

Street Furniture
Temporary Occupancy of the Public Right-of-Way
Rules and Regulations
Englewood Public Works Department

A. Definitions

- 1) Street Furniture is defined in Ordinance No. 46, Series 2008. Examples include, but are not limited to, tables, chairs, railings, trash cans, benches, landscaping planters, bicycle racks, and artwork.
- 2) For purposes of these rules and regulations, Commercial use of the public right-of-way is defined as a business activity involving the provision of services carried out for profit. The term does not include the provision or display of goods or merchandise for sale nor public sidewalk sales.

B. Application

- 1) All applicants for Street Furniture located within the public right-of-way shall complete an application on a form provided by the City, along with a non-refundable application fee of \$50.00.
- 2) Applicant shall submit a dimensioned drawing showing the property line, sidewalk adjacent to the businesses, curb line, street lights, signs, planters, trees, tree grates, newspaper racks, any other public or private appurtenances, and the proposed location of Street Furniture.
- 3) Applicant shall submit a drawing of proposed railing showing dimensions, material types, and proposed location. Railings shall conform to requirements detailed in section C, item 6.

C. Rules and Regulations

- 1) The placement of Street Furniture shall not unreasonably interfere with pedestrian traffic, as determined by the Director of Public Works. In no event shall the use permitted reduce the continuous, unobstructed, portion of the sidewalk to less than five feet (5') in width. Sidewalk width adjacent to the street is measured from the back of curb or nearest obstruction.
- 2) No visual obstruction, including Street Furniture, shall be placed, planted, or allowed to grow that obstructs the view of pedestrians on the sidewalk or obstructs the traffic vision at intersections, driveways, and alleys. The placement of Street Furniture shall comply with minimum sight distance standards published by the American Association of State & Highway Traffic Officials (AASHTO) and other Englewood directives for sight distance standards.
- 3) The placement of Street Furniture shall not create safety hazards, as determined by the Director of Public Works, and in accordance with the Americans with Disabilities Act (ADA).
- 4) The use of public sidewalks for commercial use shall be permitted only incidentally to the operation of a business on private property contiguous to such sidewalks. The display of goods or merchandise, whether for sale or not, is not authorized under these rules and regulations. Public sidewalk sales shall be conducted in conformance with Title 11-3-3-B and with the City's Public Sidewalk Sales Policy.
- 5) The use of public sidewalks for private placement of bicycle racks, planters, benches, trash cans, or other Street Furniture shall be permitted only when the applicant is the owner or lessee or sub-lessee of the building contiguous to the proposed Street Furniture.

- 6) Commercial use of public sidewalks shall be separated with a semi-permanent railing. Railings must be attached to the sidewalk at the existing grade. No changes to the existing grade of the sidewalk for the purpose of accommodating a level seating area will be allowed under this permit. Railings shall be iron or metal. Color shall be federal green along South Broadway. Colors for railings, not constructed within the South Broadway right-of-way, are subject to the approval of the Manager or designee. Rail height shall be between thirty-six and forty-two inches (36"-42"). Railing design shall be approved by the City Manager or designee. EXEMPTION: Restaurants placing two tables or less on the right-of-way are exempted from the railing requirements of this section. This exemption applies to tables seating a maximum of four (4) persons.
- 7) Trash cans, benches, and other Street Furniture placed on the public right-of-way, outside of an enclosed commercial use, must be approved by the City Manager or designee.
- 8) Railings, trash cans, benches, planters, and other Street Furniture required to be attached to the concrete shall be anchored using a steel drop-in anchor (see attached detail for specifications). Applicant may submit alternative anchor designs for consideration by the Director of Public Works.
- 9) Entrances to the commercial use of public right-of-way must conform to accessibility requirements of the ADA.
- 10) The serving of alcoholic beverages must conform to state Liquor License laws and conditions.
- 11) Smoking areas must conform to laws regarding the distance to public entrances, including entrances to adjacent businesses. Permit holder shall be responsible for daily pickup of cigarette butts deposited on the public right-of-way.
- 12) No cooking or food preparation shall be permitted on the public right-of-way. The sidewalk shall be kept clean and free from food, grease, refuse or clutter at all times regardless of the source of such food refuse and clutter.
- 13) All public improvements on the public sidewalk shall be maintained in the condition as they existed at the time the permit is issued. The permit holder shall be responsible to the City for any damage occurring to such public improvements. The permit holder shall immediately report any damage to public improvements to the Director of Public Works. The City may repair or replace such improvements and shall charge the cost of repair or replacement to the permit holder.
- 14) Permit holder shall be responsible for promptly removing graffiti and repairing vandalism to Street Furniture, per applicable City ordinances.
- 15) Permits issued are revocable by the City with or without cause.
- 16) Per Resolution No. 69, Series 2008, the annual fee for this permit is \$50.00.
- 17) Permit holder shall provide a signed indemnification statement on a form approved by the City.
- 18) Permit holder shall provide a \$5,000 bond on a form approved by the City.
- 19) Rules and Regulations are subject to change with fifteen (15) days written notice to permit holder.