

ORDINANCE NO. 4470

AN ORDINANCE AMENDING SECTION 12.24 OF THE GRAND JUNCTION MUNICIPAL CODE, REGULATING COMMERCIAL USE OF PUBLIC RIGHT-OF-WAY IN THE DOWNTOWN AREA, TO REVISE SIDEWALK DINING REGULATIONS AND THE NEWS BOX REGULATIONS

Recitals.

Since its inception, the City of Grand Junction Downtown Development Authority (“DDA”) has exercised delegated authority from the City Council, pursuant to Ordinance No. 1989. Since 1981, the DDA has been responsible for regulating the use of the City’s rights-of-way in the “Downtown Shopping Park.”

Use of the public right-of-way in the “Downtown Shopping Park” for food and beverage service (with or without liquor service) has been an economic stimulus for restaurants and a popular addition to the ambiance of the area. This use has been regulated by two separate processes and permits, depending on whether or not liquor is served in the area. The two-tier process has caused confusion and inequity in fees and uses. The proposed modifications to the Municipal Code and revision of the lease will clarify requirements and provide a uniform standard for all outdoor dining areas.

Other permits that have formerly been processed through the DDA, including parade permits, have been incorporated into the revised City permitting procedures and no longer need specific references in the Code.

The regulation of news box bank locations is being deleted. However, the adopted specifications are being retained.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1) Section 12.24.020 Definitions. This section is hereby amended by the following changes to the specific definitions listed.

12.24.020 Definitions.

Permit or Lease means the City or DDA issued document that allows the use of right-of-way of the Downtown Park for the permittee’s tables, chairs, clothing rack, bicycle rack, or other items of a moveable nature which are not included in any other permit category.

2) Section 12.24.030 (a) Fees for Permits, shall be amended to read:

(a) Fees for Permits. The DDA may charge for the permits, leases and approval authorized by this chapter as follows. The City Council may amend such fees and charges by resolution.

(1) Outdoor Dining Lease: \$1/SF annually.

(1) Mobile vending cart or kiosk: \$100.00.

(2) Recurring activity permit: \$200.00.

(3) Special event permit: \$100.00.

(4) Pedestrian vendor: \$25.00/month or \$100.00 annually.

(5) Tent sale/sidewalk sale: \$25.00.

3) Section 12.24.040 (a) Length of Permits, shall be amended to read:

a) Length of Permits. Permits issued pursuant to this chapter are valid for no longer than the following lengths of time. Renewal permits may be granted as set forth below.

(1) Pedestrian vendor permits: 30 days.

(2) Outdoor dining lease: one year.

(3) Mobile vending carts/kiosks: six months.

(4) Recurring activity permit: one year.

(5) Special event permit: length of permitted activity only.

(6) Tent sale/sidewalk sale permit: three days.

(7) All other permits: one year.

The remaining subsections in 12.24.040 will remain in full force and effect.

4) Section 12.24.060, Types of permits, shall be amended to read:

The types of permits which may be issued are for:

(1) Pedestrian vendors.

(2) Outdoor dining lease.

(3) Mobile vending carts/kiosks.

(4) Recurring activity permits.

(5) Special event permits.

(6) Tent sale/sidewalk sale permits.

5) Section 12.24.070 (a), General provisions, shall be amended to read:

(a) The permittee may conduct business on the public right-of-way within the Downtown Park but only subject to and in compliance with the following:

(1) Each permittee pursuant to this chapter shall pick up and properly dispose of any paper, cardboard, wood or plastic containers, wrappers and other litter which is deposited or is located on the sidewalk within 25 feet of the permittee's use, activity or location.

(2) Each permittee shall provide readily accessible container(s) and facilities for the collection of litter, debris and trash and shall properly dispose of all litter, debris and trash collected.

(3) No permittee shall sell or give any food, object or other item to any person who is located in the right-of-way, including parking areas, unless such right-of-way has been closed by the City Engineer.

(4) The permittee shall not offer to sell or sell except within the location designated by the permit.

(5) A permittee, except a sidewalk/restaurant or kiosk, shall not leave his equipment or merchandise unattended.

(6) A sidewalk cafe/restaurant or kiosk and only when the cafe/restaurant or kiosk is secured.

(7) The permittee shall conduct any business, use or activity during the hours established by the permit.

(8) A permittee shall not offer to sell or sell merchandise that is not described in the most recent permit application on file with the DDA.

(8) No permittee may hold more than one permit at any one time, unless approved by the DDA Board.

(9) The permittee shall only locate tables, chairs, benches, and/or other personal property in the portion of the adjacent street right-of-way to the permittee's restaurant or cafe that is within the permitted area.

The DDA Director in consultation with the City Engineer shall ensure that permittees using the sidewalk maintain an adequate unobstructed and unoccupied area of the sidewalk for the two-way movement of pedestrian traffic. An adequate unobstructed area shall be deemed to be no less than eight feet (96 inches) wide.

The remaining subsections in 12.24.070 will remain in full force and effect.

6) Section 12.24.090, Rules for Sidewalk cafes and restaurants shall be changed to Rules for Outdoor Dining Leases and amended to read:

The following provisions shall apply to Outdoor Dining Leases:

- (a) Such leases shall be renewed annually no later than April 1 each year or in conjunction with the liquor licensing process. Fees are nonrefundable.
- (b) During such times as an adjacent owner consents in writing, the permittee may also occupy an additional area in front of such consenting owner's property subject to the overriding limits regarding pedestrian clear space, proximity to the street and overriding regulations made applicable for community events.

7) Section 12.24.100 Special rules on special use and recurring activity permits shall be changed to Special Rules on Special Event and Recurring Activity Permits and subsection (b) amended to read:

- (b) Generators are not allowed on Main Street.

The remaining subsections in 12.24.100 will remain in full force and effect.

8) Section 12.24.120 (b), Location of news box banks, shall be deleted with the remaining subsections (c) and (d) being re-lettered (b) and (c).

INTRODUCED on first reading on the 1st day of June, 2011 and ordered published in pamphlet form.

ADOPTED on second reading the 13th day of June, 2011 and ordered published in pamphlet form.

Attest:



President of the Council



Deputy City Clerk