



City of Trinidad  
Planning Department  
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### APPLICATION FOR SIDEWALK CAFÉ LICENSE

**Minimum Submittal Requirements - The following must be attached to this completed form for the City's review:**

1. A scaled site plan (see attachments for examples) showing the proposed outdoor dining area, the locations and sizes of proposed improvements and furnishings, the location of the proposed pedestrian path (minimum 5 feet in width), the existing curb, any required fencing, utilities, light fixtures, street furniture, street & traffic signs, fire hydrants, trees, planters, etc. Note that any alteration to the sidewalk or other physical improvements must first have the approval of the Public Works Director.
2. The property owner's consent allowing the sidewalk café adjacent to the building.
3. A copy of all required Las Animas County Health Department permits for the outdoor dining use.
4. A copy of the restaurant's commercial general liability coverage policy for the proposed sidewalk café area in an amount not less than \$1,000,000.00 per occurrence for bodily injury and property damage. A Certificate of Insurance naming the City as an additional insured and certificate holder is required prior to the issuance of the Sidewalk Café License. The City of Trinidad must receive 30 days written notice prior to any cancellation, non-renewal, or material change in the coverage.
5. Payment of the application fee: \$100. The annual license fee is \$25, which is payable at the time the license is approved and issued. Annual renewals will also be \$25 and will be due when the restaurant's business license is renewed.

Date \_\_\_\_\_

Restaurant Name & Mailing Address \_\_\_\_\_  
\_\_\_\_\_

Building Owner, Address, Phone, Email \_\_\_\_\_  
\_\_\_\_\_

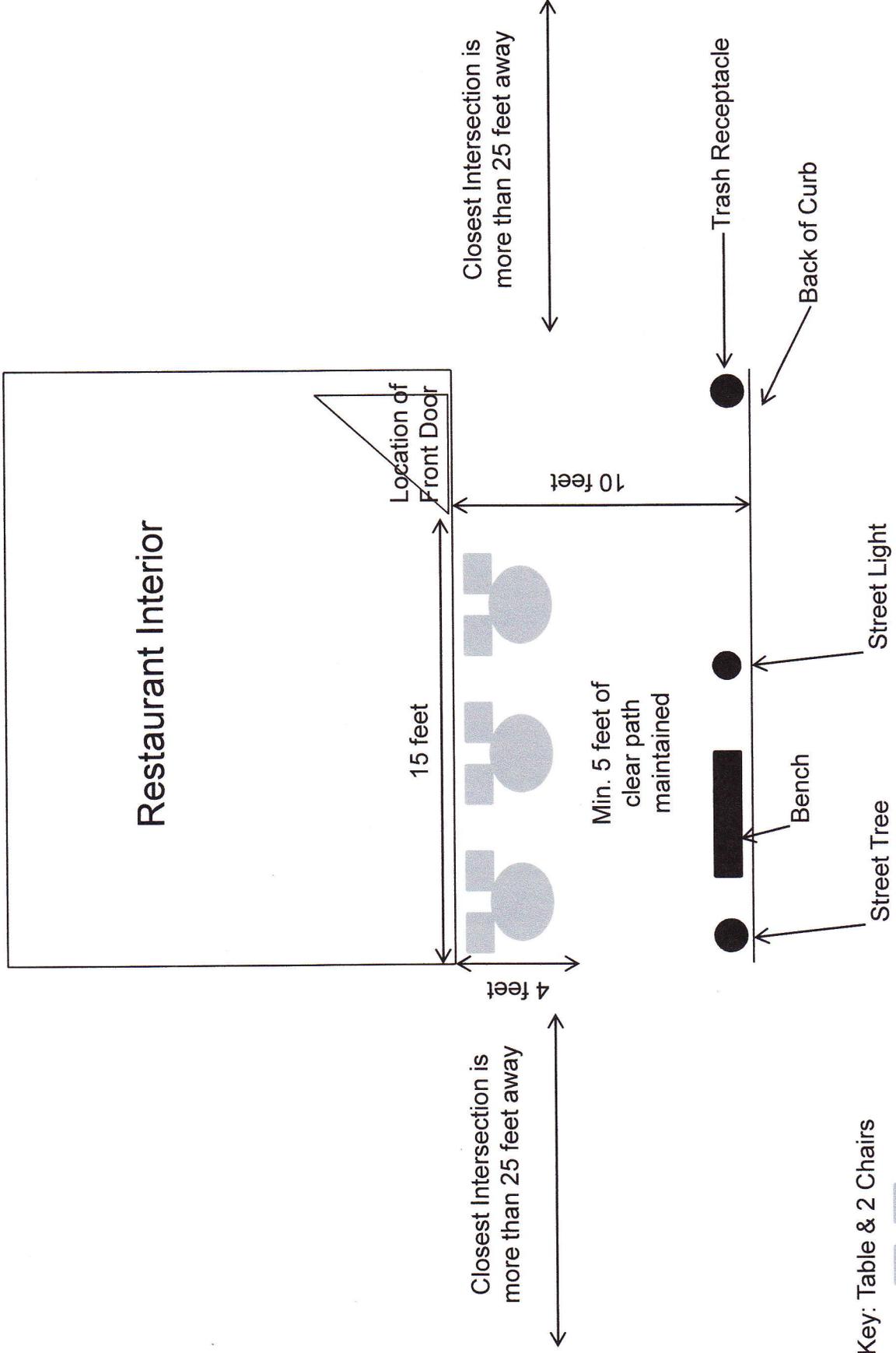
Applicant's Name, Address, Phone, Email \_\_\_\_\_  
\_\_\_\_\_

Contact Name (if other than applicant), Address, Phone, Email \_\_\_\_\_  
\_\_\_\_\_

I agree to comply with all City regulations and guidelines (see attachments for City Code and Criteria for Sidewalk Cafes) that apply to a sidewalk café, and agree to indemnify, defend, save and hold harmless the City of Trinidad, its officers and employees, from any and all claims, liability, damages, and causes of action which may arise out of the sidewalk café or any activity within the sidewalk café.

\_\_\_\_\_  
Applicant's Signature  
Revised Form Date – June 8, 2010

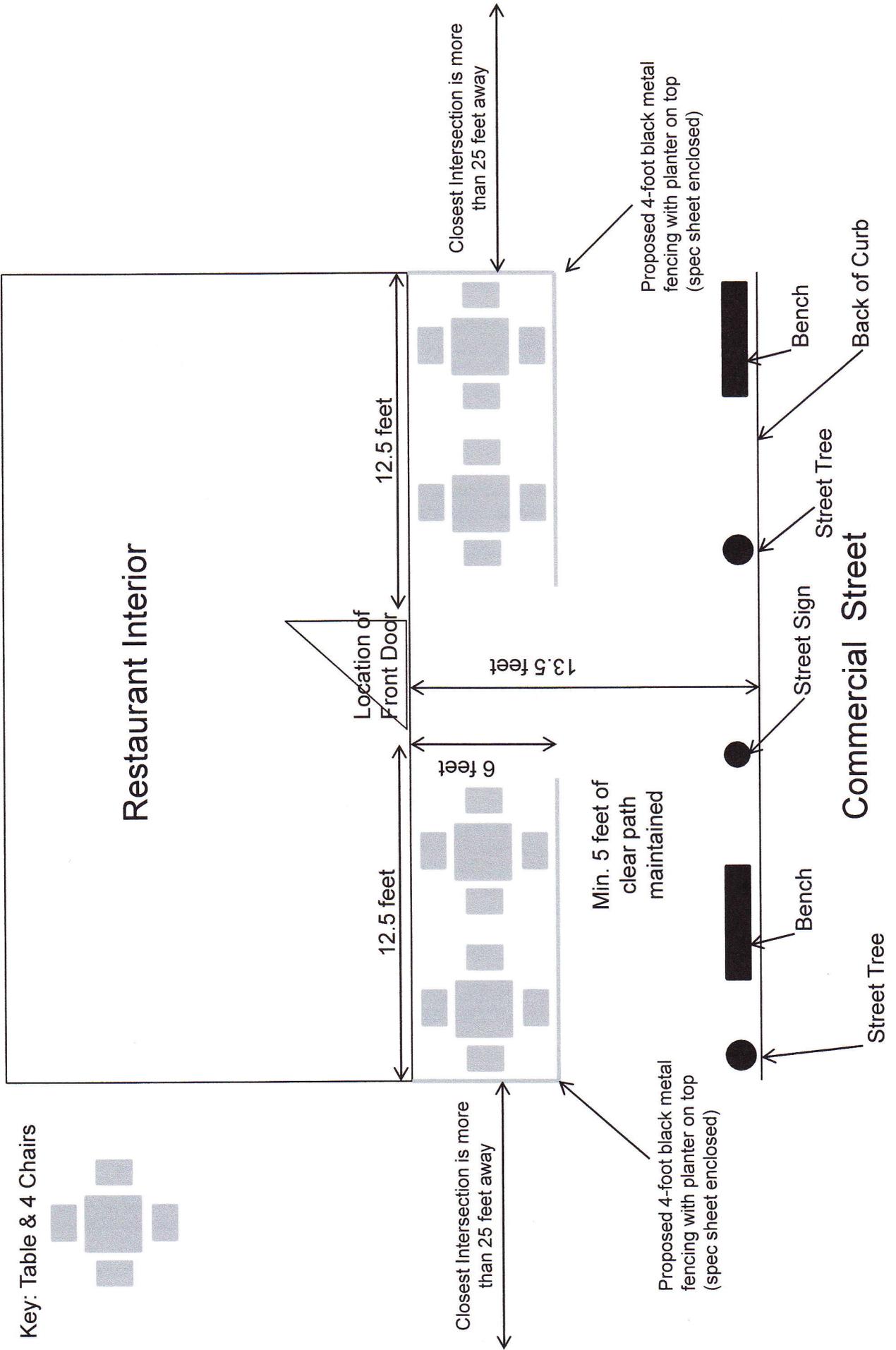
# Example Sidewalk Café Site Plan



Key: Table & 2 Chairs



# Example Sidewalk Café Site Plan



## **ARTICLE 10. SIDEWALK CAFÉ REQUIREMENTS.**

### **Section 14-188. Definitions.** (Ord. 1828 enacting Section 14-188, eff. 3-30-07)

In this chapter:

- (1) DEPARTMENT means the Planning Department.
- (2) DIRECTOR means the director of the Planning Department.
- (3) PUBLIC STREET has the meaning prescribed to “street” in Section 14-2.
- (4) SIDEWALK CAFÉ means an outdoor dining area located on a sidewalk, containing removable tables, chairs, planters or other appurtenances and abutting and contiguous to a restaurant which performs food preparation, sanitation, and related services for the sidewalk café.

### **Section 14-189. Exception For City Uses.**

This chapter does not apply to the City’s use of a public street.

### **Section 14-190. Sidewalk Cafe License Authorization.**

(A) The Director shall establish licensure criteria and requirements, approved by City Council by resolution, under this chapter, including:

- (1) those necessary to protect public use of a street or a City or other utility;
- (2) required clearances between the sidewalk café and utility lines as prescribed by the Building Code;
- (3) a requirement that the licensee provide the City with a cash or surety bond sufficient to cover the cost to the City or a public utility to remove the sidewalk café, if necessary;
- (4) a requirement that the licensee pay the cost to relocate a City or other utility facility or improvement in a public street in connection with the installation of the sidewalk café; and
- (5) authorization for the City or a public utility to remove, without liability, part of the sidewalk café if necessary to obtain access to a City or other utility facility or improvement.

(B) The Director shall file a copy of the criteria and requirements adopted under this section with the city clerk.

### **Section 14-191. Restrictions On Features Of Sidewalk Cafe.**

(A) A sidewalk café operated under this chapter:

- (1) may not be enclosed by fixed walls or other permanent structure; and
- (2) must be open to the air, except that a canopy conforming to requirements established by the department may be constructed over the sidewalk café.

- (3) must comply with Sections 14-193.

**Section 14-192. Authorized Applicant.**

The owner of the fee title to real property under a public street or a lessor authorized in writing by the owner may apply for a license to establishment and operate a sidewalk café.

**14-193. Application Required.**

- (A) An applicant must file an application with the Director on a form approved by the Director.
- (B) An application under this chapter must include:
  - (1) an application fee as established by separate resolution;
  - (2) proof of fee title ownership to the real property under the public street and, if applicable, lessor authorization;
  - (3) a map or plat showing the area to be licensed;
  - (4) information on the type of sidewalk café to be established, including:
    - (a) the number and placement of tables, chairs, and other furnishings; and
    - (b) the name and address of the adjacent restaurant that will serve the sidewalk café;
  - (5) proof of general commercial liability insurance coverage in the amount established by the department to protect the City's interest; and
  - (6) other information required by the department.

**Section 14-194. Review, Findings, and Determination.**

- (A) The Director shall deliver a copy of each application the Director receives for comment to:
  - (1) affected City departments; and
  - (2) the property owners and tenants whose property or businesses are immediately adjacent to the proposed licensed area.
- (B) Not later than the 30th day after the Director receives an application, the Director shall make findings of fact based on a review of the application and any comments received under Subsection (A).
- (C) The Director shall notify an applicant that an application is approved if the director finds that the proposed sidewalk café:
  - (1) is not located on, extend onto, or intrude on a portion of a roadway or a sidewalk necessary for pedestrian use;
  - (2) is planned to minimize potential harm or injury to the public or interference to public use of a public street;

- (3) does not create a hazardous condition or obstruction of vehicular or pedestrian traffic on a public street; and
- (4) meets the requirements of this chapter and the criteria and requirements established by the department.

(D) The findings made by the director under this chapter are exclusively for the use and benefit of the City to determine if the department's license criteria have been met. The applicant may not rely on the director's findings as a certification or guarantee by the City that the findings are correct, complete, or accurate.

(E) If the director fails to make a determination on an application on or before the 30th day after receipt of the application, the application is denied.

#### **Section 14-195. Denial Of Application; Reconsideration.**

(A) The Director shall notify the applicant in writing if the Director determines that the proposed sidewalk café does not meet the criteria established by this chapter or the department. The notice shall identify the criteria which were not met.

(B) Before the 30th day after the date the notice under Subsection (A) is mailed or delivered or the application is denied, the applicant may submit to the director for reconsideration one revised plan for a sidewalk café on the same proposed street. The payment of a new application fee is not required.

(C) A revised plan that is submitted for reconsideration after the deadline for reconsideration in Subsection (B) must be accompanied by a new application, including the application fee.

(D) If the application is denied under 14-194(E) or 14-195, the applicant shall appeal to City Council within fifteen (15) days of the date of the denial or within forty-five (45) days of the application if the denial is made by virtue of 14-194(E). An appeal shall be made in writing and submitted to the City Clerk.

#### **Section 14-196. License Agreement Execution And Delivery.**

(A) The director shall prepare and deliver to the applicant a one-year license agreement on a form approved by the director for an application approved under this chapter. The agreement may include a provision for renewal or extension of the license.

(B) An applicant must execute and return a license agreement not later than two months after the date the license agreement is delivered to the applicant together with:

- (1) a certificate of insurance demonstrating compliance with the requirement of this chapter;
- (2) the annual fee established by separate resolution; and
- (3) other information or documentation required by the department.

(C) The City Manager may execute a license agreement under this chapter, including a license agreement that an applicant returns after the deadline prescribed by Subsection (B).

**Section 14-197. Assignment Or Termination Of License.**

- (A) A license agreement is the personal obligation of the licensee and is not assignable without the City's written consent.
- (B) The City may terminate a license agreement for any reason on 30 days written notice from the City, or due to a breach of its terms by the licensee.

**Section 14-198. Furnishing Rearrangement.**

A licensee may rearrange or reconfigure approved tables, chairs, and other furnishings in the licensed area without obtaining an amendment to the license agreement, if:

- (1) the licensee promptly provides the department with a sketch of the new placement; and
- (2) the furnishings or their new placement do not:
  - (a) extend outside of the licensed area;
  - (b) constitute a danger to the health or safety of a patron or the public, and
  - (c) violate the terms of the license agreement..

**Section 14-199. Offenses And Penalty.**

- (A) A person commits an offense if the person establishes, operates, or maintains a sidewalk café without a license under this chapter or violates the Trinidad Code of Ordinances.
- (B) A person may not sell, barter, trade, store, or take orders for merchandise at a sidewalk café or be in violation of Chapter 17-8, except food or drink to be consumed in the sidewalk café.
- (C) An offense under this chapter is a Class C misdemeanor punishable as prescribed by Section 1-8.

**Section 14-200. Severability.**

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

RESOLUTION NO. 1311

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, SETTING FORTH CRITERIA AND FEES ASSOCIATED WITH THE LICENSING OF SIDEWALK CAFÉS

WHEREAS, City Council adopted an ordinance that permits sidewalk cafes within the corporate limits of Trinidad, Colorado; and

WHEREAS, the City Council has identified the need to create criteria and an application and license fee to regulate sidewalk cafes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

- A. City Council adopts the following criteria for the regulation of sidewalk cafes:
1. Use of the public sidewalk for the purposes of alfresco or outdoor dining ("sidewalk cafés") in conjunction with existing or proposed restaurants in adjoining principal buildings is subject to the City's approval of a license on a case-by-case basis and will be based in accordance with applicable provisions of Sections 14-188 through 200 and on the conditions set forth in these Criteria and Requirements.
  2. A sidewalk café will be considered an accessory use to a restaurant which is located within an adjoining principal building. Sidewalk cafés may not be stand-alone businesses.
  3. A license for a sidewalk café will not be issued or renewed for a business not holding a bona fide City of Trinidad business license for a restaurant.
  4. Sidewalk café licenses are to be renewed annually, and after the initial issuance, at the same time as the renewal of the restaurant's business license. Renewals of the Sidewalk Café license are subject to the approval of the City.
  5. Sidewalk cafés are to meet the requirements of the Las Animas County Health Department.
  6. The proprietor of a sidewalk café is to maintain a clear path of at least 5 feet in width at all times for pedestrian traffic to pass by. This path must remain totally unobstructed at all times. Any handicap ramp or driveway crossing the sidewalk must be kept clear.
  7. The sale and/or consumption of alcohol are not permitted within sidewalk cafés.
  8. The sale of food or beverages or other products from a window or other opening in the building connected to the sidewalk café may not be permitted unless specifically approved by the City.
  9. Any alteration to the sidewalk or other physical improvements must first have the approval of the Public Works Director. Any alterations will be at the expense of the proprietor, and the proprietor will be responsible for the costs of putting the sidewalk back in the original condition when the sidewalk café use ends. Such costs will be determined by the Public Works Director. Cash or a surety bond to cover these costs will be deposited with the City in accordance with Section 14-190.

10. The proprietor of a sidewalk café agrees to indemnify, defend, save and hold harmless the City of Trinidad, its officers and employees, from any and all claims, liability, damages, and causes of action which may arise out of the sidewalk café or any activity within the sidewalk café.
11. The proprietor of a sidewalk café agrees to obtain and maintain for the entire license period, at his/her own expense, an Insurance Certificate for Commercial General Liability coverage for the sidewalk café area in an amount not less than \$1,000,000 per occurrence for bodily injury and property damage, with the City of Trinidad listed as an additional insured and certificate holder. The City of Trinidad must receive 30 days written notice prior to any cancellation, non-renewal, or material change in the coverage.
12. All outdoor dining areas and furnishings are to be located immediately adjacent to the principal building of the associated restaurant, and should be located at least 25 feet away from street intersections.
13. When applying for a license for a sidewalk café, a proprietor is to submit the property owner's consent, a copy of all required Health Department permits for the outdoor dining use, a copy of the business's commercial general liability insurance policy, a scaled site plan showing the proposed outdoor dining area, the locations and sizes of proposed improvements and furnishings, the location and dimensions of the planned pedestrian path, the existing curb, any required fencing, utilities, light fixtures, street furniture, street & traffic signs, fire hydrants, trees, planters, etc. Additionally, a completed Sidewalk Café application form and the applicable nonrefundable application fee are to be submitted.
14. Signage for the sidewalk café is governed by the City's sign ordinance.
15. The sidewalk café is to be accessible to the disabled, and the proprietor is to comply with all applicable federal, state, and city regulations concerning accessibility and non-discrimination in the provision of services. Handicapped accessible restrooms for patrons of the sidewalk café are to be located within the principal building. Additionally, the proprietor is responsible for increasing the number of fixtures, as applicable, to accommodate the increased occupancy caused by adding the outdoor dining area.
16. The proprietor is responsible for furnishings moved by patrons, or for items placed in the clear public thoroughfare by patrons, including bicycles, wheeled carts of any sort, and other items.
17. Outdoor display or storage of food, supplies or merchandise are not permitted in sidewalk cafés.
18. A sidewalk café is not to obstruct snow removal, mosquito spraying or street sweeping operations in any way.
19. A sidewalk café is not to be operated between the hours of 11:00 p.m. and 7:00 a.m. All furnishings associated with the sidewalk café must be located within the restaurant building when the sidewalk café is not open.
20. If additional lighting is installed, lighting should be designed, installed, and operated to keep direct light and prevent glare onto adjacent properties and from the street.
21. The design of furnishings in sidewalk cafés should complement the restaurant building. The furnishings should be of good quality and be weatherproof. All furnishings, including lighting and heaters, should be safe and stable to limit the risk of overturning due to wind or other factors.

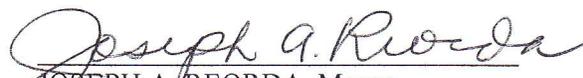
Tables and chairs should not have sharp edges or corners. All surfaces should be smooth and free of protruding tacks, nails, and wires.

22. Outdoor dining areas should be kept clear of litter, food scraps, and soiled dishes, and should be cleaned throughout the daily operation.
23. The proprietor should provide trash containers within the sidewalk café, which should be emptied and maintained by restaurant employees throughout the daily operation.
24. Plants located within the sidewalk adjacent to the principal building shall be properly maintained by the proprietor, including the replacement of stressed or dying plants.
25. Smoking within the sidewalk café is to comply with Colorado state law.
26. The sidewalk café should be operated so that no noise generated by the business and its patrons can be heard from a distance of 50 feet from the area of operation. No outdoor speakers or music should be installed except as specifically approved in a special event permit by the City Council.
27. Sidewalk cafés shall be continuously supervised by restaurant employees.
28. It is the duty of the restaurant's proprietor to maintain quiet and good order upon the premises of a sidewalk café, and not permit disorderly or immoral conduct or loitering. The proprietor and patrons of the sidewalk café should not cause or create any noise or other nuisance in the outdoor area where the quiet and good order of the premises or the neighborhood are disturbed.

B. City Council adopts the following application and annual license fee for the regulation of sidewalk cafes:

1. An application fee of \$100.00 is due and payable on the date on which the request for licensure of a sidewalk café is made.
2. An annual license fee of \$25.00 will be assessed coincident with the annual business license renewal.

INTRODUCED, READ AND ADOPTED this 6th day of March, 2007.

  
JOSEPH A. REORDA, Mayor

ATTEST:

  
AUDRA FATUR, City Clerk