

FOOD AND BEVERAGE OUTDOOR SERVICE PERMIT FACTS TO KNOW



BACKGROUND

The City of Commerce City has adopted a new, temporary licensing program to allow food and beverage service businesses to expand their areas of service to promote social distancing and conform to State guidance and public health orders while minimizing reduction in patronage. The following guidelines are intended to answer basic questions and provide guidance for the program.

ELIGIBILITY

When permitted to establish on-premises service under state orders, all code-compliant restaurants and bars are eligible to establish outdoor service areas, without a permit effective May 28, 2020, and to apply for a temporary outdoor service permit. These permits must be applied for by July 1, 2020, and will expire October 31, 2020. The permit application form will be available by mid-June at c3gov.com.

TIMELINE

Temporary outdoor service permit applications will be reviewed and required to meet the standards within Ordinance 2282 by the Permit Manager. The Permit Manager will review all applications and seek to issue a decision within 3 business days. Any restaurant or bar that has applied for a permit by July 1, 2020 may continue outdoor operations under Ordinance 2282 while awaiting a decision from the permit manager.

ALLOWED BY PERMIT

Ordinance 2282 provides a list of conditions that apply to all outdoor service areas. Businesses should consult with their landlords, neighboring businesses, and any user of shared parking facilities in a cooperative manner. A valid temporary outdoor services permit allows the restaurant or bar to engage in the following:

- Use a portion of adjacent private property zoned commercial or industrial (to include landscaped or parking areas) for outdoor service areas (with permission of the property owner).
- Use adjacent public property or right-of-way for outdoor services **with a separate easement or license granted by the permit manager.**
- Allow employees to cross public sidewalks to deliver food or beverages to the outdoor service area without a separate easement or license so long as doing so does not interfere with public activities, utilities or the Americans with Disabilities Act (ADA).
- Serve alcohol in the outdoor service area **with an approved temporary modification to the liquor license.**
- Provide irrigation that meets current city standards.
- Tents in compliance with building and fire codes.
- Outdoor service may be conducted between the hours of 6 a.m. and 10 p.m.

The following are not allowed under the permit:

- Use of non-adjointing property as an outdoor service area.
- Use of any private property without the permission of the property owner.
- Occupancy greater than either the original approved occupancy or the occupancy mandated by State ²
Preparation or storage of food in the outdoor service area.
- Any amplified sound in the outdoor service area.
- Any act that is not complaint with applicable public health orders or in violation of any other law.
- Blocking emergency access, fire hydrants, drive lanes, and ADA accessibility.

REQUIREMENTS

Compliance. The applicant must be in compliance with the municipal code and their existing business and liquor licenses. All outdoor service area operations must be conducted in full compliance with all applicable laws, including liquor licensing laws, fire codes, and public health orders from the State and from Tri-County Health. Permission to establish outdoor service areas may be revoked without prior notice.

Accessibility. All outdoor service areas must comply with the ADA and cannot impede accessibility of sidewalk or parking access. Existing ADA accessible parking may be relocated temporarily with appropriate signage.

Safety. At least one 2A10BC rated fire extinguisher is required in any outdoor service area using tents. Tents without sides of any size are permitted; tents with sides may be no more than 400 square feet in size. All tents must be safely erected and secured from movement with compliance with the International Fire Code (2018). Points of ingress and egress and access to fire hydrants shall not be blocked for any reason.

Insurance. Restaurants and bars solely responsible for the safe operation of outdoor service and the security of the outdoor service area. The city may require an indemnity agreement and provision of adequate insurance naming the city as an additional insured if public property is used.

CONTACT INFORMATION

Contact jbourjaily@c3gov.com with questions. The permit application form will be available by mid-June at c3gov.com.