

**CITY OF EDGEWATER**  
**ORDINANCE NO. 2016 - 08**  
**SERIES OF 2016**

**AN ORDINANCE AMENDING CHAPTER 11 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING STREETS AND SIDEWALKS, BY AMENDING SECTION 11-2-70, CONCERNING AWNING OR CANOPY PERMITS AND OTHER PERMITTED USES OF STREET AND SIDEWALKS, TO ESTABLISH A PERMIT APPLICATION FEE REQUIREMENT.**

WHEREAS, the City Council finds that the City should recover the costs of review and processing of permit applications for the use of public sidewalks and right-of-way areas for awning, canopies and other permitted uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

Section 1. Section 11-2-70 of the Edgewater Municipal Code, concerning awning or canopy permits and other permitted uses of sidewalks and right-of-ways is hereby amended to read as follows:

**Sec. 11-2-70.           Awning or canopy permit; other permitted uses.**

(a) Except as may be authorized by a permit issued pursuant to Article 10 of Chapter 6 of this Code, no person shall place or cause to be placed any awning, canopy or fixed or removable furniture, including but not limited to benches, picnic tables or other outdoor dining furnishings, or portable signs such as a sandwich board that projects into any street or sidewalk in the City unless the owner or lessee of the property abutting the affected street or sidewalk first obtains a revocable permit from the City Clerk under this Section.

(b) Furnishings permitted under this Section shall comply with the following:

(1) All benches, picnic tables, chairs tables or railings must be in good maintenance and suitable for outdoor use.

(2) At no time shall the placement of outdoor dining facilities or other furniture permitted by this Section reduce the sidewalk width to less than forty-two (42) inches.

(3) The maximum length of the placement of furnishings pursuant to this Section shall not exceed the length of the structure to which the use is attached.

(c) Awnings and canopies permitted under this Section shall comply with the following:

(1) The maximum length of the awning or canopy shall be the length of the structure to which it is attached. It may be continuous around the corner of a building on a corner lot.

(2) The maximum overall height for the awning or canopy shall be as outlined in the City's Design Standards, as may from time to time be amended.

(3) The maximum projection from the building wall to which the awning or canopy is attached shall be five (5) feet.

(4) All parts of the awning or canopy shall be a minimum of eight (8) feet above any sidewalk or other walking surface.

(5) Signage on or in connection with an awning or canopy shall be considered a projecting sign and shall comply with the applicable requirements of this Code including but not limited to the provisions of Article 19 of Chapter 16.

(d) Portable signs permitted under this Section shall conform to the following standards:

(1) A-frame or sandwich board style sign only, in good maintenance and suitable for outdoor use with a maximum area per side of eight (8) square feet, a maximum height of four (4) feet and a maximum width of two (2) feet.

(2) Permitted signs must be placed directly in front of the permittee's property.

(3) At no time shall the placement of a portable sign as permitted by this Section reduce the sidewalk width to less than forty-two (42) inches.

(4) No permittee may display more than one (1) portable sign as permitted by this Section.

(5) Permitted signs must be weighted sufficiently to prevent movement by wind.

(6) Permitted signs may only be displayed during hours the permittee's business is open to the public.

(7) Portable signs shall be considered a temporary sign and shall comply with the applicable requirements of this Code including but not limited to the provisions of Article 19 of Chapter 16.

(e) Any owner or lessee desiring to place items that project into any street or sidewalk which abuts the owner's or lessee's property shall file an application with the City Clerk. The application shall be accompanied by an application fee in an amount set forth in the fee schedule adopted by the City Council from time to time. The application shall be on a form prepared by the City Clerk, and shall contain the following information:

(1) The applicant's name, address, telephone contact number(s) and email address.

(2) The location of the street or sidewalk affected, a legal description of the property abutting the affected street or sidewalk, and the name and address of the owner of the property.

(3) A detailed description, elevation view and site plan of the awning or canopy, including length, width, height, placement and location on the affected property, lighting, illumination and type of construction.

(4) A detailed description and site plan of any other placements of outdoor furniture or portable sign permitted by this Section, including number, dimensions and placement of furnishings on the affected property, lighting, illumination and type of construction, as well as information regarding timing of placement of furnishings if not fixed or if seasonal.

(5) Such additional information as reasonably required by the City Clerk.

(f) Before issuing a permit under this Section, the Fire Department, the Police Department, the City Engineer and the Public Works Department shall review the application to determine whether the application meets the requirements of this Code. The City Clerk may issue a permit upon a finding that the placement of the proposed item or items complies with the requirements of this Section and the ordinances of the City, would not constitute a safety hazard and does not impair or obstruct the use of public property. The City Clerk may impose reasonable conditions in the permit to assure that the use of public property is not impaired or obstructed and to protect the public health, safety and welfare.

(g) Prior to the issuance of a permit, the applicant for a permit under this Section shall file with the City evidence of comprehensive general liability insurance with limits at least equal to the maximum liability limits of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., and shall include the City as an additional insured under the required policy.

(h) Awnings, canopies and any other items permitted pursuant to this Section shall be constructed and placed in a manner consistent with the site plan and other materials submitted with the application, shall remain the property of the lessee or owner of the building to which they are attached, and shall be maintained to prevent deterioration or safety hazard due to weather, use, or any other cause affecting the physical condition of the permitted items.

(i) The term of the permit provided for by this Section shall be no longer than one (1) year from the date of issuance. Any permit issued under this Section shall be revocable by the City at any time and without cause, and shall not preclude the City from revoking said permit at any time without liability to the City.

(j) Whenever a permit is revoked, the City Clerk shall notify the permittee to remove the formerly permitted items within such time that the City Clerk deems reasonable under the circumstances.

(k) If the permittee fails to comply with the order to remove the formerly permitted item, the City Clerk may cause such items to be removed and charge the costs thereof to the permittee. In addition to any other remedy available to the City, if the permittee fails or refuses to pay when due any charge imposed under this Section, the charge shall constitute a lien upon and against the lot, tract or parcel of land in connection with which the awning is placed and any such lien may be certified as an assessment against the property for collection in the same manner as the real estate taxes upon the property.

(l) Permits issued under the provisions of this Section may be renewed if the original conditions of the application and the issuance of the permit are still in existence.

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Effective Date. This ordinance shall become effective five (5) days after publication after final reading in accordance with the Home Rule Charter of the City of Edgewater.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED this 3rd day of March, 2016.

*/s/ Kris Teegardin, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 7th day of April, 2016.

*/s/ Kris Teegardin, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

APPROVED AS TO FORM:

*/s/ Thad Renaud, City Attorney*

**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO )  
 )  
CITY OF EDGEWATER ) SS:  
 )  
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-08 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on March 4, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 4th day of March, 2016.

*/s/ Beth A. Hedberg, MMC*  
Edgewater City Clerk

**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO )  
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CITY OF EDGEWATER ) SS:  
 )  
COUNTY OF JEFFERSON)

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-08 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on April 8, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 8th day of April, 2016.

*/s/ Beth A. Hedberg, MMC*  
Edgewater City Clerk

### SUMMARIZED HISTORY FOR ORDINANCE NO. 2016-08

Action	Date
Workshopped	February 4, 2016
First Reading	March 3, 3016
Posted	March 4, 2016
Publication	March 4, 2016
Second Reading	April 7, 2016
Sent to Codifier	April 8, 2016
Posted	April 8, 2016
Publication	April 8, 2016
Enacted	April 12, 2016