safety hazard to persons or property;
 - 3. Any street tree or private tree that is dead, or diseased or harbors insects which could cause the infestation of other trees or plants.
- B. In the event the owner or party in lawful possession of any property on which are located any street trees or private trees is in violation of Section 12.16.020(C) of this code, the town may abate such nuisance in accordance with the provisions of Chapter 8.24 of the code of the town of Cedaredge.

(Ord. 2004-6 § 1 (part), 2004)

12.16.040 Penalties.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

(Ord. 2010-27, 6/17/2010) (Ord. 2004-6 § 1 (part), 2004)

12.16.050 Establishment of the Cedaredge tree board.

- A. There is created a tree board for the town which shall consist of seven members, six of whom shall be appointed by the town mayor with the approval of the board of trustees (appointed members), and one of whom shall be selected by the board of trustees from among its membership. Each appointed member shall serve for a term of three years and thereafter until his successor shall be appointed; provided, however, the tree board shall determine staggered term expirations for its appointed members in order to preserve a continuity of its operation.
- B. Members of the tree board shall serve without compensation, and the appointed members need not be residents of the town.
- C. The tree board shall meet at least quarterly and at such other times as it may deem appropriate. The tree board shall maintain minutes of its meetings which describe all actions taken or to be taken by it, which minutes shall be available to the board of trustees at any time.
- D. The tree board shall select from among its membership such officers, and adopt such bylaws, as it may deem necessary for the performance of its duties under this chapter.
- E. The tree board shall have the following duties and responsibilities:
 - 1. Plan, investigate, counsel and foster community tree care for the town in order to maintain and improve the community appearance and the health and safety of the community's trees;
 - 2. Investigate and advise the town with respect to: (1) the care, preservation, planting and removal of public access and street trees, and (2) the identification, treatment and other disposition of private trees which, for any reason, pose a threat or danger to persons or property within the town;
 - 3. Conduct an annual Arbor Day observance, recommend and provide educational programs concerning the welfare and enhancement of trees within the town, and recommend to the town actions necessary to maintain the town's designation as a Tree City U.S.A.;
 - 4. Provide such other advice and counsel with respect to trees within the town as the town may from time to time request.

(Ord. 2004-6 § 1 (part), 2004)

Chapter 12.20

CEMETERIES

Sections:

12.20.010 Cemetery premises--Curfew.

12.20.020 Signposting.

12.20.030 Violation--Penalty.

12.20.010 Cemetery premises--Curfew.

It is unlawful for any person to enter upon, or remain upon, any premises within the town operated as a cemetery for the burial of human bodies from one hour after sunset to sunrise of the following day.

(Ord. 4-1987 § 1, 1987)

12.20.020 Signposting.

The town clerk shall prepare appropriate signs giving notice of the provisions of this chapter, which signs shall be posted at each entrance to such cemetery premises.

(Ord. 4-1987 § 2, 1987)

12.20.030 Violation--Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

(Ord. 2010-27, 6/17/2010) (Ord. 4-1987 § 3, 1987)

Chapter 12.24

TOWN PARK

Sections:

- 12.24.010 Park hours and limitations.**
- 12.24.020 Motor vehicles prohibited.**
- 12.24.030 Dog excrement--Disposal responsibility.**
- 12.24.040 Signposting.**
- 12.24.050 Livestock prohibited.**
- 12.24.060 Fees for use of bandstand.**
- 12.24.070 Fires prohibited.**
- 12.24.080 Litter and waste.**
- 12.24.090 Moving benches and tables.**
- 12.24.100 Skating prohibited.**
- 12.24.110 Golfing prohibited.**
- 12.24.120 Unauthorized signs.**
- 12.24.130 Violation--Penalty.**

12.24.010 Park hours and limitations.

No person or persons may remain in any Cedaredge Park during the period set forth below unless permission has been authorized in writing by the town administrator. No person may remain in any town park between the hours of ten p.m. and sunrise of the following day, Sunday through Thursday; and eleven p.m. through sunrise of the following day on Friday, Saturday or a holiday falling on Monday. No person under the age of eighteen (18) years shall remain in any town park between the hours of sunset and sunrise unless accompanied by a parent or guardian.

No person may remain in or on any unlit town greenbelt trail, bike trail or walking trail between sunset

and sunrise.

Sound-amplifying equipment may be use only after obtaining a permit from the town and only between the hours of twelve noon and nine p.m. unless otherwise permitted by the town. The right to use sound amplification equipment may be limited to minimize the disturbance to residents surrounding a park.

(Ord. No. 2009-05, 7-16-2009)

12.24.020 Motor vehicles prohibited.

It is further unlawful for any person except town employees or other authorized persons, at any time, to drive, operate, or otherwise place any motor vehicle or any motorized vehicle within the area of the Cedaredge Town Park, excepting only public streets, alleys and designated parking areas.

(Ord. No. 2009-05, 7-16-2009)

12.24.030 Dog excrement--Disposal responsibility.

Any person who enters upon Cedaredge Town Park with a dog shall be responsible for the removal of any excrement by the dog upon the park premises or any part thereof and it is unlawful for any such person to fail to remove and dispose of such excrement by a sanitary method of disposal.

(Ord. No. 2009-05, 7-16-2009)

12.24.040 Signposting.

The town clerk shall prepare appropriate signs giving notice of the provisions of this chapter, which signs shall be posted at the parking area and each pedestrian entry into the Cedaredge Town Park.

(Ord. No. 2009-05, 7-16-2009)

12.24.050 Livestock prohibited.

It is unlawful for any person, at any time to ride, drive or otherwise allow any horse or any other livestock to be upon the grounds of any park without prior permission from the town.

(Ord. No. 2009-05, 7-16-2009)

12.24.060 Fees for use of bandstand. Editor Notes:

The bandstand may be reserved, on a first come first served basis, for any lawful purpose by making application to the town clerk and paying a daily fee. Such daily fees shall be set, by resolution, by the board of trustees. The town clerk has no authority to waive such fees without the prior approval of the board of trustees. The permit to use such bandstand shall be executed by the town clerk, deputy town clerk, mayor, the town administrator or other authorized town personnel. A copy of the permit must be available for inspection at the bandstand during such use and the person or organization applying for such permit shall be responsible for compliance with this article and liable for any damages to the bandstand.

(Ord. No. 2009-05, 7-16-2009)

12.24.070 Fires prohibited.

No person shall start, kindle, build or maintain any fire in any park within the town except it grilles provided, or in self-supporting barbecue grilles in designated picnic areas.

(Ord. No. 2009-05, 7-16-2009)

12.24.080 Litter and waste.

No person shall place, deposit, or throw any waste, refuse, litter or other substance in any park or in any shelter, except in receptacles provided for that purpose. Park waste receptacles shall not be used for dumping household trash or waste.

(Ord. No. 2009-05, 7-16-2009)

12.24.090 Moving benches and tables.

No person shall move any town owned benches, seats or tables within the park except within picnic areas.

(Ord. No. 2009-05, 7-16-2009)

12.24.100 Skating prohibited.

No person shall skate or skateboard within any town park except on sidewalks or other designated locations as approved by the board of trustees.

(Ord. No. 2009-05, 7-16-2009)

12.25.105 Tennis Courts

No person shall engage in any activities other than tennis within the tennis courts; with the exception of sporting or recreation activities similar to tennis that utilize equipment and attire similar to tennis equipment and attire.

No hard soled shoes, bikes, skates, skateboards, animals, glass containers, alcohol, tobacco, drugs, profanity, graffiti, defacement, vandalism, or excessive noise are allowed.

The Town reserved the right to revoke use of the tennis court privileges and change the rules at any time.

(Ord. 2011-8, 10-20-2011)

12.24.110 Golfing prohibited.

No person shall hit or otherwise use a golf ball or golf clubs within a town park.

(Ord. No. 2009-05, 7-16-2009)

Any person convicted of a violation of any provision of this chapter shall be punished in accordance with Chapter 1.16 of this code.

(Ord. No. 2009-05, 7-16-2009) (Ord. 2010-25, adopted June 17, 2010 rescinds chapter 12.28 adopted by Ord. 1 Ch. 11, 1907, this chapter is outdated and does not fit current policies of the town, the town had rescinded Chapter 12.28 in 1995 with Ordinance 1995-7, but the correction to the Code was never codified. (Ord.2012-9 Rescinds 12.24.120)

(Ord. No. 2009-05, adopted July 16, 2009)

Section 12.32

PARKING RESTRICTIONS

Sections:

Section 12.32.010 Definitions

Section 12.32.020 Traffic Model Code 1204(3)(b) Text Only

Section 2.32.020 Main Street Snow Removal Parking Restrictions

Section 12.32.030 1204 Traffic Penalties and Schedule of Fines

Section 12.32.010 Definitions

Main Street means from Highway 65 west to 4th Street.

Snow Storm Conditions means when snow exceeds 2 inches of accumulation.

Traffic Control Device a sign, signal, marking or other device placed on or adjacent to a street or highway (by authority of a public body or official having jurisdiction), to regulate, warn, or guide traffic.

Section 12.32.020 Traffic Model Code 1204(3)(b) Text Only

In addition to the restrictions specified in subsections (1) and (2) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places; At any other place were official sign prohibit parking.

Section 12.32.020 Main Street Snow Removal Parking Restrictions

During the months of November through April of each year between the hours of 4:00 o'clock a.m. and 10:00 o'clock a.m., it shall be unlawful for any person, to park a vehicle on Main Street within the Town of Cedaredge when Snow Storm Conditions exist, no owner of a motor vehicle or person in charge of a motor vehicle shall allow the vehicle to remain parked, abandoned, standing or stopped on Main Street.

Section 12.32.040 Penalty

Any person violating any section of the Model Traffic Code is subject to the schedule of penalty assessments.

(Ord 2015-7, 20151015)

Chapter 12.35

ON-PREMISE FOOD ESTABLISHMENT PERMIT FOR USE OF TOWN ROWs

SECTIONS:

12.35.01 Definitions

12.35.02 Required License; Fees; Term

12.35.03 Eligibility

12.35.04 Factors for Grant of License

12.35.05 Violation; Penalty; Enforcement

12.35.01 DEFINITIONS

On-Premise Food Establishment means any Drive-in or Drive-through Restaurant, Hotel, Brew Pub, Brewery, Distillery, Winery, Bar, Tavern, or Limited Indoor or Outdoor Recreation Facility as defined under Chapter 16.25.300 of the Cedaredge Municipal Code, so long as it offers at a minimum food products such as sandwiches or light snacks, whether it operated under a state liquor license or not.

Outside Area means an area located on a sidewalk or other Town ROW that is immediately adjacent to the On-Premise Food Establishment premises and used for seasonal service outdoors.

12.35.02 LICENSE REQUIRED; FEES; TERM

- A. Any On-Premise Food Establishment may serve food and beverages in an Outside Area located on a sidewalk or other Town ROW or where the use of the sidewalk or Town ROW would allow access to an adjacent outside area from February 1 until November 30 of each year.
- B. If an On-Premise Food Establishment has a liquor license, a modification of premises by the State of Colorado Liquor Enforcement Division is required.
- C. The application fee for this license shall be set forth in a fee schedule adopted the Board of Trustees and amended from time to time.
- D. This license shall expire each year and shall be renewable annually with the licensee's liquor license, or on February 1 of each year if the Licensee has no liquor license.
- E. This License does not allow any material change in the interior of any premises that would affect the basic character of the premises or the physical structure.

12.35.03 ELIGIBILITY FOR LICENSE

- A. An approved diagram of the currently On-premise Food Establishment and a diagram of the proposed changes to allow for the Outside Area, including the use of barriers approved by the Town and state licensing authority, if applicable.

- B. The diagram must include the location of all Town required warning signs that must be posted in areas visible to the public, including all points of ingress and egress, regarding laws against public consumption of food or beverages beyond the barriers, as well as any other alcohol related signs, if applicable.
- C. Along with a detailed diagram, a control plan must be submitted which specifically addresses the number of seats that will be available in the Outside Area; how the servers will prevent food or beverages from going beyond the barriers; and how all Town and state liquor License laws will be adhered to, if applicable.
- D. Possession, by the licensee, of the changed premises by lease arrangement between Town and licensee for use of sidewalk or Town ROW.
- E. The licensed premises, as modified, must comprise a definite contiguous area and a sidewalk or Town ROW can provide access to achieve such contiguous area.
- F. The licensed premises, as modified, will not encroach upon, or overlap with the licensed premises of any other licensee.
- G. The licensed premises, as modified, complies with local building and zoning laws.
- H. The licensed premises, as modified, complies with all other restrictions and requirements imposed by the Colorado liquor code and rules, if applicable.
- I. Any local, state, and federal taxes are timely paid.
- J. No permanent structure shall be erected on any sidewalk to Town ROW.
- K. Bistro or small patio tables seating of no more than four shall be used.
- L. Umbrellas may be allowed so long as the Town approves the same so that the wind cannot lift the umbrellas into traffic or the public causing injury or harm.
- M. Smoking shall not be allowed on any Temporary Outside Service Area.
- N. On-premise Food Establishments shall provide adequate space for pedestrian traffic which complies with the American with Disabilities Act of 1990. Tables or chairs may not prohibit walking traffic on the sidewalks.

12.35.04 FACTORS FOR GRANT OF LICENSE

- A. The reasonable requirements of the neighborhood and the desires of the inhabitants.
- B. The possession, by the licensee, of the changed premises by ownership, lease, rental, or other arrangement.

- C. Compliance with the applicable zoning laws of the Town regulations.
- D. Balances the safety of patrons, pedestrians, and traffic such that no such group shall be subject to an unreasonable risk of harm if the license is granted.

12.35.05 VIOLATION; PENALTY; ENFORCEMENT

- A. The Town may revoke the license of any licensee herein for violating, failing, or refusing to comply with any provision of this ordinance or any Delta County or state law concerning serving food outdoors.
- B. It shall be unlawful to violate any of the provisions of this ordinance, or of the permit issued hereunder. In addition, continuing violations of this ordinance, or of any permit issued hereunder is declared a nuisance, which may be abated in any lawful manner.
- C. It shall be unlawful for any On-Premises Food Establishment to serve food or beverages using Town sidewalks or other Town ROW in violation of this ordinance.
- D. Any person convicted of a violation of this ordinance, order, rule or regulation herein shall be subject to the Town's Municipal Code General Penalty 1.16.
- E. The permittee's rights hereunder are subject to the police powers of the Town. The Permittee shall comply with all applicable laws and ordinances enacted, or hereafter enacted, by the Town or any other legally constituted government unit having lawful jurisdiction over the subject matter hereof. The Town reserves the right to exercise its police powers, notwithstanding anything in this section, any permit issued hereunder, any franchise, or any other permit to the contrary. Any conflict between the provisions of this Ordinance, any franchise or any permit and any other present or future lawful exercise of the Town's police powers shall be resolved in favor of this ordinance.

(Ordinance 2020-08; 10-19-2020)